

Planning Commission
Meeting Minutes
September 20, 2016
Approved: KMD



Chair Chris Holland called the meeting to order. Commissioners in attendance: Greg Tisdel, Chris Adams, Loren Sand, Richard Jordison, Kathryn Beck, Michael Zelinski, Alex Lark, and Megan Dunn.

Staff Present: Allan Giffen, David Stalheim, and Kathy Davis

Meeting Minutes

Commissioner Dunn asked that "Citizen Comments" be added before Ryan Countryman's testimony on page 4. She would also like to amend her testimony on the top of page 3 to read: "include suggestions regarding individual behavior changes or suggestions for financing such as Everett's CHIP program to include efficiency upgrades."

Motion: Commissioner Lark made a motion to approve the September 6, 2016 minutes with the revisions. Commissioner Tisdel seconded the motion.

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

Motion Carried.

Commissioner Reports

Commissioner Dunn stated attended the Lowell Civic Association meeting and the group did the "Map your Neighborhood Program." She stated that the program is very beneficial for emergency preparedness and encouraged other neighborhoods to participate.

Commissioner Lark attended the Everett Station District Alliance meeting.

Commissioner Tisdel attended the Everett Station District Alliance meeting, the ST3 kickoff event, and the Housing Summit in Bellevue. At the Housing Summit, there were discussions on market trends, housing affordability, and density issues.

Staff Comments

Allan Giffen, Planning Director, stated that a meeting is scheduled October 4th to continue the discussion on detached accessory dwelling units.

General Citizen Comments

None

Agenda 1: Definition of Family

Allan Giffen reviewed the materials in the packet and gave a presentation on the purpose of the workshop and proposed code amendments related to the definition of family. The intent of the code amendment was to clarify the number of unrelated adults allowed by the definition, to amend the definition of dwelling, to add a definition for kitchen, to amend the definition of roominghouse, and to repeal Section 39.060 of the Zoning Code regarding Boarding and Rooming. He asked Commissioners for further direction regarding preferences or alternatives to the staff recommendations or whether additional information was needed on the proposed code amendments.

Citizen Comments

Amanda Mitchell, 3201 Wetmore Avenue, Fresh Start Transitional Housing, stated that the women that live in the Fresh Start transitional housing have expressed their gratitude for the positive impact of the program. All of the women in the house are being proactive in the community and their recovery. The home offers a safe clean environment for them to call home. They meet weekly and provide support to each other. She stated that closing the house would negatively impact their lives. She asked for Commission's consideration when making their decision.

Jeanmarie Trapp, 3730 132nd St SW, Lynnwood, Executive Director of Fresh Start Housing of Washington, read her written testimony into the record. She stated that Fresh Start had been providing transitional housing for the Everett area for over 10 years. The original mission provided housing for men coming out of incarceration from local jails. Five years ago, they assumed the 501.C3 and changed their mission and broadened the focus. Currently, there are 14 people divided equally between men and women in two homes. Ms. Trapp didn't want the proposed amendments to create additional harm to those who are most vulnerable.

Ms. Trapp understood that the need for the code revision was the result of bad players. She wanted the City and Commission to understand the important work that the majority of providers do for transitional housing. Facilities are maintained on a shoestring existence and can still play a critical part in stabilized housing for those in recovery. She stated that they house those with incomes of less than \$197 a month. They struggle every month to keep their promise of providing a home for their residents.

Ms. Trapp stated that if the point of the proposed code amendment is to address and solve issues concerning transitional housing in Everett, then bring the providers together to discuss workable solutions and recommendations, and create a dialogue so people can appreciate the work they do and the people they serve. She stated that no one wants dangerous housing, no one wants our vulnerable individuals to be taken advantage of, and no one wants a neighborhood to fear transitional housing residents.

Michelle Westford, 2628 Grand Avenue, stated she and her family owns and operates clean and sober housing in Everett. Homelessness is a huge issue. She wasn't in support of the proposed code amendment. She was very proud of the work they do and the housing they provide.

Commission Discussion

Commissioner Lark asked to see the slide regarding the exceptions and stated that from his perspective it is a priority to make sure that there is a space for healing and provisions that allow housing for those in need.

Commissioner Beck asked if disabled unrelated adults in a house were protected under the Fair Housing Act. Mr. Giffen responded that recovering alcohol and drug abusers are considered disabled under the Fair Housing Act, so the limitation of four unrelated adults would not apply to disabled persons. The City has a reasonable accommodation process that allows up to any number that is reasonable as long as the basic building safety codes are met.

Chair Holland asked if the reasonable accommodation review process was addressed in the Zoning Code. Mr. Giffen responded that the review process was part of the Fair Housing Act provisions. Commissioner Beck asked if there was a permit process, and if not, how the City regulates clean and sober houses or transitional housing. Mr. Giffen responded that under the current definition up to 8 disabled individuals can live together and meet the definition of family. The Reasonable Accommodation Process is what the City uses when there are more than 8 residents proposed. The proposed definition would not be applied if it would deny reasonable accommodation for disabled individuals.

Commissioner Beck commented that defining family is a relic of the past and it is basically social commentary. There are a variety of ways that people from a social perspective define family. She stated that the local jurisdiction has a responsibility to make sure that the physical characteristics of the structure, the use of the property, and compatibility with the neighborhood.

Commissioner Sand asked if the review process included public notice and an appeal period. Mr. Giffen responded that under the Federal Fair Housing Act, the City can't require a public notice. Commissioner Sand asked if the City could do a courtesy notice. Mr. Giffen responded no. Commissioner Sand asked about the appeal process. Mr. Giffen responded that the appeal would go to the City's Land Use Hearing Examiner and that decision is appealable to Superior Court.

Commissioner Jordison referred to the exemptions and asked Mr. Giffen if that would include facilities like the Battered Women's Shelter or the Rape Crisis Center. Mr. Giffen responded that there was another review process for those types of facilities. Commissioner Jordison stated that he was still concerned about regulating facilities through the definition of family.

Mr. Giffen responded that there is a current definition of family, so the proposal is to clarify the definition and eliminate any reference to the numerical limitation on disabled individuals. If Commission prefers not to have a definition of family then we need to figure out how to repeal the definition and come up with another solution to address the issues for the problems the City is trying to address.

Commissioner Lark commented that instead of using the definition of family to tackle the issue, maybe the Commission should figure out what are the priorities are for housing, set a vision and standard, and work back from there instead of trying to amend the existing code.

Commissioner Beck stated that the City needs to update this according to State mandates to accommodate disabled adults. She stated that across the nation, the definition of family is being challenged. She added that what we are trying to accomplish is not to dramatically alter the definition but to address the changes that have been made in State law. Mr. Giffen responded that State law is not driving the need for the change, but that the City needs to comply with the Fair Housing Act. The proposal is just to provide some clarifications in the current definition.

Commissioner Sand stated that the testimony from Fresh Start has provided some valuable information as to what the new community needs are and how they are being satisfied. He asked if there was something about the proposal that would create an issue with the number of residents they are serving or restrict the activity. Mr. Giffen responded that there are no limits on the number of disabled tenants provided that the accommodation is reasonable. In regards to Fresh Start, it would appear that they would meet the proposed definition.

Commissioner Tisdell asked how the proposed amendments would affect student housing and the changing housing demographics. Mr. Giffen responded that there would be no limit to the number of related or disabled adults. He added that disabled housing would be reviewed through a reasonable accommodation process. Student housing would be allowed through the multi-family or student housing provisions in the Zoning Code.

Chair Holland asked about building inspections related to the proposed code amendments. Mr. Giffen responded that the amendments to the Zoning Code don't change the building or property maintenance codes. Those codes do not give the City the authority to access property without permission or court order. Nothing is proposed to change in that regard.

Commissioner Zelinski asked why there was a definition for family in the Code and what would happen if there was no definition of family in the Code.

Commissioner Dunn asked Mr. Giffen if he could clarify whether transitional housing would be affected by the proposed code amendment since the term family excludes individuals residing in half way houses, crisis residential centers, and other facilities as defined by State law. She asked if transitional housing would be included because homelessness is not a disability. Mr. Giffen responded that transitional housing for the homeless would probably be defined as supportive housing and there are provisions in the zoning code for supportive housing. Commissioner Dunn asked if the proposed amendment would affect Fresh Start. Mr. Giffen responded that from what he understood, Fresh Start is for people recovering from drug and alcohol abuse and if that is the case, the residents would be considered disabled and eligible for a reasonable accommodation approval. Commissioner Dunn responded that it didn't sound like they were all recovering from drug and alcohol abuse. Mr. Giffen

responded that the location at 3201 Wetmore would allow for roominghouses, so that use is allowed in that zone.

Commissioner Sand asked if such facilities required a business license. Mr. Giffen responded that disabled housing isn't considered a business so a business license isn't required. Commissioner Sand asked if the City knew where those types of facilities are located. Mr. Giffen responded that the City is only aware of a facility if a reasonable accommodation request is submitted or the City receives a complaint. Commissioner Sand stated that there needs to be a process to address these facilities to insure that they are being conducted in a safe manner and comply with building codes.

Commissioner Adams stated that it would be helpful to have a chart. He struggles with how these provisions apply to other provisions in the code. He asked if there was some way to create a matrix that helps Commission to figure out where the different types of housing are allowed. Mr. Giffen responded that the use table for residential zones would show where those facilities are allowed and not allowed. Commissioner Adams asked for a copy.

Chair Holland asked those in the audience to send Mr. Giffen information about their facilities which would help Commission understand whether or not the proposed definition would make their facility legal or illegal. Ms. Trapp stated that the women's home at 3201 Wetmore Avenue is located in a higher density zone; however, their men's home is located on Baker Avenue which is in a residential area. She stated that Fresh Start doesn't always house individuals that have drug and alcohol issues but some that are coming straight out of the penitentiary. She stated that the tenants create their home, they create their own environment, and they become responsible for the nature of what their family looks like. She added that she was happy to share whatever information Commission wanted to see.

Commissioner Sand stated that he would like staff to provide more information and to continue the discussion at a later meeting.

Commissioner Beck asked if there was a way without using the definition of family to regulate the number of unrelated adults. Mr. Giffen stated that he would speak to the building official. Chair Holland stated that there are specifics in the international building code to address what a household is.

Commissioner Jordison stated that there are some very good things happening in Everett to address homelessness. What Fresh Start and other such facilities are doing in the community is positive. He commented that anything the City could do to support those types of efforts such as reevaluating the Code is a benefit to the community. He stated that the City hears complaints but nobody hears about the good things that these types of facilities are doing for the community.

Commissioner Lark requested more feedback from staff about how other jurisdictions are regulating student housing. He would also like to address placemaking which could be created by having a collegiate feel to a particular part of town.

Commissioner Dunn would like feedback regarding why the City adopted the limit of 4 unrelated adults in the definition of family. She asked if there was an increase in neighborhood complaints related to the number of unrelated adults. She supported the idea of household or number of bedrooms or living space instead of a number limit.

Commissioner Sand didn't see a problem with the definition as proposed; however, he would like to know where the services are and what services are being offered. Mr. Giffen stated that the City would only have information on facilities that have gone through a reasonable accommodation request or the City has received a complaint about a facility.

Commissioner Sand asked if the existing facilities would be grandfathered or would they have to come into compliance if the proposed code amendment was adopted. Mr. Giffen responded that would be dependent on if the City adopts a lower number than 4. Commissioner Sand asked if there would be a conflict with the other amendments. Mr. Giffen responded no.

Chair Holland asked if Mr. Giffen could provide Commission with a list of who would be eligible for fair housing and what those groups are. Mr. Giffen responded he would provide more information.

Item 2: Metro Everett

David Stalheim, Long Range Planning Manager, provided information on the current focus of work, development incentives, and concept plans for areas considered for placemaking. The City will be meeting with Sound Transit on the concept plan for the Everett Station area. He stated that there is a Metro Everett public open house on October 6, 2016 at Everett Station from 4:30-6:30 p.m.

Commissioner Sand asked about the location of the maintenance yard for Sound Transit. Mr. Giffen responded that hasn't been sited yet. Commissioner Sand stated that it was a great idea to provide Sound Transit with a local concept plan early on to help direct their design process. Commissioner Jordison agreed.

Chair Holland stated that if the City reduces the open space requirements, he would be in favor of a pay in lieu program. He agreed that the jobs be living wage jobs for the tax credit. He asked what kind of fiscal impact would be created for the current rate payers for a reduction in utility connection charges.

Commissioner Lark agreed with the living wage tax credits. He also supported additional benefits for early adopters.

Commissioner Beck asked about the transit oriented development (TOD) that appeared to be located on City property. She asked if the City was also considering public private partnerships in terms of leasing properties. Mr. Giffen responded that the areas marked as TOD on the concept plan included privately owned, City owned, and Sound Transit owned properties. Commissioner Beck asked about the parking

lot in front of Everett Station. Mr. Giffen responded that was owned by Everett Transit and the City has been approached by developers who would like to redevelop that site.

Commissioner Sand asked about multi-family tax exemptions. Mr. Giffen responded that the property taxes are waived for a period of time and not deferred. Commissioner Sand asked if it was possible to do a cost analysis on one of the TOD properties. Mr. Stalheim added that the tax exemption is on the value of residential improvements, and not on the land. Mr. Giffen stated that in a mixed use building, the City collects property taxes on the non-residential portion of a mixed use building but the value of the residential improvements is not taxed for 8 or 12 years, depending on whether the project includes at least 20% affordable housing. Mr. Giffen stated that every project that has been built in the downtown in the last 15 years has taken advantage of the multi-family tax exemption program. Those developers have indicated that they could not make the development pencil out without the tax exemption.

Commissioner Adams asked if the City could adopt the first adopter incentives earlier to help incentivize development in the Everett Station area.

Commissioner Sand asked about targeted investment strategies where the City would put some money into some of the site requirements such as roadway improvements and pedestrian facilities. Mr. Giffen stated that the City Council is going through a visioning process and part their discussion would be how to prioritize capital improvement investments.

Mr. Stalheim referred to the concept plans that had potential areas for City investments such as the pedestrian path from Everett Station to downtown, the lower Hewitt Avenue concept plan, and the community renewal area. Part of the purpose of the community renewal plan is to look at what the City can do to address blight.

Commissioner Lark asked if the City had considered private partners for non-traditional public transit which would add more depth and diversity to transportation services. Mr. Giffen responded that he wasn't aware of any conversation regarding those modes of travel.

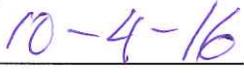
Other Business

Mr. Giffen stated that the Mayor and City Council are going to have a special meeting on October 1st to talk more about a visioning process. The City is currently seeking applicants to be a part of that process.



Planning Commission Secretary

8:47:05 PM ADJOURNED



Date



Kathy Davis, Administrative Assistant



Date

