

August 2, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

4:00-5:00 p.m. Vancouver Homelessness Plan - Establishment of Supportive Campsites

Jamie Spinelli, Homeless Response Coordinator, 360-487-8610; Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500; Jonathan Young, City Attorney

Summary

Staff provided Council with an overview of the proposed establishment of a supportive campsite program for people who are experiencing homelessness.

5:00-5:45 p.m. Fossil Fuel Code Updates

Aaron Lande, Program and Policy Development Manager, 360-487-8612

Summary

Staff provided Council with an overview of proposed amendments to Vancouver Municipal Code Title 20 as it relates to large-scale fossil fuel facilities.

5:45-6:00 p.m. Water Station 5 Reservoir and Pump Station Project

*Jennifer Belknap Williamson, Public Works Director, 360-487-7131;
Michelle Henry, Senior Civil Engineer, 360-487-7155*

Summary

Staff provided Council with an update on the project to upgrade the Water Station 5 reservoir and pump station.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

6:00-6:30 PM

REGULAR COUNCIL MEETING

This meeting was conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or via the live broadcast on www.cvtv.org and CTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call. Public access and testimony on Consent Agenda and Public Hearing items was also facilitated in person and via the GoToMeeting conference call.

Pledge of Allegiance

Call to Order and Roll Call

The Consent Agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnery-Ogle.

Present: Councilmembers Fox, Paulsen, Lebowsky (via video conference), Stober, Hansen, Mayor McEnery-Ogle

Absent: Councilmember Glover

Motion by Councilmember Lebowsky, seconded by Councilmember Paulsen, and carried unanimously to excuse Councilmember Glover.

Approval of Minutes

Minutes - July 12, 2021

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of July 12, 2021.

WALK-ON ITEM

Mayor McEnerny-Ogle recommended the addition of a walk-on item to the Consent Agenda to appoint Dominique Merriweather to the Vancouver Housing Authority (VHA) Board, with a mid-term appointment beginning immediately and expiring February 1, 2022.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to amend the agenda to include the walk-on appointment to the VHA Board.

Community Communication (Items 1-3)

Mayor McEnerny-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-3)

Council requested Item 2 be pulled from the Consent Agenda for separate consideration.

Councilmember Lebowsky recused herself from discussion and action on Item 2 as she is employed by the Washington State Department of Transportation (WSDOT).

Regarding Item 2, Councilmember Stober expressed concerns that the interlocal agreement with WSDOT does not include mutual indemnification language. As written, it would require the City to indemnify WSDOT in the event of a lawsuit, but does not require WSDOT to indemnify the City. He expressed concerns that the City could become a co-defendant in any potential large-scale lawsuit down the road related to the replacement bridge project without that mutual indemnification.

City Attorney Jonathan Young stated that in reviewing other contracts between WSDOT and the City of Seattle, for example, there are indemnification clauses that flow both ways, but those tend to be contracts related to the construction phase of projects, rather than the planning phases. He stated the Council could direct staff to take the agreement back to WSDOT and negotiate bilateral indemnification.

Councilmember Hansen stated he shares these concerns. Councilmembers Fox and Paulsen agreed.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to return the intergovernmental agreement to staff for further negotiations with WSDOT. Lebowsky recused.

Councilmember Lebowsky returned.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve Items 1, 3, and the Walk-On Item of the Consent Agenda.

1. Construction Acceptance - Central Vancouver North Phase 2 Sewer Improvements

Staff Report 113-21

Advanced Excavating Specialists of Longview, Washington, has completed construction of the Central Vancouver North PH2 Sewer Connection Incentive Program (SCIP) project. The project provided reliable sewer service to 37 parcels by installing 2,308 linear feet of 8-inch gravity sewer mains in the following roadways: NE 70th St, NE 63rd Ave, NE 62nd Ave and NE 58th Ave.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
<i>Labor, Equipment and Material</i>	<i>\$479,468.09</i>
<i>Sales Tax</i>	<i>\$40,754.79</i>
<i>Total</i>	<i>\$520,222.88</i>
<i>Retainage</i>	<i>Bond</i>

The original contract amount, including sales tax, was \$488,333.33. The final project cost was \$520,222.88, which was \$31,889.55 (approx. 7%) more than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to additional quantities of backfill material needed to replace native material that would not meet compaction requirements, in addition to typical variances in unit prices and/or quantities commonly encountered during construction. The original contract amount fell under the \$500,000 threshold that would require an apprenticeship utilization.

Request: On August 2, 2021, accept the facilities as constructed by Advanced Excavating Specialists of Longview, Washington, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Motion approved the request.

2. **Interstate 5 Bridge Replacement Program – Intergovernmental Agreement**

Staff Report 114-21

The IBRP has begun the process to develop design options for replacement of an Interstate Bridge and associated elements. City of Vancouver staff are participating in this process through regularly scheduled staff level group meetings and support for community and executive leadership meetings. Additionally, staff is participating in communication efforts, transportation planning, environmental review as defined through federal processes, transit planning/engineering, and design engineering. These efforts in addition to administration of staff engagement are further defined in Attachment A, Exhibit A.

Request: Authorize the City Manager or designee to execute the Special Transportation Study Agreement with the Washington State Department of Transportation for the I-5 Bridge Replacement Program.

Katherine Kelly, Senior Policy Advisor, 360-487-7947

Motion returned the item to staff.

3. **Approval of Claim Vouchers**

Request: Approve claim vouchers for August 2, 2021.

Motion approved claim vouchers in the amount of \$9,223,604.12.

Public Hearings (Item 4)

4. **Heights District Plan Implementation - second reading**

Staff Report 104-21

A. AN ORDINANCE of the City of Vancouver, Washington for a subarea known as the Heights District and relating to comprehensive planning under Chapter 36.70A and setting forth associated implementation measures amending the Vancouver Comprehensive Plan and Vancouver Municipal

Code; specifically, amending the Vancouver Municipal Code by adding a new Chapter, The Heights (HX) Plan District, VMC 20.670, incorporating the Heights Plan District into other relevant code sections, adopting new Heights District Urban Design Guidelines and amending the Vancouver Comprehensive Plan to provide for implementing measures for Heights District Plan policies and goals; and providing for an effective date.

B. AN ORDINANCE of the City of Vancouver, Washington, relating to land-use and zoning; establishing a Planned Action for the Heights District Plan; providing for the establishment of mitigation measures and conditions for approval of projects located within the Heights District Plan Area (hereafter the Heights District); providing for a streamlined review and approval of projects which meet planned action criteria; providing for an effective date; and providing for an expiration date.

C. AN ORDINANCE lifting the temporary moratorium on the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area as defined herein; and establishing an effective date 30 days from adoption.

The following implementing regulations have been developed for the Heights District: adoption of a new Heights Mixed Use (HX) zoning district and associated Heights District Urban Design Guidelines; adoption of additional amendments to the City of Vancouver Comprehensive Plan and Title 20 of the Vancouver Municipal Code; and adoption of a Planned Action for the Heights District, including mitigations.

The Heights Mixed Use (HX) Plan District (Exhibit A) is intended to implement the Heights District Plan vision, goals and policies, and includes standards in the following areas: regulation of uses, including ground floor frontage requirements; development standards, including minimum residential density, maximum building height, building step-down and transitions, facades, building line provisions, modulation, entrances, roof forms, architectural characteristics, materials and colors, landscaping, stormwater, signage, vehicle and bicycle parking minimums and other requirements, and utilities and screening; a design standard modification process; and approval processes for site plan, planned action and design review.

The Heights District Urban Design Guidelines (Exhibit B) work in tandem with the Heights Mixed Use (HX) Plan District to implement Plan visions, goals, and policies. They are founded on several universal design principles that help shape the character, urban form and public spaces of the District, and are based on key design drivers identified through the Heights District planning process. These include inclusive mixed-income housing, connectivity, community health, wellness and equity, and sustainability, among others. The Urban Design Guidelines inform the development of all structures and landscapes within the District and are

intended as a discretionary tool, which is administered in concert with the HX Plan District. They address the following aspects of development: public infrastructure, including new and existing streets, sidewalks, traffic calming, parks and open spaces, landscape design and stormwater management systems; building typologies, including housing, commercial, and civic/institutional uses; architecture, including massing, scale, building modulation and façade articulation, entrances, and roof forms; materials and color; signage; public art; parking, including vehicle and bicycle parking; lighting design; utilities and screening; and sustainable development and design.

Updates to several sections of Title 20 of the Vancouver Municipal Code (Exhibit C) will ensure integration of the new HX Plan District and maintain consistency between various sections within the development code. This includes changes in the following code sections and tables: Table 20.130.040-1 Comprehensive Plan and Corresponding Zoning District Designations; 20.430.020 Listing of Zoning Districts; 20.430.030-1 Commercial and Mixed Use Districts Use Table; 20.430.040-1 Development Standards; 20.430.050 Special Limitations on Uses; 20.770.080 Tree Density Requirements; 20.850.020 Approval Process; 20.850.030 Development Standards; 20.890.060 Additional Development Standards by Zoning District; 20.925.030 General Provisions; 20.945.080 Off Loading Requirements; and 20.985.020 Development Standards.

The Heights Mixed Use (HX) Plan District requires an amendment to Table 1-5 on page 1-13 of the Vancouver Comprehensive Plan (Exhibit D) to add the HX Plan District and definition to the list of Commercial zones in the City.

Based on the previously issued Heights District Plan: Planned Action Final Environmental Impact Statement (FEIS) a Planned Action Ordinance (PAO) is proposed to facilitate future development of the Heights District through a front loading of future environmental review. Pursuant to RCW 43.21C.440, WAC 197-11-164, and VMC 20.790.530, PAOs allow individual future development projects that are within adopted impact thresholds to undergo less extensive SEPA environmental review provided such review was undertaken in the full district EIS. The cumulative environmental thresholds for the full Heights District established in the FEIS and referenced in the Mitigation Document (Exhibit E) are for 1,800 new residential units, 204,000 square feet of commercial development, and 36,000 square feet of institutional development. To qualify for expedited SEPA review, individual future projects must not cause these cumulative district wide thresholds to be exceeded and must also follow various mitigation measures listed in the Mitigation Document. It should be noted that future projects qualifying for expedited SEPA review are still subject to the full range of substantive and procedural City planning and building codes applied during Site Plan Review or other applicable review

processes.

The proposed Heights Mixed Use (HX) Zoning District, Heights District Urban Design Guidelines, Heights Planned Action Ordinance and associated Comprehensive Plan and Title 20 amendments are consistent with the Heights District Subarea Plan, applicable portions of the Vancouver Strategic Plan and Comprehensive Plan, and provide for updated development standards and regulations necessary to implement an adopted subarea plan, which is designated as an urban center in the Comprehensive Plan. Together, the proposed updates provide a framework of prescriptive standards and discretionary guidelines that will ensure individual development projects implement the vision of the Heights District Plan, and provide for enhanced housing options, additional services and amenities, and new recreation and employment opportunities in a well-designed, livable, mixed-density, mixed-use, connected and sustainable environment.

The proposed regulatory updates provide for a mix of uses that allow for the development of the District as a 20-minute neighborhood where residents can walk, bike, roll or take transit to essential amenities, services, and employment opportunities which include stores, restaurants, parks, schools, and transit stations.

The Heights Mixed Use (HX) Zoning District includes sub-districts with unique standards and supported by design guidelines to ensure development is sensitive to and compatible with the adjacent established neighborhoods, and the HX Zone includes requirements for decreased building heights and increased minimum parking ratios in transition areas where redevelopment will occur in close proximity to existing neighborhoods.

With regard to wireless communication facilities, the proposed standards ensure non-discriminatory provision of personal wireless services and adequate service in the area. While monopolies are not permitted within the HX zone, wireless facilities may be attached to existing and future structures within the zone. Additionally, the Heights District is located in close proximity to other land use zoning districts also permitting wireless communication facilities, including monopolies, that can assist in providing adequate service to the area. This regulatory standard is consistent with the authority of the City of Vancouver over the placement, construction, and modification of personal wireless service facilities.

The Urban Design Guidelines provide a framework for transportation and infrastructure improvements, including bicycle and pedestrian facilities and guidance on low impact development stormwater management strategies and best management practices, to improve the efficiency and safety of Vancouver's transportation and utility infrastructure systems.

A duly advertised Planning Commission public hearing on this topic was held on June 8, 2021, at which the Planning Commission forwarded a unanimous recommendation to Council to adopt the Heights Mixed Use (HX) zoning district, Heights District Urban Design Guidelines, Heights Planned Action, and associated Comprehensive Plan and zoning code amendments as outlined in the staff report without edits. All materials from this public hearing are available [here](#).

- Request:
1. On August 2, 2021, subject to second reading and public hearing, approve an ordinance (A) related to the new Heights Mixed Use zoning district and associated Heights District Urban Design Guidelines, Comprehensive Plan text amendments, and Vancouver Municipal Code Title 20 text amendments as provided in attachments to this staff report.
 2. On August 2, 2021, subject to second reading and public hearing, approve an ordinance (B) related to the Heights District Planned Action and associated mitigation document.
 3. On August 2, 2021, subject to second reading and public hearing, approve an ordinance (C) related to the lifting of the existing Tower Mall Development Moratorium that currently prohibits the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area.

*Rebecca Kennedy, Community and Economic Development
Deputy Director, 360-487-7896*

Mayor McEnerny-Ogle read the titles of the ordinances into the record.

Rebecca Kennedy, Deputy Director of Community and Economic Development, provided background information on the planning process pertaining to the Heights District and a summary of the proposed implementation actions before the Council.

Councilmember Lebowsky asked what might be able to be repurposed with the demolition of Tower Mall. Ms. Kennedy stated the Fitwell process asks the City to look at what can be reused, but because of the age of this particularly building, there is a significant amount of asbestos that makes repurposing a challenge. She stated the City would be looking for any other opportunities for reuse.

Mayor McEnerny-Ogle opened the public hearing and received the following testimony:

- Frank L'Amie, representing the Vancouver Heights Neighborhood

Association, spoke in support of the Heights District Plan, and presented a resolution (attached) unanimously approved by the neighborhood association that recommends approval of the implementation ordinances before the Council.

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Councilmember Stober thanked and congratulated the planning staff for developing an inclusive process that has brought the City and the community to this point. He stated even though he would have liked to have seen changes in certain elements, such as density and affordable housing goals, the plan is a result of the public process and compromise between stakeholders that will have a positive impact on the community. Councilmember Stober urged staff to begin to create a sense of place and activate the Tower Mall site immediately with temporary uses once the building is demolished.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4341 related to the new Heights Mixed Use zoning district and associated Heights District Urban Design Guidelines, Comprehensive Plan text amendments, and Vancouver Municipal Code Title 20 text amendments.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4342 related to the Heights District Planned Action and associated mitigation document.

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4343 related to the lifting of the existing Tower Mall Development Moratorium prohibiting the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions of the Tower Mall area.

Communications

- A. From the Council**
- B. From the Mayor**
- C. From the City Manager**

Adjournment

7:07 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio files are kept on file in the office of the City Clerk for a period of six years.

VANCOUVER HEIGHTS NEIGHBORHOOD ASSOCIATION

RESOLUTION SUPPORTING THE VANCOUVER HEIGHTS REDEVELOPMENT PLAN

WHEREAS: The City of Vancouver wishes to promote the well being and livability of its citizens through economic development and;

WHEREAS: The City of Vancouver has designated and purchased the property formerly known as the "Tower Mall" for such purpose, and;

WHEREAS: The City of Vancouver has engaged a professional design team working in coordination with City Staff to develop a proposal for redevelopment of the "Tower Mall" to promote economic revitalization, encourage new business development, and new housing to meet strong demand for all income levels, and;

WHEREAS: Extensive public outreach has been incorporated in the planning process including extensive opportunities for citizens, business owners, and property owners, and neighborhood associations to provide input and help design the final plan, and;

WHEREAS: Significant changes have been incorporated in the final plan as a result of this planning process, and;

WHEREAS: An extensive environmental impact study has been completed for the site, and;

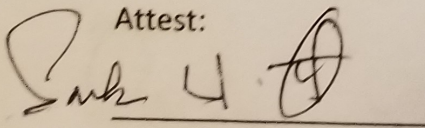
WHEREAS: The Vancouver Planning Commission has reviewed the plan, made modifications and received extensive public comment, and;

WHEREAS: The Vancouver Heights Neighborhood Association is in agreement with the overall goals of the City of Vancouver and has reviewed the final plan:

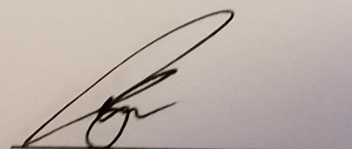
THEREFORE BE IT RESOLVED THAT: The Vancouver Heights Neighborhood Association recommends the Vancouver City Council adopt the Heights Redevelopment Plan as proposed and forwarded to it by the Vancouver Planning Commission.

Approved by the Membership of the Vancouver Heights Neighborhood Association at the July 22, 2021 membership meeting.

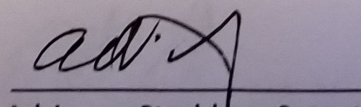
Attest:



Park Lafet Co-Chair



Vatalie Nazaruk Co-Chair



Adrienne Strehlow Secretary