



# City of Seattle

Gregory J. Nickels, Mayor

## SEATTLE PLANNING COMMISSION SEPTEMBER 28, 2006 APPROVED MEETING MINUTES

### **Commissioners in Attendance**

Jerry Finrow – Chair, Linda Amato, George Blomberg, Chris Fiori, Martin Kaplan, Valerie Kinast, Kay Knapton, M. Michelle Mattox, Kevin McDonald, Kirsten Pennington, Carl See, Steve Sheehy and Tony To

### **Commissioners Absent**

Hilda Blanco, Mahlon Clements, and Tom Eanes

### **Commission Staff**

Barbara Wilson – Director, and Robin Magonegil – Administrative Assistant

### **Guests**

Steve Moddemeyer and Lish Whitson - DPD

### **In Attendance**

Tim King, Washington State Department of Transportation; Marcia Wagoner, PRR; and Debera Carlton Harrell, P-I Reporter

*Please Note: Seattle Planning Commission meeting minutes are not an exact transcript but instead represent key points and the basis of the discussion.*

### **CALL TO ORDER**

The meeting was called to order at 7:32 am by Chair Jerry Finrow.

### **COMMISSION BUSINESS**

#### ▪ Approve July 27, 2006 Minutes

**ACTION:** Commissioner Kay Knapton moved to approve the July 27, 2006 minutes. Commissioner Chris Fiori seconded the motion. The motion passed unanimously.

#### ▪ Approve August 24, 2006 Minutes

**ACTION:** Commissioner Kay Knapton moved to approve the August 24, 2006 minutes. Commissioner Chris Fiori seconded the motion. The motion passed unanimously.

- **Approve September 14, 2006 Minutes**

<b>ACTION:</b> Commissioner Kay Knapton moved to approve the July 27, 2006 minutes. Commissioner Valerie Kinast seconded the motion. The motion passed. Commissioners Jerry Finrow, Kevin McDonald and Kirsten Pennington abstained.
--

- **Chairs Report**

- **Announcements, Updates & Upcoming Meetings**

- Upcoming Meetings

Chair Finrow reported on the upcoming meetings. He called attention to the Executive Committee meeting on October 3 at 7:30 am, the Housing, Neighborhood Planning and Urban Centers Committee on October 10 at 7:30 am, the Full Commission meeting on October 12 at 3:00 pm and the Land Use and Transportation Committee on October 19 at 7:30 am.

- Welcome New Get Engaged Member, Amalia Leighton

Chair Finrow welcomed the new Get Engaged Commission member, Amalia Leighton. He noted that her term begins on September 30. Chair Finrow asked Ms. Leighton to introduce herself and to give some of her background.

Amalia Leighton introduced herself and noted her professional and personal background including that that she is Civil Engineer with SvR Design Company.

- New Rules on Ethics for Advisory Boards

Director Barbara Wilson reported that she is delighted that the legislation has passed at full council noting that it has been one year of working on this issue. Ms. Wilson thanked the Commissioners for all their help on this, especially to Commissioners Tony To, Martin Kaplan and Steve Sheehy. Ms. Wilson noted that the outcome was good and that the legislation that passed is a political compromise but is a workable solution.

Ms. Wilson went over the changes. She noted that the overall gist of the change is that volunteer advisory boards and commissions are subject to the ethics code however there is a specific distinction and definition for advisory bodies. It clearly distinguishes that advisory boards are different than paid employees or elected officials who make decisions. The changes include several stipulations about how the ethics code is applied to volunteer advisory board members. Ms. Wilson reported that the most significant of all is that advisory board members have to disclose but do not have to recuse themselves for an appearance of conflict or a private interest. Ms. Wilson noted that if an advisory board member has a financial conflict of interest on a matter before the Commission recusal is required. She then discussed several administrative procedures that the Planning Commission will put in place to implement the new guidelines. She noted that she is in the process of preparing a one pager for Commissioners on the changes.

Commissioner Sheehy stated that Council approached this issue very carefully. He added that the changes are significant and the fines are the least significant issue. Commissioner Sheehy noted that

‘matter’ was defined and that it does not include advice or recommendations regarding broad policies and goals. He stated that the Planning Commission’s fundamental mission is to provide input on the Comprehensive Plan and there is no conflict of interest with any of the Commissioners. Commissioner Sheehy thanked Barbara Wilson for all her hard work on this.

Ms. Wilson asked if there were any questions from the Commissioners on this.

Commissioner Fiori thanked Commissioner Sheehy for following this issue and helping the other Commissioners with this confusing issue.

Chair Finrow suggested that a one pager be produced to describe this issue for all the future members of the Planning Commission.

- Thank you to outgoing Get Engaged member, Commissioner Carl See

Chair Finrow thanked Commissioner Carl See for his commitment to good public involvement processes and to being a voice for citizen participation in planning. Chair Finrow acknowledged all of Commissioner’s See contributions to the Commission’s work on the adult cabaret review, the comp plan review, and many of the big transportation projects.

Commissioner See thanked for the opportunity to participate and stated that it was a great experience.

## ▪ ACTION ITEMS

### Alaskan Way Viaduct Letter – Formal record of vote

Chair Finrow read the summary of action into the record.

#### **SUMMARY OF ACTION:**

**“On September 21, 2006 Seattle Planning Commission approved the Final Draft of the letter to the Seattle City Council to recommend against forwarding an advisory ballot to Seattle voters on the Alaskan Way Viaduct Project. The Commission has a long history of engaging the public in major planning and design processes and in offering our consultation to city officials in public involvement processes. In that spirit the Commission recommended that the council not delegate the decision to an advisory vote.**

**Formal record of vote tally: 11 members voted to approve, 1 member voted not to approve, 1 member abstained, 1 member was excused, and 2 members were unavailable. Action is approved.**

Please see attached letter and summary of action (Attachment 1)

### 520 DEIS - SPC Recommendation of Preferred Alternative

**NOTES FOR THE RECORD: Chair Finrow asked if there were any Commissioners who wished to disclose any conflict of interest or to recuse themselves.**

**Commissioner Steve Sheehy disclosed that he works for Sound Transit, who is a co-lead on the project, recused himself and left the room.**

**Commissioner Kirsten Pennington disclosed that her firm (CH2M Hill) had a large part in writing the draft so she recused herself and left the room.**

**Chair Finrow disclosed that he is employed by the University of Washington which has a great interest in this project but that he has no financial conflict of interest thus is not required to recuse. Ms. Wilson noted that the Seattle Ethics and Elections Commission (SEEC) Director has provided Mr. Finrow with a Advisory Opinion that determined that he has no financial interest so must disclose on the record and to SEEC office but can participate in all Commission discussion and activities on this matter.**

Ms. Wilson noted that there are currently two potential places for the Planning Commission to weigh in on the project; providing comments to the Washington State Department of Transportation on the Draft Environmental Impact Statement (DEIS) and to provide Planning Commission recommendations about the preferred alternative. She added that the Commission has had a request from City Councilmember Conlin to give Council recommendations to help to inform their decision on this project and the selection of a preferred alternative. Ms. Wilson noted that the comment deadline has been extended until the end of October but she added that City Council is going to move forward and adopt a resolution on either October 16<sup>th</sup> or the 23<sup>rd</sup>. The Planning Commission has been asked to attend the Council Committee of the Whole meeting on October 16<sup>th</sup> to provide comment and advise.

Chair Finrow asked if any of the Commissioners have any really big issues with the DEIS or is it sufficient as an overall document.

Commissioner Linda Amato stated that she takes issue with the purpose and need of the project. She added that her understanding all along was that the reason that they are doing this project is because 520 is going to sink and that it is not seismically stable. Commissioner Amato stated that when you read the purpose and need that is only one of the reasons they are doing it with the other to build more capacity and she questions that. Commissioner Amato stated that, with the purpose and need aside, it is a pretty good document but she would have liked to have more details.

Commissioner Kevin McDonald noted that he found it extremely readable and user friendly.

Commissioner Kinast mentioned that she feels that the biggest question is deciding between the Pacific Interchange and no Pacific Interchange. She added that the fish and habitat issues are going to be central to whether do the Pacific Interchange. Commissioner Kinast shared that she thought the letter from Metro was very good. She added that she feels that it is going to come down to a decision between fish or transit.

Commissioner McDonald stated that the Pacific Interchange works fabulously if you are a transit operator and if you want to link Sound Transit and the surface bus system but the loss of the Montlake fly over stop is an inconvenience for people coming from the south.

Commissioner Fiori asked Commissioner McDonald his thoughts about whether people from downtown would be more likely to take a bus over Capitol Hill down to the station and transfer over to another bus going to Redmond/Bellevue corridor or to get on the light rail station around I-90.

Commissioner McDonald responded that the connections from centers are going to change travel patterns. He continued that for people who live on Capitol Hill they are still likely going to take the bus.

Commissioner Fiori stated that he finds the document overwhelming and that he cannot decide between the Pacific Interchange option and the base six lanes. He added that the 6 lane option seems to function better. He continued that there is no option that he can get excited about. Commissioner Fiori stated that the other issue has to do with the sound walls.

Commissioner McDonald agreed that it is a massive document so he picked apart the pieces. He added that in regards to the sound walls the document states that if there is room there will be some trees or shrubs planted. Commissioner McDonald stated “if there is room” should not be an option and that room be made so that these sound walls are properly landscaped and fit into the neighborhoods that they are going into. He added that he is also concerned about pedestrian/bicycle plans and wanted to be sure that, on the Seattle side, there are adequate connections to get to the bridge. Commissioner McDonald stated that it looked like the connections were getting short changed. Commissioner McDonald reported that there was a comment related to the construction effects and that it was going to be the most inconvenient time for pedestrians to access the bus system. He feels that some mitigation should be included to accommodate those riders.

Chair Finrow wondered if the issue about the design and landscaping of the sound walls should be a fairly significant comment that we should make. Commissioner Kinast stated that we should question the sound walls in general. Chair Finrow suggested that maybe we say something along the lines of this issue being quite significant that it needs more study.

Commissioner Amato stated that she had not really read Chapter 5 but one of the issues that did pop out to her had to do with the historic structures in the area. She added that there did not seem to be any discussion and that it is just mentioned in passing. Commissioner Amato wonders what historic structures and what they are going to do about that.

**NOTES FOR THE RECORD: Chair Finrow suspended the discussion and deferred the Comp Plan Amendments discussion due to time constraints and the scheduled briefing.**

**He asked that Commissioners Sheehy & Pennington be invited back into the room. Commissioner Pennington returned and Commissioner Sheehy did not return for the remainder of the meeting.**

## **COMMISSION DISCUSSION**

### **▪ Briefing – Seattle Green Factor – Steve Moddemeyer and Lish Whitson, Department of Planning & Development**

Steve Moddemeyer gave a presentation on the Seattle Green Factor. The power point presentation is attached to the minutes (See attachment #2)

Commissioner Kaplan asked how this is going to be implemented once that permit is issued. He wondered how they are going to follow the maintenance of these. Mr. Moddemeyer stated that it would be complaint driven and the complaint system is not widely used. He added that public education and advocacy is another piece that he hopes would raise the level of awareness of the importance of

landscaping. Mr. Moddemeyer stated that the vast majority of people comply but there would be some drop off. Lish Whitson stated that the code compliance staff is concerned about the same issue. He added that they have been talking about the first three years of the plantings and the importance of that.

Chair Finrow asked when this will come before the Council and what the timing is and wondered if this is part of the commercial code ordinance package.

Mr. Moddemeyer responded that it is part of the commercial code update. Mr. Whitson stated that the Council UDP committee will have a final public hearing on November 28. He added that the hope is that the whole package would be voted on December 4-11 in full Council and would go into effect in mid January. Ms. Wilson added that Council Central Staff has asked the Commission to weigh in on the Commercial code package on November 17<sup>th</sup>. Mr. Whitson stated that it has been pushed to the 20<sup>th</sup>.

Chair Finrow noted that we have already weighed in on the Commercial Code update (a.k.a NBDS) but it has really changed and now there is this quite substantial additional element. He feels that the Commission needs to have a major session of this to bring us all up to speed and then we will have to make comments.

Ms. Wilson replied that it had been in the Housing, Neighborhood Planning and Urban Centers committee a few weeks ago. She added that Lish Whitson from DPD and Rebecca Herzfeld from Council Central Staff were there and walked the Committee through the changes made by Council since the Mayor released his proposal in 2005. Chair Finrow stated that we need to get an update for the entire Planning Commission and a sense about what kind of letter we will write. He added that the comments that we might make about Green Factor is going to be part of the Commercial Code update package.

Ms. Wilson noted that this requirement is in lieu of other requirements. Chair Finrow asked if the landscaping requirement is coming out completely. Mr. Moddemeyer responded that it does not but that it just gets met with the Green Factor.

Commissioner Kinast asked how the 30% compares to what we currently do. Mr. Whitson replied that it is currently 5% of the lot area but that can be waived if there is space on your site for visible landscaping.

Ms. Wilson noted that Commissioner Eanes major concern on this is whether or not this is structured in a way that it leads to two main choices; a green roof or trees with a large canopy. She shared that his concern is that this may be a challenge to implement. Mr. Moddemeyer stated that they have talked to SDOT and they have said that they still prefer to have more vegetation. He added that green walls are also a viable alternative as they take up little ground space and are very inexpensive. Mr. Moddemeyer noted that there will be a transition period.

Chair Finrow thanked Steve Moddemeyer and Lish Whitson for the briefing.

### **PUBLIC COMMENT**

There was no public comment.

## **ACTION ITEMS:**

Chair Finrow returned to the Action Items that are still on the table.

### **2006 Comprehensive Plan Amendments – SPC Recommendations to City Council**

**DEFERRED TO LATER DATE: Chair Finrow deferred the Comp Plan Amendment discussion to a later meeting and returned the discussion to the 520 DEIS.**

Ms. Wilson noted that the good news in regards to comments on the Comp Plan is that the Council will not vote on this until December. She noted that the UDP is already going through it and the sooner that we weigh in the better. Ms. Wilson suggested that we have a letter and full review by the end of October. Ms. Wilson noted that they have started putting together a letter and trying to identify some of the big issues that the Commission need to decide. She added that she feels that most decisions on whether to approve or not approve are pretty easy, however, there are many amendments that where the Commission will want more detailed comments.

### **520 DEIS - SPC Recommendation of Preferred Alternative**

**NOTE FOR THE RECORD: Commissioner Pennington recused herself and left the meeting. Commissioner Sheehy was not present as he has left the meeting earlier.**

Chair Finrow suggested that this be a major topic of the Executive Committee meeting's agenda and they work on starting to craft a letter that would summarize the comments made by the Commission. He asked that Commissioners continue to get all of their comments to Barbara Wilson.

Commissioner Amato asked if we have heard anything on the Adult Cabaret. Ms. Wilson responded that Council is looking at it and there is a little bit of concern regarding the timing of looking at a revised ordinance and the potential changes to the operating rules of adult cabarets. She added that this issue may come back to us. Chair Finrow noted that it really may depend on how the vote goes in November.

## **ADJOURNMENT**

Chair Finrow adjourned the meeting at 9:05 am.