

**SEATTLE PLANNING COMMISSION**  
**MAY 8, 2003**  
**APPROVED MEETING MINUTES**

**Commissioners in Attendance:** Denise Lathrop, Vice Chair; Angela Brooks, Angali Bhagat, George Blomberg, Matthew Kitchen, Jeanne Krikawa, Joe Quintana, Steve Sheehy, Mimi Sheridan, Tony To.

**Commissioners Absent:** John Owen, Chair; Gregory Davis, Lyn Krizanich, Paul Tomita.

**Staff:** Cheryl Sizov, Acting Director; Barbara Wilson, Planning Commission Analyst

**Visitors:** Mary Jean Ryan, OPM; Jackie Kirn, OPM; John Shaw, DCLU.

**Call to Order**

Vice Chair Denise Lathrop called the meeting to order at 3:04 p.m.

**Approval of Minutes**

Commissioner Matthew Kitchen motioned to approve minutes, Commissioner Tony To seconded and the Commission unanimously approved.

**Chairs Report**

Vice Chair Lathrop informed the Commission the Waterfront Planning Subcommittee would meet on Monday, May 12<sup>th</sup>, noon-1:30 pm, and that Commissioners Jeanne Krikawa, John Owen, and George Blomberg would attend on behalf of the Planning Commission. Also on Monday May 12<sup>th</sup>, from 4-6:00 pm, we will kick off the Monorail Project Review Committee meeting. The Planning Commission's official members of the MRP are Paul Tomita, Mimi Sheridan, and Steve Sheehy. On Tuesday, May 13<sup>th</sup>, Cheryl Sizov will attend a Council Briefing on South Wallingford Plan Amendment along with DON staff and community members who will be briefing City Council on proposed amendments to the Wallingford Neighborhood Plan. Cheryl asked if Commissioners would like to attend, Commissioner Sheridan indicated it may not be necessary although the Commission we may want to schedule a subsequent briefing to Housing, Neighborhoods, and Urban Centers Committee.

Commission Lathrop also gave a reminder that the Commission agreed to write an article in the DCLU Info newsletter on the tentative topic "What/who the Planning Commission is and what it does". Commissioner Krizanich has volunteered and the article is due May 20<sup>th</sup>;

**COMMISSIONER SPOTLIGHT: ANJALI BHAGAT**

This months spotlight focused on Commissioner Anjali Bhagat. Commissioner Bhagat shared information about herself that included her professional and personal background.

**COMMISSION BUSINESS/DISCUSSION**

- **NOMINATING COMMITTEE REPORT**

Nominating Committee chair Krizanich was absent but Commissioners Mimi Sheridan and Anjali Bhagat reported that the Committee was still working hard to put together its slate of officers.

- **NORTHGATE DISCUSSION / PRESENTATION**

**Commission Update of Process:** Interim Director Cheryl Sizov gave the PC an update noting that the working draft of the reply to Peter Steinbrueck is still circulating for comments and another revision will go out after today's meeting. The plan will be to do a final version after the second part of the briefing by OPM, DCLU and SPU staff at the 5/13 Housing, neighborhoods and Urban Centers committee. The response will be finalized on 5/15 and the Commission will present the response to Council on Monday, May 19<sup>th</sup>.

Commission Analyst, Barbara Wilson, prepared a briefing book of background materials on Northgate including Commission-generated documents and letters as well as other studies and relevant information.

**Presentation / Q&A Session with OPM, DCLU** – Mary Jean Ryan and Jackie Kirn of OPM and John Shaw of DCLU made a presentation to address the Planning Commission's set of written questions that arose at the last Commission meeting.

John Shaw began by addressing questions about the Northgate Area Comprehensive Plan. When the Plan was adopted in September 1993 it also led to various changes in the Land Use Codes to NC3 zone with the intent of reducing auto dependency. An overlay district was also adopted that has additional zoning requirements. The key items of the overlay zone are; major pedestrian streets with special use and development standards, medium and large developments must do TMP's, adjustment of the parking requirements including a maximum parking standard (which Mr. Shaw stated is unusual in the city), and increases in the open space requirement for Master Use developments and the GDP.

Mr. Shaw went on to discuss how the Mayor's proposal would be different. Mr. Shaw stated the big differences in what the Mayor's proposal will do versus what we have now is that it changes the open space requirements and removes the GDP requirement, but nothing else would really change. The open space changes are the most complex. Currently open space requirements are based on the size of the lot, and zoning sets a certain percentage requirement. The change would require the amount to be based on the size of the development. Also, currently internal open space is allowed. The mall now has about 2 acres within the mall that count toward their open space requirements. Mr. Shaw explained that under current plan a property owner would start by identifying the zone they are in to determine percentage and type of open space and then get to development standards. The only difference with the proposed change would be the new basis is a percentage of gross lot area or of development only. The issue of incremental open space does not get addressed here but could happen in design review or project review.

Commissioner Kitchen asked if the incremental nature of developing open space could inadvertently preclude certain types of open space from ever being developed. Mr. Shaw stated a property owner could build more than required and let the next developer take credit for it. Ms. Ryan cautioned that we wouldn't ever get anything like a 5 acre park anyway. Commissioner Sheehy asked what the development agreement says and asked Ms. Ryan whether in negotiating, whether cash in lieu of doing incremental open space was considered. Ms. Ryan stated the development agreement does include application for 2.7 acres on south lot, but Simon doesn't get credit for that per se. It does not relieve them of any open space obligation on the mall side.

Commissioner To asked if the open space obligation on the 2.7 acres on the south lot is a stand alone in that it does not have any residential or mall open space obligation. Ms. Ryan confirmed that was correct. Commissioner Kitchen asked about the drainage and water quality parcel and how open space was prioritized over retention. Ms. Ryan stated that the city still has an obligation to treat the water in addition to storing it and that providing the open space was more in line with the communities' wishes to provide a community amenity. Commissioner Blomberg stated he thought the idea of "banking" open space and fish and wildlife habitat is exciting to consider here. He stated it was a good and admirable approach that creates a great opportunity. Vice Chair Lathrop reminded the group that the Commission would have a longer discussion on the drainage pond at the Tuesday 5/13 committee meeting.

Ms. Kirn passed a working draft of responses to the written questions that had been submitted by SPC to OPM. She noted a final draft would be sent by e-mail by COB 5/9. She began by addressing Q#3 as it is a very fundamental question. The question asks how the Mayor's proposal fits within the context of recent planning. They looked at SPC's Town Center charrette and 5<sup>th</sup> Avenue planning. There are two transformations that would take place. The first one is the provision of a civic anchor with community center, library and park, along with improvements along 5th Avenue NE, and 2.1 million dollars set aside to implement planning and project and improvements that Simon will make on their property to improve the pedestrian connection to Northgate which includes 2 walkways with landscaping and specific design features. The development agreement ensures that the planning for these three things happens together. The result is that this will become a much more interesting place with the establishment of a civic center that creates better pedestrian connectivity. The second area where a significant transformation will occur from the development agreement will occur on the south lot. One of the key areas of the development agreement is site control of the 2.7 acre lot. The development agreement has land use restrictions that would bind the owner or its successor. It will prohibit uses such as vehicle sales and heavy commercial. It also requires a minimum of 150 housing agreement. The development agreement also calls for joint planning of the three parcels on the south lot – the King county TOD, the city's open space and the middle parcel. It looks at the connectivity and pedestrian access with the connection to civic area, community features and the neighborhood. The other value of the development agreement is the synergy and joint planning it calls for. Without the development agreement these opportunities might be lost. It could be bought and subdivided under current zoning without the minimum housing requirement and opportunity for public open space. Once the city has site control there may be opportunities to change the requirements to maximize community benefits including open space and pedestrian circulation.

Ms. Ryan added that when they decided what they really value in the negotiation that they put a big emphasis on getting the land, seeing the south lot as the key to catalyst for areas. She believes that town center concepts are good but not useful without site control and it was very difficult to get land from Simon. It is a mall but the south lot gives the greatest opportunity for transformation. Getting site control is a key element.

Commissioner Lathrop questioned whether 150 units of housing is really creating something transformational in this area that will be a major transportation hub, noting that this just seems like too small an amount in an area where this is 1<sup>st</sup> step in setting precedent for other development. Ms. Ryan agreed that it was small but reiterated it was tough getting the land. Simon still owns the middle parcel but is trying to sell it under the current zoning. Simon was very tough on this element of the negotiation and adding it to the development agreement. The city in negotiation felt it was better to have a minimum amount of housing specified in the

agreement even though it is very likely it will be developed at a higher rate. She emphasized they could only get Simon to agree to the 150 minimum but it is just a minimum, not a cap. She believes there is some interest in this kind of multi-use development. In addition, in the negotiation they were able to get the commitment to joint planning in the list of prohibited uses and the minimum housing requirements. They felt that they could not get a higher minimum in the development agreement and then it would just be subject to zoning.

Commissioner Kitchen suggested that the best hope for the property would be to wait to develop it until King County's TOD sets the tone and a higher degree of development.

Ms. Kirn then discussed question #1 re: why are we changing regulation and how are we doing on meeting growth targets in the area. She distributed a chart on DCLU statistics on meeting the growth targets. Northgate is only meeting 6% of its housing targets. Ms. Kirn then went through a handout that looked at potential changes that would come from repealing the GDP and putting into place the development agreement. The development agreement will also impact what King County is willing to do on their property. They favor the repeal of the GDP and its code change. The Mollally property is also subject to the changes of the GDP. They have indicated they would be more willing to develop residential, mixed use development without the GDP. The projections show that some pretty significant improvements can be gained with the repeal of the GDP and the implementation of the development agreement. When you begin to look at the potential on just these properties and parcels a significant change is certainly possible. Ms. Ryan added that the zoning for housing in the area will have to be looked at again to see how they can better meet targets. They have heard things like height limits, water table issues that impact underground parking, etc. Cheryl Sizov wondered if the target was too high, noting that so little has been developed to date? Commissioner Sheridan pointed out that additional surrounding areas will also help to up the numbers toward reaching the goals but that these parcels will set the tone for transformation of the area. Ms. Ryan pointed out other properties where negotiation and other areas that could contribute to housing mixed use residential development. Ms. Kirn stated that Northgate is only the Urban Center that DCLU has had no issued building permits for this area currently.

Commissioner Quintana asked what the underlying criticism of the Mayor's proposal is. Ms. Ryan believes that the Commission is being asked straight up for their opinion because of their expertise and history of Seattle Planning Commission work in this area and the Council wants some real help and expertise since there really are complicated issues with this. And while the Mayor's proposal is not a "nirvana" solution; it is a good first step in a very challenging area. Commissioner Sheridan stated that in about 1990 the community started complaining about the mall and the traffic, so city agreed to pass the plan with an overlay. The Community is used to seeing the City constrain the mall. The Commission has been in agreement with the revoking of the GDP but now people are concerned because the Mayor is proposing to unlease the mall and it may feel like a sudden step so it is causing concern. Expectations are high but the public may feel the Mayor's proposal is only a leap forward. Commissioner Lathrop stated that the community members involved in the design charrettes were looking for something different than the GDP and that when the south lot went up for sale the community began to hope change was coming. Commissioner Quintana stated it sounded like the concerns really boiled to a conflict between desire and reality. Ms. Ryan stated that there also might be an underlying conflict between the desires and the fact that ultimately the mall is a mall and that is probably not going to change. Commissioners Kitchen stated that the development agreement may actually be viable as a step for change. Commissioner Blomberg stated that the question in many minds is whether it is a catalyst or just taking us a little way down the road in the right direction for achieving greater long term planning goals. If it does this it is healthy. Ms. Ryan stated she thinks the south lot

really offers a catalyst and potential. That is why they put so much energy into getting the property. Commissioner Kitchen wondered if the City believes it has a chance to do something with Parcel A that others could not do? Ms. Ryan stated that they think they can and that they would like the opportunity to take the chance, get it in public ownership and see what they can do. They will have a better chance at integrating 5<sup>th</sup> Avenue and Northgate with the south lot, but site control is the key to a more catalytic change.

Ms Ryan noted that in the next session on Tuesday, May 13<sup>th</sup> they would delve more deeply into the transportation plans and the storm water detention element. She also stated that the Commission could review the answers provided and let OPM staff know if everything was clear or if there were places where more detail would be useful. Cheryl Sizov then stated that the Commission had time on the agenda to ask specific questions. Commissioner Kitchen asked about what beyond mitigation is going to be the financial responsibility for development in this area. How much is required for developers to help fund transportation improvements. Seattle has chosen not to do concurrency requirements so it might be a policy problem. Ms. Ryan stated it is a complicated City issue and stated that the City traffic engineer is coming on Tuesday to talk in more detail. She hoped they might have found a positive solution that has positive implications for the whole city. Commissioner Kitchen said it would be beneficial for the city to start looking at transportation more holistically throughout the city.

John Shaw stated that South Lake Union could be a framework for Northgate and other areas in the city. Its looking at how we can have a transportation system and impact fees that contribute more broadly to identify impacts and hopefully the south lake union Commissioner Kitchen stated that timing of analysis versus issuance of development permits will be important. Commissioner To stated that there is a pretty big difference between SLU because the density and scale of the project is so different and Northgate which is so incremental. Regardless they will have to incorporate multi-jurisdictions and private interests to ensure the development around Northgate. He feels that it would be a disservice to Northgate to be compared to SLU.

Cheryl Sizov asked about more detailed questions in the Development Agreement. Ms Kirn noted that this is a fairly high-level development agreement; the site plan is still at a general level because they still need to go through SEPA and the design review is still to come. Those decisions are still to be determined and the administrative review process is still in place.

Commissioner Sheridan stated that the future vision seems to be the issue. Commissioner Lathrop said looking at national trends at malls is useful because a lot of these elements that are hoped for can be seen in other examples throughout the country. Bellevue Square is a close by example of where these elements come together to make a positive change. The conflict is where and how the city has gaps and an obligation to set a precedent for a broader vision. The housing question is really valid. How does this fit with new reality? Commissioner Kitchen said people want to ensure a broader vision for the area and to ensure the development agreement is a good agreement and that it furthers a vision and does not preclude the broader vision. Commissioner Lathrop stated that the City goes the extra mile to help set a precedent with this piece of the puzzle to creating an Urban Center. How does this project do this? How does it move us further? Commissioner Quintana stated he would like to see the development agreement wrapped up in a broader vision statement. He thinks this would help people to see where this fits into a bigger, broader vision.

- **COMMERCIAL CODE UPDATE / BRIEFING**

DCLU staffer Jory Phillips briefed the Commission on DCLU's process for updating the commercial code. The scope includes a long list of questions that DCLU has along with a process for answering them. The scope lists a draft schedule Mr. Phillips stated that he would be spearheading the Commercial Policies and Code Review. The Advisory Committee meets for the first time on Tuesday to talk about the depth and breadth of scope and the schedule. Two Commissioners are on the Advisory committee. They are tasked with meeting the Mayor's goal to get a simplified code by end of the year. This will take a large, sustained amount of city resources all year long to achieve this schedule and goal.

DCLU's approach to meeting this aggressive project and aggressive timeline is to get a simplified code that solves a limited amount of objectives by the end of the year and then lists items to carry over to later. Things that will take more time like transportation, revising pedestrian designations that are, and incentives for housing and sustainability might get implemented later on. They are looking at existing policies and zones, overlays, different restrictions. They have looked at what kinds of development we have gotten with the different zones and restrictions and are in the process of writing up that analysis. Commercial code is probably the easy place to start and make changes. There will be focus groups throughout so they can bring in more input from the many interested stakeholders. One of the big gaps to deal with is market and influence questions.

Commissioner To brought up that South end areas and other distressed areas can have a lot of issues with new things that those communities are not used to dealing with. Parking, lighting issues and other design issues will need some of this flexibility. Cheryl Sizov asked if there is a way to address unique issues to neighborhood versus the need for streamlining and consistency. Mr. Phillips suggested that the emphasis right now is for streamlining. Commissioner Sheridan suggested it might be useful to hold changes to live/work codes that are being looked at so they can be integrated into this process. Commissioner Blomberg asked how alternative analysis will be addressed. Ultimately they will assess and measure the impacts and make a final recommendation. Cheryl Sizov asked that beyond the involvement of Commissioners in the advisory committee is there anything else that would be useful for the Commission to do in the process? Mr. Phillips said he would hold off answering that question to see how involved the advisory committee wants to be. They certainly want the Commission's input where they have the inclination to provide it. Commissioner Kitchen suggested that in the beginning he is happy to get info through advisory committee.

#### **PUBLIC COMMENT**

There was no public comment.

#### **ADJOURN**

Commission Vice Chair Lathrop adjourned the meeting at 5: 30 p.m.