

Dorothy Englund
Proposed Zoning Ordinance Amendments
May 26, 2015

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Re: Public Hearing Item 1 – Miscellaneous Zoning Ordinance Amendments, City-Wide

Chair Mascaro and Planning Commissioners,

I am unable to attend tonight's Planning Commission Meeting. However, I wanted to share a few observations and recommendations before this moves forward to City Council for their review and approval.

1. The notice of public hearing, item 5, states:

Amend and update various parking provisions to be consistent with recent Planning Commission determinations...Chapter 18.55.

The Planning Commission is supposed to make determinations that are consistent with our zoning regulations. So, this seems backwards – you are now proposing amendments to the zoning regulations because you haven't made determinations consistent with those regulations in the past.

2. During the Hilton Homewood Suites Appeal Hearing, Vice Mayor Durant spent some time discussing the difference between "should" and "shall." I haven't seen many references to "should," but the zoning regulations (in particular those dealing with parking) frequently use "shall."

I think the Planning Commission should direct staff to go back through all the "shalls," and change them to "may" or "should" if the Planning Commission believes those code sections should be flexible or discretionary.

3. Also during the Hilton Homewood Suites Appeal Hearing, Vice Mayor Durant asked staff if the zoning regulations prohibit parking facilities in the required front yard setback. Troy Fujimoto responded in the negative and assured Vice Mayor Durant that the zoning regulations do not restrict parking in the front yard setback.

PHCRG's Appeal referenced Section 18.55.020 F. Location and ownership. That code section specifically states: "Required front and corner side yards shall not be used to meet off-street parking requirements."

I emailed Vice Mayor Durant and asked if he could ask staff to interpret Section 18.55.050 F and explain how Troy Fujimoto's response at the Appeal Hearing was consistent with that code section.

After two emails and waiting ten days with no response from Vice Mayor Durant or staff, I emailed Mayor Ken Carlson. Mayor Carlson was very responsive and promptly emailed me the morning of May 14, 2015. Mayor Carlson told me he was trying to get an explanation from staff. That was almost two weeks ago and staff still hasn't provided Mayor Carlson or me with an explanation or interpretation of Section 18.55.050 F.

Please do not delete this wording from Section 18.55.050 F. until staff has explained how the City has interpreted this regulation in the past and what use permits or development applications the City has approved where the City deviated from this zoning regulation, and why the City decided to deviate from this zoning regulation.

4. In addition, please do not delete the distance requirements for shared parking agreements (also Section 18.55.020 F). These distance requirements help fulfill the goals of providing parking onsite to the extent feasible and ensuring that commercial developments don't adversely impact businesses and residents in the area.

Instead of deleting the distance requirements, consider adding wording on additional findings the Zoning Administrator and/or Planning Commission must make in order to exceed the distance requirements, such as:

"The location of the off-site, shared parking facility, will not cause an increase in on-street parking by customers/visitors; parking in parking facilities owned or utilized by other businesses; or parking in residential neighborhoods."

5. Please do not make any changes to Section 18.55.040 (leave the 20% maximum allowable reduction in the number of spaces provided).
6. Regarding the management of the City's Cultural Resources, the Architectural Review Commission will need a representative from the Historical Society and an Archaeologist to assist them in making determinations of historical or cultural significance.

Perhaps those two members can be "at large" or somehow called on an "as needed" basis to prepare the inventory of historical/cultural resources and to consult on specific structures or significant or potentially significant archaeological sites.

7. Regarding the minimum site area for certain uses (Section 18.20.040), I don't think it makes sense to introduce different development regulations (different application of gross or "net" lot area in Schedule 18.20.030 for our residential zones).

I do not think the City should change this regulation to accommodate one minor subdivision (out of only two possible subdivisions in the R-6, R-7 zone districts) or to accommodate a maximum of ten potential minor subdivisions in the R-10 zone district.

If the Planning Commission is intent on changing the qualifying criteria for minor subdivisions, please be fair to all residential zone districts and ensure the criteria is uniformly applied to all.

8. Regarding Supportive and Transitional Care Facilities, I don't understand why we are removing those from the various use classifications. I understand that the State Department of Housing and Community Development (HCD) wants these types of housing to be treated the same way as other residential housing within the same residential zone district. But, that doesn't mean we shouldn't list those types of housing (just as we list various types of commercial/retail businesses within the various PAO or RB zone districts.

Also, the "Supportive Care" Facility on Lisa Lane doesn't meet the definition of "supportive care" that staff is proposing to include in our zoning regulations. The Lisa Lane Facility imposes a limit on how long residents can remain (until the youngest child turns 18). The City's definition states:

"Housing with no limit on length of stay."

I recommend the City check with HCD to see how the City might reword the definition of "Supportive Housing" to fit the Lisa Lane Facility.

Alternatively, if the proposed definition is based on HCD's definition of "Supportive Housing," staff should work with HCD to determine if the Lisa Lane Facility falls into some other category.

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Thank you for your attention to these issues.

Dorothy Englund
150 Wyatt Circle