CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

October 1, 2009 Shoreline Conference Center
7:00 P.M. Mt. Rainier Room

Commissioners Present
Chair Hall
Vice Chair Wagner
Commissioner Behrens
Commissioner Kaje
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present
Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent
Commissioner Broili
Commissioner Kuboi

CALL TO ORDER

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Hall, Vice Chair Wagner and Commissioners Behrens, Kaje, Perkowski, Piro and Pyle. Commissioners Broili and Kuboi were absent.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S COMMENTS

National Community Planning Month

Mr. Tovar announced that the Mayor would present the City Council with a proclamation on October 5th, recognizing October as National Community Planning Month. The proclamation would talk about how important planning is to building great communities and acknowledge the accomplishments and contributions of Planning Commissioners, Planning and Development Services staff, and citizens who

take part in the public planning process. Chair Hall would accept the proclamation on behalf of the Planning Commission.

Planning Short Course

Mr. Tovar reminded the Commissioners that the City of Shoreline would host a Short Course in Local Planning in the Council Chambers of the new City Hall on October 14th. The course is cosponsored by the Washington Cities Insurance Authority (WCIA), the Washington State Department of Commerce and the Planning Association of Washington. He advised that the WCIA encourages jurisdictions to have their planning commissioners and city council members trained on issues such as appearance of fairness, conflict of interest, quasi-judicial versus legislative, etc. He encouraged Commissioners to attend.

Chair Hall added his support and said he has had the privilege of hearing all of the presenters speak at previous events and conferences, and he has learned new things every time. He said he plans to attend even though he has attended the course numerous times, and he encouraged other Commissioners to attend, as well. Because five Commissioners indicated they would attend the course, Chair Hall suggested staff notice the event as a special meeting of the Commission. Mr. Tovar said that as staff meets with neighborhood associations and community business groups over the next few weeks, they would extend an invitation for the public to attend the course, as well.

Town Center Subarea Plan

Mr. Tovar reminded the Commission that a public open house regarding the Town Center Subarea Plan has been scheduled for October 29th from 6:30 to 9:30 p.m. in the Council Chambers of the new City Hall. He advised that staff has spent a lot of time putting the information described to the Commission in graphic form. In addition to presenting information to the public, staff would solicit feedback using a pulse pad electronic voting system. He invited the Commissioners to share their suggestions for questions to ask those in attendance. Mr. Tovar said staff is also meeting with neighborhood associations and community business groups to invite them to attend the public meeting.

Chair Hall suggested the Commission Clerk send the Commissioners an email reminder to forward their questions to staff via email. Mr. Tovar agreed to forward the Commissioners a copy of the questions staff has already identified, and he invited the Commissioners to provide their feedback as to which questions would be the most meaningful and helpful.

Mr. Tovar announced that staff would create a Facebook page for the Town Center Subarea Plan process. Citizens would be invited to be friends of Town Center. However, it will be important for the public to understand that staff would not respond to every entry made onto the page. They would monitor the page, but the comments provided would not be made part of the record. The intent is to use the page as an opportunity for citizens to not only talk to the Commission and staff, but to each other.

Point Wells

Mr. Tovar reported that he attended a hearing before the Snohomish County Council on September 30th regarding their proposed zoning for Point Wells to implement their Comprehensive Plan that was amended in August. The letter the City submitted to the Snohomish County Council has been posted on the City's website. Letters from the Town of Woodway and the property owner, Paramount, would also be posted on the City's website, along with a full description of how the process would move forward.

Commission Agenda Planner

Mr. Tovar pointed out that the Commission has a number of items on their agenda over the next few months. He encouraged them to conclude their hearing and deliberations on the Regional Business permanent regulations tonight and make a recommendation to the City Council. He reminded the Commission that the City Council must take final action by November 12th.

APPROVAL OF MINUTES

The minutes of August 20, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, was present to speak on behalf of Northwest Center, and he expressed his belief that they should be allowed to have a facility in Shoreline.

LEGISLATIVE PUBLIC HEARING ON PERMANENT REGULATIONS FOR REGIONAL BUSINESS (RB) ZONE

Chair Hall noted that he was not present at the previous hearing on September 17th. However, he listened to the meeting on tape and is prepared to participate in the continued hearing. He briefly reviewed the rules and procedure for the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn reviewed the main points that came up at the last meeting, as well as staff's response to each one as follows:

- **The number of zoning districts and their names.** Mr. Cohn recalled that as of the last meeting, there was general Commission consensus to maintain two zone districts, but they didn't like the names recommended by staff. Staff agreed that Aurora Mixed Use (AMU) was probably not the best name, but they wanted to make a distinction between the two zoning districts. Staff is now proposing that the higher intensity district be named General Mixed Use (GMU) and the lesser intensity district be named Neighborhood Mixed Use (NMU).

Mr. Cohn recalled there was also discussion at the last meeting that the term "mixed use" is not an appropriate term because it suggests the City is only encouraging vertical mixed use buildings. Consistent with Commissioner Piro's observation, staff believes that "mixed use" is not a limiting term and applies to horizontal mixed use as well (commercial and residential buildings located adjacent to each other). The purpose of the term "mixed use" is to identify the district, which would be neither all residential nor all commercial. He encouraged the Commission to consider "mixed use" as part of the name for the new districts.

- **The type of public amenities provided as a tradeoff for increased height or density.** Mr. Cohn recalled that at their last meeting, the Commission had a discussion about the requirement of additional public amenities as a tradeoff for additional height or density. He encouraged the Commission to remember that the current RB zone permits 65-foot heights and has no bulk or FAR requirements. Staff's proposal is an attempt to provide both a carrot and a stick—a carrot in that additional housing density would be permitted, but only if certain standards are met, including provisions of public open space, green building and the encouragement of commercial uses in residential buildings. Staff believes its proposal is a good place to start, and he reminded the Commission that they would have other opportunities to consider additional regulations, particularly as part of the Town Center Subarea Plan and zoning process.

  Mr. Cohn advised that staff discussed the question of whether there should be a requirement for "green" open space and gathering spaces in the more intense commercial areas. They concluded that they did not want to make a distinction. Using the term "open space in the public realm" would let the market decide what form the open space should take.

- **Proportionality for the amount of space in the public realm that is provided.** Mr. Cohn said staff agrees that there should be some proportionality for the amount of public space required. For example, a larger building should have more public space than a smaller building. Similar to the Ridgecrest Neighborhood, staff is recommending an open space requirement at a rate of 1,000 square feet per 1.0 floor area ratio (FAR) of building. That would mean that an office building of 20,000 square feet on 1 acre (.5 FAR) would be required to provide 500 feet of open space. A 100,000 square foot building (2.5 FAR) would be required to provide 2,500 square feet of open space.

  In addition, Mr. Cohn said staff is recommending a requirement that 80% of the public space must be contiguous, with a maximum requirement of 1,600 square feet of contiguous open space. The balance of the open space would still be required, but not as part of the contiguous piece.

- **Provision for ground floor retail space.** Mr. Cohn explained that it is virtually impossible to require a developer to provide a set amount of occupied retail space on the ground floor. Staff is suggesting that if a developer wants to build residential to a density of greater than 48 units per acre, the portion of the ground floor that faces an arterial would have to be designed to accommodate commercial uses.

- **Requirements for underground/underbuilding parking.** Mr. Cohn said staff discussed this issue with the City's Economic Development Manager, who suggested the Commission should focus on what they want to accomplish, such as parking that is screened from public view. Rather than establishing a requirement for how much of the parking must be underground, staff is recommending a standard that would require screening of parking areas from public view. Mr. Szafran advised that staff is also recommending an additional provision that would require screening for storage and equipment areas. Mr. Cohn added that the suggested screening is a 4-foot masonry wall.

- **Base height limit.** Mr. Cohn recalled there was some discussion about the height limit at the Commission's last meeting. To simplify the language, staff is suggesting a base height limit of 35 feet for purely residential buildings and 45 feet if the first floor is built for commercial uses. If a developer meets additional standards, the height limit would increase to 55 feet and 65 feet.

Questions by Commission to Staff

Vice Chair Wagner asked how the City would apply the two proposed new zones to the properties that are already zoned RB. Mr. Cohn explained that through an administrative rezone process, staff would prepare a map showing how the two zones would be applied. He suggested that most of the distinctions would be clear. The more intense zone would be for properties along Aurora Avenue North and Ballinger Way. However, a few sites would fall in between the two zones, and staff would have to spend time thinking about which zoning designation would be appropriate. He reminded the Commission that legislative rezones are presented to the Commission for review.

Chair Hall questioned what the zoning would be for the time period between when the City Council adopts the permanent regulations and when they approve the administrative rezones. He further questioned how a property owner would know if his/her property is going to be rezoned to GMU or NMU. Staff agreed to provide an answer at a later time.

Vice Chair Wagner referred to staff's recommended provision for retail ground floor space for buildings facing arterial streets. She noted that, as proposed, a development of greater than 48 units per acre that is not located on an arterial street would not be required to accommodate commercial use on the ground floor. Mr. Cohn suggested the language be changed to require that development on all sites that have access to an arterial would be required to accommodate commercial space on the ground floor in order to achieve a density greater than 48 units per acre.

Commissioner Kaje pointed out that staff's recommendation related to "open space in the public realm" was not consistently carried throughout the proposed language. Mr. Cohn referred to Item 6 of the Appendix on Page 27 of the Staff Report, which talks about common open space, and he agreed the term "within the public realm" was not incorporated. Further, he referred to Section 20.50.020(2)3b, which incorporates staff's recommended language related to contiguous public spaces. He explained that the intent is that all development in the NMU and GMU zones would be required to provide public open space. If a development includes residential space, then private recreation space would also be required.

Commissioner Behrens commended staff for working through the language and attempting to address the Commission's issues. He reminded the Commission that one goal of the proposed new language is to encourage mixed-use development. However, he observed that when properties are zoned both residential and commercial, tax problems can arise. Developers of commercial properties are taxed at a higher rate if residential uses are included. He asked if language could be incorporated into the code to address this issue. Mr. Cohn shared information he received from tax assessors and summarized that the City cannot do anything to affect the tax assessor's determination. Instead, the assessment would be market driven. Commissioner Behrens expressed concern that if the City wants to encourage commercial application, a developer would be at a distinct disadvantage because the entire building would be assessed for residential purposes. This would make the tax rate higher, and it would be more difficult for a developer to include commercial space. Mr. Cohn said he does not believe that would be true. He expressed his belief that the assessor would make different assessments on the value of the residential space versus the commercial space. Commissioner Behrens asked staff to obtain a definitive answer to address his concern. Mr. Cohn said he would ask the question, but his experience has been that the tax assessor would not provide a definitive answer.

Public Testimony

Wendy DiPeso, Shoreline, said she supports the staff's suggestion that instead of requiring underground parking, they should tell developers what they want. This would provide for flexibility and would avoid situations of unintended consequences. She questioned if requiring screening for parking and storage and contiguous open space would result in a need for underground parking in order to develop to the desired density. Mr. Cohn said staff's thought was that once the City decides what they want for open space, screening, etc. the developer would have to figure out how to respond to the code requirements. Ms. DiPeso said she is in favor of allowing flexibility, which is usually positive for everyone, as long as they don't end up with a situation where parking spills out into the neighborhoods.

Ms. DiPeso referred to staff's proposal that buildings facing an arterial street be required to have some commercial space. She asked how this concept would be applied to an "urban village" type of development. Would a large project of this type require a master plan? Mr. Cohn said it is staff's expectation that a large development proposal would go through a planned area process, but a master plan would require a Comprehensive Plan amendment, which would not be likely. As part of a planned area process, more specific regulations would be identified.

Final Questions by the Commission

None of the Commissioners had questions to ask staff during this portion of the hearing.

Deliberations

COMMISSIONER PIRO MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S REVISED PROPOSAL (INCLUDING ADDITIONAL REVISIONS TO PAGE 36 OF THE STAFF REPORT) FOR MODIFYING THE DEVELOPMENT CODE WITH NEW

MIXED-USE REGULATIONS FOR THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB). COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro said he put the motion on the floor anticipating the Commissioners would propose amendments prior to final approval. He commended staff for preparing modifications to address the issues and concerns raised by the Commission at their last meeting. He said he is delighted to see the amendment move away from the concept of single-use zones with lower densities and more general parking requirements, which contribute to a more auto-oriented development pattern that requires expansive and costly infrastructure and is less energy efficient. He expressed his belief that the modifications and revisions laid before the Commission provide a healthy evolution to a mixed-use land use concept where trips can be internalized much better, vehicle miles traveled can be reduced, and the quality of life can be improved by creating more vibrant areas and by saving travel time.

Commissioner Pyle observed that approval of the proposed amendment would not prohibit the Commissioners from providing new ideas to staff in the future. He suggested the Commission focus on the concepts and whether or not they provide the protections that are needed for the adjacent single-family districts and allow for the appropriate density and development. In order to reach a consensus, they all must be willing to give up something while not compromising too much.

Commissioner Kaje referred to staff's recommendation to address the issue of proportionality. He said he supports the concept of basing the open space requirement on FAR. However, as currently proposed, the language could result in a 10-acre parcel having the same open space requirement as a 1-acre parcel because it would be based on FAR regardless of parcel size. He suggested the issue could be addressed by establishing an open space requirement of 1,000 square feet per FAR per acre. Mr. Cohn agreed that was his intent.

Chair Hall recalled the Commission's earlier discussion about the need to be cautious not to create an incentive for all of the properties to be developed as residential. As currently written, the amendment does not make a preference clear. He referred to the third bullet in Section 20.50.020(2)3cii, which requires that there be 800 square feet of common recreational space provided for developments of 5-20 units and 40 square feet of recreational space per unit for developments over 20 units. He observed that requiring an open space that is based on the number of residential units would address the issue of open space proportionality. He inquired if this requirement would be in addition the requirement of 1,000 square feet per 1.0 FAR. He suggested they strike Section 20.50.020(2)3b entirely and require open space on a per unit basis for residential development and give an incentive for people to develop more intense commercial uses by eliminating the open space requirement. They would lose the potential for public plazas, etc., but they would gain the ability to use the land more efficiently for commercial development by requiring the residential development to provide the open space and amenities. He summarized that he is not as concerned about "green" open space because the Interurban Trail runs right through most of the RB zones.

Commissioner Behrens agreed there is more need for open space and recreational space for residential development, but it would also be an attractive element for a company to offer some open space for their workforce to enjoy. He expressed concern that there seems to be confusion amongst the various terms

(recreational space, open space, green space), and he would like the language to be better defined. He is not opposed to removing the open space requirement for strictly commercial developments, but he would like to see the open space concept consistently defined throughout the amendment.
Commissioner Kaje referred to Section 20.50.020(2)3cii and emphasized that the term "common recreational space" means for the residents of the building. This has nothing to do with the open space incentive that was discussed earlier by the Commission. This is an important distinction when talking about requiring different levels of public amenities for different types of uses.

CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO STRIKE SECTION 20.50.020(2)3b, WHICH READS "ALL DEVELOPMENTS IN GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER 1.0 FAR OF BUILDING. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET." COMMISSIONER PIRO SECONDED THE MOTION.

Chair Hall explained that nearly all of the RB zones in the City are located right on the Interurban Trail, which is a tremendous community asset and open space. While it is wonderful for office buildings and commercial buildings to provide open space, most architects would incorporate open space because it provides amenities to their future tenants. Chair Hall said he is also concerned about the efficient use of land, and they have heard testimony about underutilized land. They have a 150-foot wide Interurban Trail and utility easement running through the RB zone that would not be developed in the foreseeable future as commercial or residential space because of the above ground power lines. He concluded that while requiring a common recreational space for the residents would be an appropriate amenity that adds to their health and quality of life, requiring this same amount of space for a business zone could sometimes be counterproductive. When thinking about a main street approach that is very pedestrian friendly, each of the individual developments would go lot line to lot line. He referred to downtown Edmonds and noted that the character and sense of downtown would be lost if 1,000 square feet of open space was required for each of the commercial developments. He expressed concern that Section 20.50.020(2)3b could work against the Commission's intent. The buildings would be spaced further apart, and the district would be auto rather than pedestrian oriented.

Commissioner Piro asked how the proposed requirement for public gathering places matches up with the adopted language for the Ridgecrest proposal. Mr. Cohn said the Ridgecrest proposal included a requirement of 2,500 square feet of gathering space per 2.5 FAR of building. Commissioner Piro questioned how the Commission could address the open space issue with more flexibility than provided by the formulaic concept recommended by staff.

Commissioner Kaje spoke against the amendment. He felt it is important to have public open space as an incentive in the RB zones, which is something that is currently lacking. While Aurora Avenue North is a major example of RB zoning, there are other RB zones in the City. He suggested that in a future step (Town Center Subarea Plan), the Commission could implement flexibility in creative ways. Commissioner Pyle agreed with Commissioner Kaje. However, he suggested they could include

flexibility in the proposed language by providing an alternative that would allow the developer to pay a fee in lieu of providing the space, which could be used to improve existing space and connectivity.

Commissioner Behrens agreed this is a good conversation. Hopefully, when the Commission's recommendation is forwarded to the City Council, they will be able to read the minutes and pick up on the Commission's ideas. He summarized that while open space would not be as important for commercial development in RB zones along the Aurora Avenue North corridor, it is important to keep in mind there are other RB zones in the City that do not have access to open walkways or open space.

Chair Hall expressed his view that the way the open space language has been drafted, it is difficult for him to think of it as an incentive. Today there is no requirement for open space in the RB zone, and the proposed requirement would not be affiliated with a height or density bonus. It would be a brand new requirement that would affect all development in the RB zone. He agreed there are other pockets of RB zoning, but it is not all over the City. He recalled his previous comment that the RB zoning be flexible enough for application in other areas of the City.

Commissioner Pyle referred to Item 6 in the Appendix of the Staff Report, which refers to the term "common open space," and Section 20.50.020(2)3b, which refers to "public gathering spaces." He asked if this space would be open or closed to the general public. Mr. Cohn said the intent is that the spaces would not be open to the public.

Commissioner Perkowski questioned how removing Section 20.50.020(2)3b would impact the base height limit of 35 feet for residential development. He noted that the recreational space requirement would only be applicable for developments at the maximum building height of 55 feet. There would be no open space requirement for residential development that is 35 feet or less in height. Mr. Cohn pointed out that, as proposed, 400 square feet of common open space would be required for residential development of 35 feet or less in height. The requirement would be more than double in order to obtain the maximum height.

COMMISSIONER PIRO OFFERED A SUBSTITUTE TO THE MOTION TO AMEND THE MAIN MOTION TO RETAIN SECTION 20.50.020(2)3b, BUT INSERT A NEW SENTENCE THAT WOULD READ, "WHERE EXISTING PUBLIC SPACE IS LOCATED ADJACENT TO A DEVELOPMENT, A FEE-IN-LIEU PAYMENT COULD BE MADE FOR IMPROVEMENTS TO SUCH PUBLIC SPACES. OTHERWISE, PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF . . ." COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro suggested his motion would accommodate the issues raised by Chair Hall and would introduce some flexibility, particularly for properties that are adjacent to existing public gathering spaces. Mr. Tovar pointed out that the City does not currently have a fund that would allow them to receive in-lieu-of payments. He noted the draft amendment also includes an administrative design review process, including design departures, which would be the best place to address the alternatives suggested by the Commission.

COMMISSIONERS PIRO AND PYLE WITHDREW THEIR SUBSTITUTE MOTION.

Commissioner Wagner spoke in support of Chair Hall's motion to amend. As an example, she said it would not be appropriate and/or practical to put a 4,000 square foot children's play area on the Costco site. While the idea of open space is good, she agrees with Chair Hall's thought process for why it would not be appropriate for commercial development.

Commissioner Behrens once again voiced his discomfort and confusion about the use of terms such as common open space, public access, etc. He summarized staff's intent that the common open space referenced in Item 6 of the Appendix would be open to everyone in the City. Chair Hall pointed out that the Appendix is part of the staff's memorandum to the Commission. He encouraged the Commission to focus on the draft regulatory language that is found on Pages 32 through 36 of the staff report. The draft language uses the term "public gathering spaces."

Commissioner Behrens referred to the Ballinger Commons Complex, which provides a tennis court, swimming pool, basketball courts, etc. All of these amenities are held for the residents that live there and are not common open spaces for City residents to use. He said he would like the language to be written in a clear enough fashion to delineate the difference between common open space for everyone in the City to have access to and the common space or recreational space that is reserved only for those people in the development. Chair Hall pointed out that if the motion to amend is approved, the requirement for public gathering space would be eliminated for commercial development. They would be left with a requirement for common recreational space, which staff has clarified would not be open to the public.

Commissioner Pyle observed that if mixed-use projects are done right through an administrative design review process, the open space would be integrated into the project and building to provide courtyards and amenities for people who are using the space. Because staff does have some administrative review authority, they can encourage architects to push the open space into the development. Open space is important to create a quality development that is attractive to the community and ultimately enhances the useable retail space in the City.

Commissioner Kaje agreed that the "fee-in-lieu-of" concept is good, but they do not currently have a vehicle for implementation. He suggested the Commission forward their recommendation to the City Council, along with the record outlining the ideas they discussed for addressing odd situations. However, he would be opposed to eliminating Section 20.50.020(2)3b because he felt it was one of the more important additions to the draft language. There will be future opportunities to address Chair Hall's concern in the future.

Chair Hall referred to Shoreline Bank, Watermark Credit Union, and other developments that have been talked about as good examples of redevelopment, yet they do not provide any public open space. He cautioned that they are too focused on imagining they would get a lot of 5-story mixed-use buildings. He said he would be opposed to requiring public open space for all commercial development.

THE MOTION TO AMEND THE MAIN MOTION FAILED 3-4, WITH CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONER PIRO VOTING IN FAVOR AND COMMISSIONERS BEHRENS, KAJE, PERKOWSKI AND PYLE VOTING IN OPPOSITION.

Commissioner Kaje referred to Section 20.50.020(2)3b and pointed out that the issue of proportionality can go both ways. It is important to not just extract more out of larger developments but to limit the obligation of smaller developments.

COMMISSIONER KAJE MOVED TO AMEND THE MAIN MOTION TO REPHRASE THE TEXT IN SECTION 20.50.020(2)3b TO READ "ALL DEVELOPMENTS IN GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER 1.0 FAR OF BUILDING PER ACRE OF THE SITE. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET." COMMISSIONER PIRO SECONDED THE MOTION.

Mr. Cohn pointed out that the Ridgecrest code requires 2,000 square feet of open space on a 2.5 acre site. If the current proposal were applied to the Ridgecrest area, it would require 6,250 square feet of open space for the site. He suggested they consider cutting the requirement to 500 square feet per FAR acre.

Commissioner Kaje said the main point is to require proportionality, but he agreed a different number might be appropriate. The concept of basing the open space requirement on FAR per acre is important. He noted that 6,250 square feet is only 7% of a 2 acre site, which he is okay with at this point. Mr. Tovar reminded the Commission that the administrative design review process is also part of the proposed amendment. If a developer feels the FAR requirement is too much, they could ask for a departure from the standard, but they would need to show how they could meet the intent of the requirement in a superior way. He summarized that flexibility has been built into the language because every development proposal in the RB zone would be required to go through the administrative design review process.

Commissioner Kaje recalled the Commission's earlier question about whether setbacks and other required space could be used to satisfy the open space requirement, and the answer was yes. He recalled that Commissioner Broili suggested a developer should be allowed to capture more than one function in a space and end up with a true amenity. He emphasized that the 1,000 square foot open space requirement would not be completely separate from other site requirements such as pervious surface, setbacks, etc. He rejected staff's suggestion to change the number from 1,000 to 500.

Chair Hall said he would not support the proposed amendment, but he agreed with Commissioner Kaje's concern that basing open space on FAR doesn't work well with very large and very small sites. If the motion fails, he would recommend a follow up motion that would change the language to read "at a rate of 1,000 square feet pre acre of the site." This would scale the open space requirement based on the size of the site rather than the size of the building. In order to encourage more efficient use of the land, multi-story buildings should be encouraged and not penalized. As proposed in the amendment, it would be a disincentive to use the site more efficiently since there would be a penalty for increasing the FAR.

THE MOTION TO AMEND THE MAIN MOTION FAILED 3-4, WITH COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS PERKOWSKI AND PIRO VOTING IN OPPOSITION.

CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO ADD TEXT TO 20.50.020(2)3b TO READ, "ALL DEVELOMENTS IN THE GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER ~~1.0 FAR OF BUILDING~~ ACRE OF THE SITE. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET. COMMISSIONER PIRO SECONDED THE MOTION.

Chair Hall once again expressed concern about requiring open space for commercial development. However, if it is a requirement, he would prefer it be done on a proportional basis with the site. A larger site or development would have more open space, but additional public open space should not be required for taller buildings. He noted that residential development would require a sliding scale of common recreational space.

Commissioner Pyle said he likes the idea of not being too burdensome since the idea is to attract more mixed-use development. However, he expressed his belief that the larger a building gets, the more potential burden it could have on the neighborhood and community. He suggested it would be appropriate to integrate the public open space into the building. As proposed by the amendment, only 1,000 square feet of open space would be required for a 1-acre parcel that is developed with 150 residential units. He felt this requirement would be too little.

Vice Chair Wagner said it is important to put the proposed language into a practical use. She expressed concern about requiring a developer to provide a courtyard in the middle of the development that would allow general public access. While she can understand the need for distance and space between the buildings, she would be opposed to allowing public access to private property.

THE MOTION TO AMEND THE MAIN MOTION PASSED 4-3, WITH CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS PERKOWSKI AND PIRO VOTING IN FAVOR AND COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN OPPOSITION.

Commissioner Pyle referred to Section 20.50.410, which outlines the parking design standards. He observed that one of the biggest problems with mixed-use developments throughout the community is that their overflow parking spills over into the adjacent single-family residential communities. This occurs because developers construct buildings to meet the parking requirements, but they rent the parking for an additional rate.

COMMISSIONER PYLE MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD TEXT TO SECTION 20.50.410(B) TO READ, "ALL VEHICLE PARKING AND STORAGE FOR MULTIFAMILY AND COMMERCIAL USES MUST BE ON A PAVED SURFACE, PERVIOUS CONCRETE OR PAVERS. ALL VEHICLE PARKING IN THE GMU

AND NMU ZONES SHALL BE LOCATED ON THE SAME PARCEL OR SAME DEVELOPMENT AREA THAT THE PARKING IS REQUIRED TO SERVE AND SHALL BE ASSIGNED TO A UNIT. COMMISSIONER BEHRENS SECONDED THE MOTION.

Commissioner Pyle expressed his belief that the proposed change should apply to both residential and commercial spaces and should be prorated based on the floor area for the commercial space. He noted that in single-family development, developers are required to provide two on-site parking spaces. The intent of this is to keep the streets clear of parking. If they are going to require a developer to build parking, they should also require that the parking be used for the development. Commissioner Behrens said he would not be opposed to requiring a business to provide parking spaces for the people who work in the building. This should be the employer's obligation.

Commissioner Piro recalled the Commission previously discussed that 1/3 of the parking should be required to be underground or underbuilding, but the current draft language would leave the location of parking to the discretion of the market. He expressed his belief that this proposed amendment is taking the wrong approach in order to implement the type of vibrant, transit-oriented, mixed-use development the Commission is advocating. The City needs an overall parking strategy that takes on issues of shared parking, district parking, and parking management to keep the parking out of the neighborhoods. Perhaps this program could include incentives such as transit passes, car sharing, etc. He said he would not support the amendment.

Commissioner Kaje suggested the amendment be changed to limit the additional language to residential uses only. He said the biggest issue is that people park their cars in single-family areas overnight. He also noted that it would be difficult to enforce the requirement for commercial space. He summarized that if the amendment includes commercial, he would vote against it, but he would not be opposed to requiring that residential parking be assigned to units.

COMMISSIONER PYLE MOVED TO AMEND HIS MOTION TO LIMIT THE REQUIREMENT TO RESIDENTIAL DEVELOPMENT AND TO ADD THE FOLLOWING, "UNTIL SUCH A TIME AS THE CITY COMPLETES A PARKING MANAGEMENT PROGRAM FOR THE AREA AFFECTED BY THE PROPOSED DEVELOPMENT."

Vice Chair Wagner questioned what process would be required to remove the restrictions once a parking management plan has been adopted. She said she would support the amendment that would require the parking to be made available on a per residential unit basis, but she would not support it being contingent upon some external factor in the Development Code.

Chair Hall agreed it is very important to avoid spill over into single-family neighborhoods. He noted the Commission has received a lot of feedback from the public regarding this issue. They know the City needs to do more to address the concern, perhaps via a parking management plan. He noted the City does require a certain number of parking spaces per unit and per square foot for other uses. However he does not support a requirement that they be assigned to a particular unit. He reviewed that the idea in a mixed-use building is to share the parking. When residents are gone from the building during the day parking would be available for the commercial uses and visa versa. He expressed his belief that the

proposed amendment would limit a developer's ability to utilize parking in a creative fashion. He reminded the Commission of the bus rapid transit program that will be in place in the near future on Aurora Avenue North with a bus every 10 minutes. Finally, there will be a place in the City where people can more effectively use transit, and the new program would provide an incentive for people to get out of their cars.

Commissioner Kaje noted that the current amendment is especially relevant in the NMU zone where there will not be any bus rapid transit service. These areas are where parking spill over into single-family neighborhoods can really be a problem. There would be a significant hurdle for residents along Aurora to park in the neighborhoods that are a few blocks away. There would not be a lot of on-street parking available, and in order to make the residential units attractive, the developer would likely provide on-site parking space. He felt the amendment would be appropriate for the NMU zone.

Commissioner Piro referred to the transit-oriented project that was recently developed in the Overlake area. It is a mixed-use project that is served by high-capacity transit. Instead of the typical 2.5 parking stalls per unit that is common for multi-family development, the requirement at that project is only 1 parking stall per unit. However, the actual use is .6 stalls per unit. While he appreciates the concern, he felt it would be a wrong solution to assign parking spaces per unit. He said he trusts these issues could be further addressed in the future.

COMMISSIONER PYLE MOVED THE COMMISSION AMEND THE MOTION TO CHANGE THE TEXT IN SECTION 20.50.410(B) TO READ, "ALL VEHICLE PARKING AND STORAGE FOR MULTIFAMILY AND COMMERCIAL USES MUST BE ON A PAVED SURFACE, PERVIOUS CONCRETE OR PAVERS. ALL VEHICLE PARKING IN THE GMU AND NMU ZONES SHALL BE LOCATED ON THE SAME PARCEL OR SAME DEVELOPMENT AREA THAT THE PARKING IS REQUIRED TO SERVE. PARKING STALLS SHALL BE ASSIGNED TO RESIDENTIAL UNITS IN NMU ZONE UNLESS THE SITE IS MANAGED BY A PARKING PLAN ACCEPTED BY THE DIRECTOR." COMMISSIONER BEHRENS ACCEPTED THE CHANGE. THE MOTION CARRIED 6-1, WITH VICE CHAIR WAGNER AND COMMISSIONERS BEHRENS, KAJE, PERKOWSKI, PIRO AND PYLE VOTING IN FAVOR AND CHAIR HALL VOTING IN OPPOSITION.

COMMISSIONER PIRO MOVED THAT THE MAIN MOTION BE AMENDED TO ADD A NEW ITEM E TO SECTION 20.50.410 TO REQUIRE THAT ONE BICYCLE RACK BE REQUIRED FOR EVERY 15 PARKING SPACES. VICE CHAIR HALL SECONDED THE MOTION.

Mr. Szafran inquired if the intent is to lessen the current code requirements. At this time, the code requires one bicycle rack for every 12 parking spaces.

COMMISSIONER PIRO WITHDREW THE MOTION.

Commissioner Kaje expressed his belief that one of the more valuable incentives identified in the proposed language was related to affordable housing.

COMMISSIONER KAJE MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD THE FOLLOWING TEXT TO 20.50.020(2)3cii (2ND BULLET) "AVERAGE NUMBER OF BEDROOMS IN AFFORDABLE UNITS MUST BE SIMILAR TO THE AVERAGE NUMBER OF BEDROOMS IN MARKET RATE UNITS AT THE DIRECTOR'S DISCRETION. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Kaje said he does not think the portion of the community that needs affordable units would be well served by only one-bedroom units. As proposed by the motion, 15% of the affordable units in a complex that includes 2, 3 and 4 bedroom units would have to be a similar average. He said it is reasonable to say that the affordable units do not have to be as large in square footage, but the average number of bedrooms should be similar. Commissioner Piro agreed with Commissioner Kaje's logic and the word "similar" allows for appropriate flexibility.

Commissioner Pyle said he would support the amendment, but he recommended it be changed to include that the affordable units must be equally distributed throughout the development. Commissioner Kaje indicated he would support the proposed change.

Mr. Cohn requested clarification of the term "at the Director's discretion." Mr. Kaje clarified that the similarity of the average bedroom number would be at the Director's discretion. Mr. Cohn suggested that the term "similar" would be clear enough, and the words "at the Director's discretion" would not be needed. The issue would be addressed through design review. Commissioner Kaje concurred.

Commissioner Behrens said the City of Seattle has similar language, but 15% of the units must be rentable at a reduced rate, and they must be 2 and 3 bedroom units. An important part of creating a good community is providing stability that allows families to stay in an apartment long enough to put their children through school.

CHAIR HALL REVIEWED THAT THE MOTION ON THE TABLE IS TO AMEND THE MAIN MOTION TO ADD THE FOLLOWING TEXT TO SECTION 20.50.020(2)3cii (2ND BULLET) "AVERAGE NUMBER OF BEDROOMS IN AFFORDABLE UNITS MUST BE SIMILAR TO THE AVERAGE NUMBER OF BEDROOMS IN MARKET RATE UNITS AND DISTRIBUTED THROUGHOUT THE DEVELOPMENT. THE MOTION CARRIED UNANIMOUSLY.

Vice Chair Wagner referred to the 1st bullet in Section 20.50.020(2)3cii, and suggested the language should be more specific about how many electric vehicle stations would be required. Mr. Tovar said a lot of research is going into this issue right now, and legislative changes are currently being considered. At this time, staff doesn't have a number to suggest. He recommended the Commission direct staff to develop a standard through an administrative order process.

VICE CHAIR WAGNER MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD TEXT TO SECTION 20.50.020(2)3cii (FIRST BULLET) THAT READS: "THE DEVELOPMENT INCLUDES INFRASTRUCTURE FOR ELECTRICAL VEHICLE

RECHARGING. THE DIRECTOR IS AUTHORIZED TO ADOPT GUIDELINES FOR THIS REQUIREMENT." COMMISSIONER PIRO SECONDED THE MOTION.

Vice Chair Wagner expressed her belief that it is important for the City to incorporate guidelines for electric vehicle recharging as soon as countywide standards have been adopted. Commissioner Piro agreed there is legislation already on the books, and the issue would soon be articulated with a lot more guidance and specificity.

Commissioner Pyle suggested that unless the term "infrastructure" is clearly defined in the code, it could be open to interpretation. He said that, in this case, he would define "infrastructure" as putting conduit in concrete so that a charging station could be added at a later date with minimal retrofit. He noted that every type of electric car on the market has different requirements for charging. The City would not actually require that a developer build the charging unit, but that the wiring be put in place so they could connect a type of unit at a later date. Chair Hall suggested that the motion allows the Director to create guidelines, leaving it up to the professional staff to define "infrastructure."

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KAJE MOVED TO AMEND THE MAIN MOTION TO SHIFT THE REGULATION ON VEHICLE RECHARGING FROM SECTION 20.50.020(2)3cii TO SECTION 20.50.020(2)3ci. COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Kaje agreed that the City would receive a lot of guidance regarding this topic in the future, and it would be a reasonable and low-cost incentive. Commissioner Piro concurred and suggested that the City would be ahead of the game by following through with the amendment. Commissioner Pyle agreed the incentive would not be unusually burdensome. Typically, people who own electric cars purchase a specific charger they install themselves. All a developer would be required to provide would be conduit and wiring.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Pyle referred to the first bullet in Section 20.50.020(2)3ci and questioned why the requirement would be limited to ground floor retail. He observed that the current architectural trend is moving towards modular space that could be converted from residential to commercial and visa versa. People are looking at opportunities to adapt space based on the market. For example, he questioned why a restaurant on the top floor of a structure would not satisfy the retail space requirement.

COMMISSIONER PYLE MOVED TO STRIKE "GROUND FLOOR" FROM SECTION 20.50.020(2)3ci (FIRST BULLET). COMMISSIONER BEHRENS SECONDED THE MOTION.

Commissioner Pyle said he understands that it is more difficult to access retail space that is not on the ground floor; but in some cases, it may be desirable to locate retail spaces such as a restaurant on the top floor to take advantage of a view.

Commissioner Behrens agreed with Commissioner Pyle that the retail space should not be limited to the ground floor. There are a number of reasons why the upper floor space might be attractive for commercial uses.

Commissioner Piro said his interpretation of this section would not limit retail uses to the ground floor, and it would not preclude retail uses on the upper floors. He expressed concern that removing the words "ground floor" could lose the basic concept of wanting the street/sidewalk level to have active pedestrian-oriented uses. He recalled the Commission's earlier discussions indicated a desire to create a presence and vibrancy at the street level.

Commissioner Pyle noted there are several successful mixed-use developments that have ground floor residential with a courtyard on the front against the sidewalk and a restaurant on the top. These developments are very welcoming and inviting. He expressed concern that, as currently written, retail space would have to be provided on the ground floor in order to reach the maximum height limit. He suggested it should not matter if the retail space is on the ground floor or an upper floor. He observed that, oftentimes, retail space can work within the building without being hidden.

Vice Chair Wagner emphasized that the current proposed language would not require retail uses on the ground floor, but that the development be designed in such a way to accommodate retail space (height, infrastructure, etc.) She agreed with Commissioner Piro that the language currently proposed would not preclude a restaurant or other retail use on the upper floor of a mixed-use development.

Commissioner Kaje questioned the need for the proposed amendment based on Vice Chair Wagner's observation that the proposed language would not require retail uses on the ground floor. He reminded the Commission that the recently adopted Vision Statement speaks to the notion of interactive walking spaces and sidewalks. His understanding is that a developer would have the ability to ask for relief from this specific requirement. Mr. Tovar agreed that would conceivably be possible. Commissioner Kaje said he is comfortable with the current proposed language.

Commissioner Piro recalled that the word "accommodate" was borrowed from the Ridgecrest language, recognizing that they might not have a retail market right away and that residential would be a very appropriate use for the ground floor. The proposed language would not preclude residential on the ground floor.

THE MOTION FAILED 2-5, WITH COMMISSIONER BEHRENS AND PYLE VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS KAJE, PERKOWSKI AND PIRO VOTING IN OPPOSITION.

Commissioner Perkowski suggested that the language in Section 20.50.020(2)3c is not as clear as the language provided in the Appendix of the Staff Report.

COMMISSIONER PERKOWSKI MOVED TO AMEND THE MAIN MOTION TO CHANGE SECTION 20.50.020(2)3c TO READ: "A MAXIMUM 35-FOOT BUILDING HEIGHT AND 48 DWELLINGS PER ACRE FOR RESIDENTIAL ONLY BUILDINGS AND A 45-FOOT

BUILDING HEIGHT ~~FOR MIXED USE BUILDINGS~~ IF THE FIRST FLOOR IS BUILT TO GROUND FLOOR COMMERCIAL USE STANDARDS, MAXIMUM DENSITY OF 70 DWELLINGS PER ACRE, AND A FAR (FLOOR AREA RATIO) OF 2.0." COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO ELIMINATE ALL REFERENCES TO HAVING A SECOND ZONE. VICE CHAIR WAGNER SECONDED THE MOTION.

Chair Hall provided a zoning map and noted that Regional Business occurs in the following places:

- Along the Aurora Corridor in a nearly contiguous block, almost all of which is either directly on Aurora Avenue North and/or the Interurban Trail.
- The Sears and Costco sites.
- A block of four contiguous parcels on Ballinger Way Northeast that are roughly 800' x 1,000'.
- One small parcel just to the east of 19th on Ballinger Way Northeast on a parcel that is approximately 200' x 250'.
- A tiny parcel on 15th Avenue which appears to be about 80' x 300'.

Chair Hall noted that the height incentives would only allow a height greater than 45 feet if the building is more than 100 feet from a residential zone. In order to obtain the maximum height, the building must be located at least 200 feet from a residential zone. The smaller sites are not adjacent to residential zones; they are adjacent to Neighborhood and Community Business zones. Therefore, he can see no reason to deny them the incentives for additional height, which can bring into play a lot of good features such as 4 and 5 star construction under Built Green Standards, pre-application meetings to consider the public's concerns, electric vehicle charging infrastructure, etc. He expressed concern about splitting the areas into two zones without a properly noticed legislative rezone hearing.

Commissioner Pyle referred to the Comprehensive Plan Map which identifies additional parcels that could potentially be rezoned to the new zoning designation. Many of these properties are embedded within the residential neighborhoods. Vice Chair Wagner noted that these properties could also be rezoned to Community Business. She said she would support the proposed amendment because it makes sense to address the matter at hand. The proposed language builds in a stepping stone of transition. If needed at some point in the future, it would be appropriate to create a new zone that fits better, but it should not be part of this process of "fixing" the RB zone language.

Commissioner Piro observed that one benefit associated with Chair Hall's amendment would be to keep the language clean and more streamlined and predictable for readers and users of the Comprehensive Plan. The benefit of a having two zones would be reassurance to the community that the smaller, mixed-use areas would reflect the values and character of the surrounding neighborhoods. However, he said he does not believe it is necessary to have two zones to accomplish this goal.

Mr. Tovar explained that legislative notice is a published and posted notice. Whether the proposal is an area wide rezone or a code amendment, the notice would be the same; no mailed notice would be

required. However, he agreed that amending the zoning map to inform property owners of whether their property would be NMU or GMU could be problematic. One option would be to identify just one zone, and then accept that there might be practical limitations due to the size and location of the smaller parcels. He referred to the areas identified on the Comprehensive Plan Map as appropriate for Regional Business (RB), and noted that once the proposed amendments are adopted, there would be no RB zone. This could potentially preclude future problems. He said another option would be to create one zone with two standards. One standard would apply to properties that are located with 1,500 feet of a high-capacity transit line, and a different standard would apply to those that are not. If the Commission decided to go this route, they would need to notice a legislative rezone for a future hearing. This would involve a new SEPA process, CTED notice, and Planning Commission hearing.

Mr. Tovar said staff agrees with Chair Hall's description about how having a single zone would not be problematic in the outlying areas. However, the language in the Comprehensive Plan would have to be cleaned up at some point because there would no longer be an RB zoning designation. Therefore, they would not have to worry about the expansion of the more intense mixed-use zone in the outlying places where the Comprehensive Plan identifies RB zoning as appropriate.

Vice Chair Wagner suggested that not only would this option require a Comprehensive Plan amendment to eliminate all the references to RB, it would also require a critical review and update of the Comprehensive Plan Map to consider whether or not the places that are identified as potential RB zoning would also be appropriate for the mixed-use zoning. Mr. Tovar advised that because the Comprehensive Plan still talks about the RB zone, the land use chapter of the Plan would have to be amended at some point in the future to remove the references.

Commissioner Kaje recalled that there were more distinct differences between the two proposed zones the last time the Commission reviewed the language. Apart from the amendment the Commission approved earlier regarding residential parking, there would be no distinction between the two zones. Chair Hall said he assumes this is a typographical error that would have to be corrected unless the current motion on the floor is approved. He recalled that in the previous version, the height incentives were only available in the more intense zone. However, proposed Section 20.50.020(2)3c would allow the height incentives to be available in either the GMU or the NMU zones. Mr. Cohn agreed this was an inadvertent error; the intent is that the greater height only be allowed in the GMU zone.

Chair Hall expressed his belief that simplicity of the zoning code is a key concern. He referred to his email to the Commission which talks about using the new zone in other places of the City. He reminded the Commission that the rezone process would give everyone in the neighborhood an opportunity to voice their concerns, and the Commission has recommended both approval and denial of rezone applications in the past. He said he does not believe a single zone would result in a problem on small sites, and the environmental incentives should be offered to everyone.

Commissioner Piro regretted that legal counsel was not present to advise the Commission, and perhaps direction should be provided before the item is forwarded to the City Council. He questioned if the distinction between the mixed use zones that are more adjacent to high capacity transit versus those that

are not is within the same spirit the Commission has been discussing for the past several months or if the distinction goes beyond some of the modifications and adjustments and is truly in the arena of rezoning.

Chair Hall reminded the Commission that prior to the emergency interim ordinance, the RB zone allowed a 65-foot building, straight up at the lot line, with unlimited density. If the City Council does not take action within the next month, the interim ordinance would expire and the existing RB language would once again be applicable. Regardless of location, the proposed ordinance is much more transition oriented and compatible with surrounding neighborhoods. The proposed language would require an upper floor step back of 100 feet for every 10 feet of additional height. A person would have to be 400 feet away from the site to even see the portion of the building over 45 feet. He summarized his belief that the proposed language is much better than what they had and addresses the issue of compatibility. He urged the Commission to not make it too complicated by creating two zones.

Commissioner Kaje clarified that eliminating all reference to having a second zone would require the Commission to revisit the previously approved amendment to the NMU language related to residential parking. The remainder of the Commission concurred.

Commissioner Behrens recalled the Commission initially agreed there was no such thing as a common RB zone. They wanted to come up with a system that allowed the City to address the properties based on their location and size. He voiced his concern about eliminating all reference to having a second zone. He agreed some properties have a lot of open space, are dead center in the middle of town, and have all of the elements that make them amenable to high-density development. However, there are other properties that do not meet these goals and do not have the needed infrastructure support. Having two zones would allow the City to delineate between the two, and it is important to identify which pieces of property are most appropriate for high density such as the Aurora Corridor and the Ballinger Neighborhood. He noted this concept is identified in the recently adopted Vision Statement and Framework Goals. If they do not specify where the high-density is and is not appropriate they will be missing an opportunity to solve the problem they were asked to fix.

Vice Chair Wagner reminded Commissioner Behrens that his concerns would be addressed as part of the Commission's work on the Town Center Subarea Plan. She said she does not believe the Vision Statement implies that Aurora Avenue is the only place for high-intensity development. She disagreed with Commissioner Behrens' characterization that high-intensity uses would be inappropriate for other properties already identified as RB.

Mr. Tovar suggested the Commission could recommend two alternatives to the City Council, and they could make the final decision. The majority of the Commission agreed they would prefer to forward a single recommendation, recognizing the City Council would have an opportunity to review the record and note the Commission's concerns and discussion.

THE MOTION TO AMEND THE MAIN MOTION TO ELIMINATE ALL REFERENCES TO HAVING A SECOND ZONE WAS APPROVED 5-1-1, WITH CHAIR HALL, VICE CHAIR WAGNER, AND COMMISSIONERS KAJE, PERKOWSKI, AND PYLE VOTING IN FAVOR.

COMMISSIONER BEHRENS VOTED IN OPPOSITION, AND COMMISSIONER PIRO ABSTAINED.

Commissioner Piro said he decided to abstain from the vote because he was disappointed the Commission did not obtain a legal position prior to making a decision. Legal guidance would have helped the Commission work through the proposal without so much uncertainty.

COMMISSIONER PIRO MOVED TO RENAME THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB) TO MIXED-USE ZONE (MUZ). VICE CHAIR WAGNER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Commission referred back to the parking design standards and reconsidered their previous motion to amend Section 20.50.410(B) in light of their decision to eliminate all reference to a second zone. Commissioner Piro suggested that if this change is eliminated, the Commission should also review every other place where "GMU" and "NMU" are cited. Commissioner Pyle suggested the Commission cannot make a motion to unwind a motion. Chair Hall disagreed and explained that when the Commission voted to eliminate the reference to the NMU zone, it was unclear as to whether in meant the parking management plan was then required everywhere or nowhere. He asked that someone make a motion to either pull the language out or modify the language so that it applies everywhere in the MUZ zone.

COMMISSIONER PIRO MOVED TO AMEND THE MAIN MOTION TO REMOVE LANGUAGE PREVIOUSLY PASSED BY THE PLANNING COMMISSION TO ADD THE FOLLOWING LANGUAGE TO SECTION 20.50.410(B) – "PARKING STALLS SHALL BE ASSIGNED TO RESIDENTIAL UNITS IN NMU (NOW REPLACED BY MUZ) UNLESS THE SITE IS MANAGED BY A PARKING PLAN ACCEPTED BY THE DIRECTOR." CHAIR HALL SECONDED THE MOTION.

Commissioner Piro said his preference would have been to invite Commissioner Pyle to propose new language in light of the decision to create just one zone. He summarized that he was only willing to support the previously approved revision to Section 20.50.410(B) if it applied to the more limited NMU zone. He expressed his belief that insisting that there be assigned residential units in the area that had previously been proposed as the GMU zone would undermine the Commission's goal of being conservative and minimizing the amount of parking that is provided. He observed that the current method of maximizing the parking requirements leaves the City with negative impacts such as an overabundance of impervious surface. The only reason he was willing to support the more limited parking standard was knowing that those particular sites were directly integrated into neighborhood type settings.

Commissioner Pyle said he does not believe it is appropriate to propose an amendment that reverses an amendment that was previously passed by the Commission. He observed that the previously approved amendment to rename the zone known as RB to MUZ did not include a proposal to modify any other text in the main motion at hand. The motion was to replace all references to NMU and GMU with MUZ. The approved amendment relating to the parking standard would still be affective with the term

MUZ. He said he would like a legal interpretation as to whether the Commission could move to undo a previously approved motion.

Commissioner Kaje agreed with Commissioner Pyle. He said the proposed amendment appears to be a very back door approach to changing the Commission's previously approved motion, which makes him uncomfortable. He suggested the Commission review Roberts Rules of Order to determine the correct approach.

Chair Hall emphasized that he is not forcing the issue one way or the other, but it is important for the Commission to have a clear interpretation of the language before it is forwarded to the City Council.

Commissioner Piro agreed that the first two sentences in Section 20.50.410(B) could be applied to the new MUZ zone. However, the last sentence added by the Commission was intended to apply only to the NMU zoned properties, which is no longer a zoning option.

Chair Hall recalled that Commissioner Piro voted in favor of the motion to amend Section 20.50.410(B). Therefore, his current motion could be viewed as a move to reconsider. Since he voted on the prevailing side, he would have that right. Commissioner Kaje pointed out the Commission could also move to reconsider the motion they just passed to rename the NMU and GMU zones to MUZ.

Vice Chair Wagner said that when the Commission voted to change the name of the zone to MUZ, she thought the amendment related to the parking standards would be applicable to the new zone. Given the concern amongst the public and the Commission, she expressed her belief that a parking management plan requirement would be appropriate. She reminded the Commission that there is already a problem with cars parking on the streets in single-family residential zones. The parking amendment would be perfectly appropriate in the MUZ zone, and would not be too burdensome. She observed that the Director would have the ability to make a distinction in the parking requirements for developments that are located close to rapid transit service.

Commissioner Behrens agreed that parking is a significant concern. If the City doesn't require adequate parking for large mixed-use developments people will park on the streets. In these particular areas there is no space for on-street parking. As a common sense approach, he said the City should require developers to provide parking so their developments do not further impact neighborhoods.

Commissioner Piro agreed with the need to be sensitive to neighborhood impacts, and he is not advocating the City ignore the issue. However, for decades the country has had a pattern of overbuilding parking, and he appreciated Vice Chair Wagner's point that the Director would have the discretion to modify the parking requirement. He summarized that he believes the City's current parking requirements are bloated and create a detriment. Chair Hall agreed and expressed his belief that parking requirements should be addressed more comprehensively through a parking management approach. Although he seconded the motion, he said he would vote against the motion in order to further protect the neighborhoods.

THE MOTION FAILED 2-5, WITH COMMISSIONERS PERKOWSKI AND PIRO VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER, AND COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN OPPOSITION.

It was noted that voting down this motion kept the language but alters the last sentence of Section 20.50.410(B) by replacing NMU with MUZ.

Chair Hall thanked the Commissioners for working hard over two long meetings to come up with a proposal to recommend to the City Council that is far better than what previously existed.

Vote by Commission to Recommend Approval or Denial or Modification

THE MAIN MOTION PASSED UNANIMOUSLY TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S REVISED PROPOSAL, AS AMENDED, (INCLUDING ADDITIONAL REVISIONS TO PAGE 36 OF THE STAFF REPORT) FOR MODIFYING THE DEVELOPMENT CODE WITH NEW MIXED-USE ZONE (MUZ) REGULATIONS FOR THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB). COMMISSIONER PYLE SECONDED THE MOTION.

DIRECTOR'S REPORT

Mr. Tovar did not have any additional items to report during this portion of the meeting.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Review of Planning Commission Bylaws

Mr. Cohn reviewed that the Commission's current Bylaws require a 7-day notice for special meetings. He advised that staff is proposing the Commission change the Bylaws to revise Article IV – Meetings, Section 1 and 2 to bring the special meeting provision in accordance with that of the City Council. The City Council's rules default to the 24-hour noticing requirements prescribed by State Law. Another addition would prohibit the Commission from calling a special meeting between December 15th and the end of the year.

Commissioner Kaje said he does not see a strong need for the Commission to be consistent with the City Council on this matter. He expressed his belief that the Commission, in particular, is charged with representing the community. In some ways, they have a greater obligation to make sure the public knows what they are doing. They also don't make emergency decisions that might require a special meeting. He summarized that he doesn't oppose the provision that would prohibit a special meeting

between December 15th and the end of the year, but he does not see the current 7-day notice requirement as a burden.

Ms. Simulcik Smith explained that the notice requirement could be problematic in a situation where the Commission feels it is necessary to meet one more time in between two regular meetings. There would not be enough time for staff to notice the special meeting. She noted this has been an issue in the past.

Commissioner Behrens asked if it would be possible for the Commission to not close a meeting and continue it to a special meeting the next week. Ms. Simulcik Smith answered that any meetings that are not on the 1st or 3rd Thursday of the month would be considered special Commission Meetings.

Chair Hall emphasized the special meeting notice provision would only be used occasionally by the Commission. However, when they decide to continue a discussion to the following Thursday, there is not sufficient time to meet the current notice requirements. He reminded the Commission that they have recently received comments from citizens who are looking very carefully at the public notice requirements. The proposed amendment would offer a safety cushion to ensure the Commission is meeting the legal notice requirements, as well as their obligation to get the maximum notice out.

Commissioner Pyle noted that this provision would not apply to a public hearing notice. Ms. Simulcik Smith agreed that the proposed amendment would only apply to special meetings.

COMMISSIONER PYLE MOVED THE COMMISSION AMEND THE BYLAWS AS PROPOSED BY STAFF TO MODIFY THE NOTICING PERIOD FOR SPECIAL MEETINGS TO 24 HOURS. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Piro said he appreciates the issues raised by Commissioner Kaje. However, the explanations provided by staff and other Commissioners have adequately expressed why the change is needed.

Commissioner Pyle said the downfall of the amendment is that it eliminates the predictability of his involvement in the Commission. It can create an environment where, because he doesn't have advance notice of the meeting, he cannot accommodate the time in his schedule. He would change the proposal to say that it must be approved by the Chair and three Commissioners. He would like to have a way to inform the Commission about whether or not he could attend a special meeting before it is actually called. He stressed the importance of having the entire Commission to discuss and debate important issues. If used, some Commissioners might not be able to attend a special meeting because of insufficient notice. Chair Hall agreed that is a risk and something the Commission should manage. He commended staff for doing a great job of contacting Commissioners as soon as possible when there is a need for a special meeting.

THE MOTION CARRIED 5-1-1, WITH CHAIR HALL, VICE CHAIR WAGNER, AND COMMISSIONERS PERKOWSKI, PIRO AND PYLE VOTING IN FAVOR. COMMISSIONER KAJE VOTING IN OPPOSITION, AND COMMISSIONER BEHRENS ABSTAINED.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Piro announced that on October 2nd, he would testify at the House Legislative Committee in Olympia regarding transit-oriented development. He said he would report back to the Commission at their next meeting. The focus of the meeting would be on how to ensure that affordable housing is located around transit-oriented development.

Chair Hall reminded the Commission that the Puget Sound Regional Council is working on the Transportation 2040 Plan, which will have a significant impact on the funding and planning for transportation throughout the whole region, including Shoreline. Starting in November, Community Transit would begin their Swift Bus Rapid Transit Service from the Aurora Village Shopping Center northbound to Everett, with buses running every 10 minutes. He summarized that this is an excited new service and the first of its kind in the region. He said he remains committed to continue to work regionally to get Community Transit and Metro to eventually turn their programs into a continuous ride system as called for in the City's adopted Comprehensive Plan policies.

AGENDA FOR NEXT MEETING

Mr. Tovar advised that there are no agenda items for the October 15th meeting, and the Commission agreed to cancel it. Chair Hall reminded the Commission of the Short Course on Local Planning that is scheduled for October 14th at 7:00 p.m. and the Town Center Subarea Plan Open House is scheduled for October 29th at 6:30 p.m.

ADJOURNMENT

The meeting was adjourned at 10:13 P.M.

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Will Hall	Jessica Simulcik Smith
Chair, Planning Commission	Clerk, Planning Commission