

Planning Commission

Meeting Minutes

January 19, 2016

Approved: KMD



6:30:14 PM Chair Chris Holland called the meeting to order. Other Commissioners in attendance: Chris Adams, Loren Sand, Kathryn Beck, Megan Dunn, and Alex Lark.

Commissioners Absent: Rick Jordison, Greg Tisdell, and Michael Zelinski

Planning Staff Present: Allan Giffen, David Stalheim, Niels Tygesen, and Kathy Davis

Meeting Minutes

Motion: Commissioner Adams made a motion to approve the January 5, 2016 meeting minutes. Commissioner Beck seconded the motion.

Vote: Commissioner Lark, yes; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Commissioner Reports

Commissioner Lark submitted as part of the record his earlier comments that were emailed to Commissioners regarding community centers.

Commissioner Sand asked to see the comments provided for the record. He stated that even though he wasn't in attendance at the last meeting, he did watch the meeting.

Staff Comments

None

Citizen Comments

None

Chair Holland asked Commission if the public hearing on community centers could be heard before the public hearing on adaptive reuse to accommodate the citizens in the audience who wished to testify. Commission agreed. Chair Holland asked Mr. Giffen if there was anything for agenda #1. Mr. Giffen stated that since three Commission members were out, that item could be discussed at a later date.

Agenda #3: Public Hearing: Community Centers

Niels Tygesen, Planning staff, stated that on October 20th Planning Commission agreed to initiate consideration of the code amendment. Two public workshops were held, the Department of Commerce was notified, and the City's environmental review process was complete. He asked if there were any questions.

Commissioner Adams stated that there was an error on the 2nd page of the resolution that read "to allow for adaptive reuse of non-residential buildings in residential zones" and it should read "to allow for community centers in residential zones." Mr. Tygesen responded that after the Commission packet was distributed staff did make that change.

Commissioner Dunn asked if the approval of a Special Property Use (SPU) permit was contingent on the results of the parking study. Mr. Tygesen responded that a parking study was required. The Planning Director and Traffic Engineer determine the minimum parking required for the specific project and that becomes a condition of the SPU approval.

Commissioner Lark asked about the definition in Exhibit A. Commissioner Sand stated that the definition appeared to be a modification of Option A from the previous meeting. Mr. Tygesen responded that at the previous meeting there was a discussion of adding a specific definition for "non-profit" and/or "not-for-profit." The language in the strike-thru under the current definition was intended to add that without adding a specific definition. Commissioner Sand asked if Commission had the option to revisit Options A and B, and asked Mr. Tygesen if the current definition was his interpretation of the earlier discussion. Mr. Tygesen responded yes.

Commissioner Adams stated that he would like to disclose that he is on the local Everett YMCA Board. Chair Holland asked if there were any other disclosures. There was no response.

Citizen Comments

Heather Wallace, 5101 Wilmington Avenue, stated that she was in favor of the code amendment. She stated that by allowing churches and community centers to grow and relocate, that provides an opportunity to expand services to the spectrum of the people who use them and prevents mass developers from wiping out the personality of the city with high density housing in residential neighborhoods. She stated that the real neighborhoods and the convenience of City living is why Everett is an amazing community that she has come to know and love. She felt that the code amendment was a great way to nurture this sense of community.

Roy Yates, 811 Rucker, stated that the YMCA has been an integral part of this community for over 100 years. He has lived in Everett and has been a YMCA member since 1968. He stated that the current YMCA isn't meeting the needs of the community. He was familiar with the piece of property that the

YMCA purchased, and felt that was an excellent location for that use. He stated that the YMCA is a good partner wherever they locate.

Kathy Atwood, 2704 Mission Beach Height Road, Tulalip, YMCA Board member, and retired Everett City Police Chief, stated that the YMCA has engaged the neighborhood community throughout the process. Before they closed on the property, they met with the Office of Neighborhoods and the Glacier View, Valley View, and Port Gardner neighborhoods. There has been great support. They have also offered to meet with neighbors individually, with households individually, and with blocks individually, with a lot of that work completed already.

Jeff Lemoine, 5001 Delaware Avenue, stated that he wasn't in favor of the YMCA locating in his neighborhood. He is concerned that an LA Fitness would be able to move into his neighborhood under the proposed definition. He heard about the proposal a week ago and he didn't know that the YMCA was purchasing the property and didn't know that they were going to develop it. He stated that he bought a house in a residential area and he felt that was an agreement with the City that his home would remain a residential area as long as he lived there. Putting a commercial building in a residential area is wrong. He supported the YMCA but not in his neighborhood.

Motion: Commissioner Sand made a motion to close the public hearing. Commissioner Dunn seconded the motion.

Vote: Commissioner Lark, yes; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Commission Discussion

Commissioner Sand stated that the public hearing was on the code amendment and not specific to the YMCA proposal. He didn't want to give the impression that the code amendment was drafted to serve the YMCA's proposal but to provide a process for introducing a non-residential use within a residential zone. Mr. Giffen responded that was correct.

Commissioner Adams asked if an LA Fitness could locate in a residential area under the currently proposed code amendment. Mr. Tygesen responded that the current code addresses that use under another land use category. Mr. Giffen added that the use more closely fits into the land use category of a commercial athletic facility and wouldn't fit into the community center use. Commissioner Sand stated that he was concerned about introducing a non-residential use into an established residential neighborhood. He stated that the community would be best served if the definition could be as tight as possible to have better control over the types of uses locating in residential zones.

Commissioner Beck stated that was the reason why she felt that adding non-profit to the definition would really tighten up the language. Commissioner Adams suggested removing the strikethrough from the current definition to address the certainty issue. Commissioner Beck added that wouldn't preclude private interests being involved as a partner.

Chair Holland asked if the intent was to provide for a secondary use as part of a community center. Mr. Tygesen responded yes.

Commissioner Sand would like to keep the strike thru language and add the last sentence of Option A from the previous meeting. He would remove the term predominantly and would add may include minor supporting activities.

Commissioner Lark stated that community centers were a nexus of innovation, collaboration and places where creative partnerships can be formed to address problems in new ways and in ways that have never been tackled before. He was concerned about being too prescriptive because that could eliminate those partnerships and solutions to the problems that the community is facing.

Commissioner Beck asked Mr. Giffen if partnerships between non-profits, private entities, and governmental organizations would be allowed in community centers even if the proposed removed language was reinserted. Mr. Giffen responded yes, as an accessory use to the community center. He added that with regard to Commissioner Sand's comment about adding the language from the earlier definition which excluded certain types of commercial activities would still allow for that type of partnership; however, the principle activity couldn't be from the list of prohibited uses.

Commissioner Beck stated that it has been her experience that tight regulations are difficult to loosen and loose regulations are much easier to go back and tighten. She stated that a community center would still have to go through the SPU process which would provide the opportunity for the City to condition the use.

Commissioner Sand stated that strong regulations provide the public an expectation of what is going to result from those regulations. If the regulations are too loose, the public doesn't have any certainty of what is going to happen in the residential neighborhoods. He stated that developing in the downtown area is different from developing in established residential neighborhoods. He stated that the City's regulations should provide protection for residential neighborhoods.

Commissioner Adams asked Mr. Giffen if the addition of the prohibited uses that Commissioner Sand wanted to add were just related to the uses that would be prohibited as the principle use. Mr. Giffen responded yes. Commissioner Adams asked Mr. Giffen as long as there is a non-profit mission driven predominant use that fits under the definition, that wouldn't limit a clinic or daycare being a partner even though clinic is listed under prohibited uses. Mr. Giffen responded that was correct. Commissioner Adams stated that the addition of the sentence proposed by Commissioner Sand wouldn't necessarily limit those greater projects but would provide some level of certainty.

Motion: Commissioner Sand made a motion to amend the definition to:

“Community Center” means a building or other enclosed structure open to the general public that is owned and operated by a public agency or non-profit corporation, organization or association registered by Washington State and that is used for cultural, educational, recreational, or social purposes and may include minor supporting activities. Not included in the category of community center are those businesses and occupations defined by this title as clinics, medial related activities, personal services, service businesses, government administrative offices or uses such a churches, schools, private clubs or fraternal organizations..

Commission discussion on the motion:

Commissioner Lark asked if clinics wouldn't be permitted as an accessory use. Commissioner Sand stated that his intention is that clinics couldn't be the principle use but could be a minor supporting activity.

Commissioner Adams asked Commissioner Sand the reason behind removing the word predominantly and adding the minor language to the definition. Commissioner Sand stated that it says the same thing in a different way.

Commissioner Lark stated that he felt that the addition of the language regarding a minor use was limiting and felt that the term predominant wouldn't limit the opportunity for new and dynamic partnerships to occur at the community center while still maintaining the intent.

Commissioner Beck stated that the scope of a project goes through the SPU process and the property would be conditioned for those specific uses both the predominant use and the accessory use. Mr. Giffen responded that the uses may change overtime and something that went in as one use as a part of the original proposal could be unsuccessful and so the operator of that community center might propose a different use, so it might be good to list what would be allowable.

Commissioner Lark asked if a minor use becomes more commercially viable than the principle use and that minor use wanted to expand, would they go through the SPU process. Mr. Giffen responded that would not be allowed if the minor use becomes the principle use.

Commissioner Adams asked if the amended definition would preclude a daycare or a clinic use even though it is minor to the principle use. Mr. Giffen responded no. Commissioner Adams asked if there was a definition for a wellness function. Mr. Giffen stated no, and that in regards to the YMCA proposal, their mission is promoting health and fitness. Clinic services such as health screenings would be an acceptable part of a community center; however, a walk in clinic use would be prohibited. Commissioner Adams asked what if the clinic use was smaller than a walk in clinic. Mr. Giffen responded that if the clinic use was minor in scope it would fit under the proposed amendment that Commissioner Sand introduced.

Commissioner Lark was concerned about removing the term predominant and adding the minor use language to the proposed definition.

Chair Holland called for a vote on the Commissioner Sand's motion regarding the definition.

Vote: Commissioner Lark, no; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Chair Holland asked if there was any further discussion regarding the best way to approach a request for an increased building height. Mr. Giffen referred to Exhibit A, item #5 which addressed heights.

Commissioner Sand asked why the term shall was replaced with should in items 1 and 2. Mr. Giffen responded that the reason for the change is that there may be suitable sites for community centers that don't meet those requirements. Rather than excluding those sites from consideration, those site proposals could go through the SPU process to be further evaluated. If the proposal impacts the surrounding neighborhood, the project can be denied.

Motion: Commissioner Sand made a motion to keep the term "shall" in Items 1 and 2.

Commissioner Beck asked what the intent was by changing shall to should. Mr. Giffen responded that the term "should" provides some flexibility and would provide an applicant the opportunity to justify the appropriateness of their site.

Commissioner Sand stated that the reason for his motion was to protect residential areas and to have community centers accessible by locating near transit corridors. Through that requirement, facilities would be located on the edge of the residential neighborhoods as opposed to the middle of a residential neighborhood.

Commissioner Beck stated that new transit routes could be created if a community center locates away from an existing transit corridor. Through the SPU process, an applicant would submit a transportation study, and through the evaluation criteria demonstrate why the facility can locate in a specific location. Using the term "shall" could eliminate an option for a really good site. Commissioner Sand stated that in his experience he has never seen a transportation study that didn't support the project. He was concerned about protecting residential neighborhoods.

Motion to second: Commissioner Dunn seconded Commissioner Sand's motion.

Commissioner Lark stated that when he lived in Washington DC, he lived in a residential neighborhood and right next to that was a community center that wouldn't have been allowed under the proposed definition. He stated that we need to move away from thinking that cars will be the primary mode of

transportation and we need to start building in the City walkable communities. Mr. Lark stated that he preferred to keep the term "should."

Commissioner Adams stated that the term community center isn't capitalized correctly and that needs to be corrected. He stated that community center is defined as the building or other enclosed structure and he asked if the intent was to have the actual structure or the property located within 400 feet of an arterial. Mr. Giffen responded that the City would apply that requirement to the site and not the building.

Vote on Commissioner Sand's motion: Commissioner Lark, no; Commissioner Dunn, yes; Commissioner Beck, no; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Motion on resolution: Commissioner Adams made a motion to approve Planning Commission Resolution 16-03 as proposed with the amendment that was read into the record at the beginning of the public hearing, and with the motions that were passed related to the Exhibit A modifications. Commissioner Dunn seconded the motion.

Vote: Commissioner Lark, yes; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Agenda #2: Public Hearing: Adaptive Reuse of Non-Residential Buildings in Residential Zones

Niels Tygesen, Planning staff, stated that on October 20th Planning Commission agreed to initiate consideration of the code amendment. Public workshops were held on December 1, 2015 and January 5, 2016. Department of Commerce received notice and the City's environmental review process has been completed on the code amendment. He reviewed Exhibit A with Commission.

Commission Discussion

Commissioner Adams stated that he was looking at other adaptive reuse policies in other jurisdictions. In Los Angeles, one of the criteria used to determine whether or not a property was available for adaptive reuse was a requirement to show that a current use was no longer economical. In that situation, the Planning Director determines that the use was no longer economical viable. Mr. Giffen responded that he would be hesitant to add that criteria because Planning Directors aren't typically economic experts. If that language was added, the City would have to rely upon an economic consultant or expert to provide that determination.

Citizen Comments

None

Motion: Commissioner Dunn made a motion to close the public hearing. Commissioner Sand seconded the motion.

Vote: Commissioner Lark, yes; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Commissioner Beck was concerned about defining what uses may be considered for adaptive reuse.

Commissioner Adams stated that according to the cover memo, there are other provisions in the code that deal with clinics, offices, and health and wellness clinics and that was the reason why those uses were removed from the list. Mr. Giffen responded that clinics generate a great amount of traffic, and offices could generate more traffic based on the office type.

Commissioner Lark asked Mr. Giffen about the traffic generated from offices, clinics, and health and wellness clinics. Mr. Giffen responded stated that dental clinics or general family practice clinics generate a lot of traffic and a lot of demand for parking. That is why the parking standard for clinics is double the amount of parking for an office building. Offices can be high or low depending on the type of office. Staff felt that the health and wellness clinic use fell under the heading of clinic.

Commissioner Sand asked about the business incubator use. Mr. Giffen responded that it would be an office type environment under this definition. Commissioner Sand stated that it is meant to be more for shared services for startup than to actually have any type of manufacturing or assembly. Mr. Giffen responded yes.

Chair Holland asked if the SPU provisions allow the Hearing Examiner or Planning Director the authority to deny the adaptive reuse if the use isn't compatible with the area. Mr. Giffen responded that the City can deny a proposal if it appears that it would impact the neighborhood.

Commissioner Beck stated that the major limiting factor to adaptive reuse is the size of the building. Mr. Giffen responded that the nature of the use is what generates the impact to the neighborhood.

Commissioner Sand stated that to protect the neighborhood it would be appropriate to strike out clinics, offices, and health and wellness clinics. He stated that the allowable uses should support the community.

Motion: Commissioner Lark would like to reinsert offices into the list of potential uses.

Commissioner Beck stated that she approved the removal of the uses because of #16 which allows for other uses not listed to submit a proposal and go through the SPU process so the City can make a determination of whether or not the use is appropriate. Commissioner Adams agreed.

No second on Commissioner Lark's motion. Motion failed.

Motion: Commissioner Beck made a motion to adopt the resolution recommending the City Council amend the Zoning Code to add a new subsection to the SPU regulations to allow consideration of adaptive reuse of nonresidential buildings in residential zones as staff presented in Exhibit A with the strike outs. Commissioner Adams seconded the motion.

Vote: Commissioner Lark, yes; Commissioner Dunn, yes; Commissioner Beck, yes; Commissioner Sand, yes; Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Agenda #4: Planning Commission By-Laws

Mr. Giffen stated that the By-Laws calls for one alternate and at a minimum Commission would need to amend that section. He also would like to discuss the voting when there are six regular members and both alternates present.

Commissioner Sand stated that currently there are physical constraints regarding seating if all Commission members are present. Commissioners are pretty good about letting the City know when they will not be in attendance so that arrangements can be made prior to a meeting. Planning Commission meetings are recorded and are available to watch. If a meeting is missed, a Commission member can watch the prior meeting to prepare for an upcoming meeting.

Commissioner Adams recommended that staff ask for legal advice and he would be in support of some kind of rotation process.

Mr. Giffen stated that staff will bring the item back for further discussion at a later meeting.

Commissioner Sand asked if Commission amends the By-Laws or does Commission make a recommendation. Mr. Giffen stated that the Commission is granted the authority to amend their By-Laws.

Mr. Giffen stated that staff will talk to Legal and get back to Commission at the next meeting. Also planned for the next meeting is a discussion regarding the Metropolitan Center and the Everett Community College Subarea planning process. He asked if PC would be interested in the Sound Transit proposal related to light rail and the City's position on that. Commission agreed.

Mr. Giffen asked Commission if there were any topics that they were interested in hearing more about. Chair Holland stated that he would like to have an update on the homeless issue. Commissioner Beck stated that she would like an update on the housing first movement.

Commissioner Adams asked about the public forum scheduled for February 1. Mr. Giffen responded that it was scheduled at 6 p.m. in the Historic Everett Theater. He will forward the agenda to Commission. Commissioner Dunn stated that she is on the Streets Initiative Committee.

Chair Holland heard about Trinity Lutheran and asked about the student housing site. Mr. Giffen responded that the property does have restrictions specifically for Trinity Lutheran student housing and for that property to be used for some other purpose, Planning Commission and City Council will have to take some action to change that if the future property owner makes that request.

Commissioner Sand was concerned about the future of the Trinity Lutheran College building and the YMCA building. Commissioner Sand stated that he would like to have a discussion about the future of the downtown area. Mr. Giffen responded that those discussions will occur during the Metropolitan Center Subarea Planning Process. Commissioner Sand asked if the City's economic development staff could come speak to Commission about their vision for the downtown during that process.

ADJOURNED 8:15:50 PM



Planning Commission Secretary

2-3-16

Date



Kathy Davis, Administrative Assistant

2-2-16

Date