

**City of Lynnwood
PLANNING COMMISSION MINUTES
July 26, 2007**

Commissioners Present:

Patrick Decker, Chair
Michael Wojack, Second Vice-chair
Maria Ambalada
Jeff Davies
Tia Peycheff
Richard Wright

Staff Present:

Planning Manager Garrett
Associate Planner John Bowler
Shay Davidson, Admin. Assistant

Commissioners Absent:

Elisa Elliott, First Vice-chair None

Others Absent:

Ted Hikel, City Council Liaison

CALL TO ORDER

The meeting was called to order by Chair Decker at 7:00 p.m.

APPROVAL OF MINUTES

None

COUNCIL LIAISON REPORT

Councilmember Ted Hikel reported that the City Council has had no actions that affect the Planning Commission in the last month. The Council is gearing up now to do the biennial budget halfway review and may be coming back with some items at the next meeting.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

1. Signs in Right-of-Way Code Amendments

Staff Presentation:

Planning Manager Kevin Garrett reviewed what has happened with this item over the last few months. The Planning Commission's comments from the April Work Session were reviewed with the City Attorney and Community Development Director Paul Krauss.

The language was revised fairly substantially from what was seen in April and was being brought back for the purpose of public hearing.

The Blazin' Bagels case in Redmond found that sign regulations for signs in the right-of-way like Lynnwood's are not constitutional. The recommendation is to revise them to make them constitutional. The actual changes are attached as Attachment A. He reviewed those differences. There is a new section, Chapter 16 of Title 21 of the Zoning code, which specifically addresses off-premises portable business signs. Part A addresses two types of signs: Stationary A-frame and movable signs which are often carried by people. Part B addresses the new regulations. Stationary signs are allowed essentially in the right-of-way, on the sidewalk, on the edge of the sidewalk furthest away from the street. They must be picked up when the business is closed. Sandwich boards and moveable handheld sign regulations address unique circumstances related to these types of signs.

Mr. Garrett referred to the first page of Attachment A at the bottom, under Moveable/Handheld. In Section I, the City Attorney has recommended deletion of the words, "distribute handbills, leaflets, or any other form of advertising or "since these are activities protected by the Constitution. This section would then say, "The sign bearer should not orally solicit business from people in vehicles."

He requested Planning Commission comment on the maximum allowable size of stationary and movable/handheld signs. He noted that other language that the Planning Commission was not comfortable with was also removed.

Public Testimony:

Chair Decker opened the hearing for public testimony and solicited public comment on these proposed amendments at 7:14 p.m. seeing none, the hearing was closed at 7:14 p.m.

Planning Commission Discussion:

Chair Decker referred to page 5 of the Staff Presentation under "Banner Signs except those permitted in LMC 21.16". He asked what the exceptions that are permitted in LMC 21.16. Mr. Garrett said civic banners and special event banners were some of the exceptions. These would not be affected by this code. Chair Decker asked about the definition of a banner. Mr. Garrett thought it was defined in the zoning code, but did not have it available. He offered to look into this further if desired. Chair Decker stated that he did not want to see language that would prohibit signs/banners such as those at the movie theater. Mr. Garrett replied that the zoning code had been amended to accommodate that type of signs. These are allowed in areas that are primarily pedestrian and not visible from a public street. He stated that the mall would not be affected by this amendment.

Chair Decker then pointed out a typo on page 4, B, b.

Chair Decker suggested a maximum size of 2' x 3'. Commissioner Peycheff felt that it should be large enough to read from a vehicle. Staff recommended a maximum stationary sign size of 3' x 4'.

Commissioner Wojack asked about the size of sidewalks in Lynnwood. Mr. Garrett explained that there is a bit of a gray area because the signs can be situated on the sidewalk, but not blocking it.

Commissioner Wright asked if there was any reason why width and height were being addressed versus merely square footage. Mr. Garrett was not aware of any reason why they couldn't address the total square footage. Commissioner Wright thought that square footage would be a reasonable method of addressing this. Commissioner Davies concurred with this. Chair Decker said he was comfortable with square footage such as 12 square feet, but noted that they would need to keep an eye on it. There was discussion about wind issues related to holding a very large sign. There was consensus to regulate the size of stationary signs to 12 square feet and handheld signs to 8 square feet.

Commissioner Psycheff asked if this applied to things like fundraising events. Mr. Garrett said that it would, but temporary special events are allowed more signage than typical.

Commissioner Psycheff commented that she didn't have a problem with kids at a carwashes waving with their signs. Mr. Garrett said that the code would be applied if there was a serious situation where they had to take enforcement action. A typical event would not be affected by this.

Commissioner Davies agreed with Commissioner Psycheff. He suggested striking "wave at and shout at" from the sentence regarding disrupting traffic or endanger pedestrian or traffic safety. Mr. Garrett concurred with deleting "wave at", but recommended leaving in "shout at" since this can be distracting to drivers. Commissioner Davies and Chair Decker concurred.

Commissioner Davies then asked if these rules would be enforced by the code enforcement officer or by the police. Mr. Garrett said it would typically be enforced by the code enforcement officer.

Commissioner Davies referred to section 3, letter J, "Signs Attached to Vehicles". He suggested more clarification on signs painted on vehicles, signs in the windows and signs attached to the vehicles. Planning Manager Garrett commented that the language in section J is currently on the books and they are not proposing any changes to it. He noted that there is a fine line between an operable vehicle with an attached sign (such as paint or magnetic signs) and an old nonfunctioning car with a sign painted on it or a truck with a big a-frame in the back in a parking lot. Those are dealt with through separate code language. He also noted that political signs are covered by an entirely separate body of law. This code is referring to commercial signs.

Chair Decker referred to page 5, item iii and suggested that "flags" be stricken from this prohibition. He thought that this might cause issues with people who wanted to carry national flags while advertising. Mr. Garrett indicated that he would check with the city attorney on that and make whatever changes he suggested.

Commissioner Wright suggested that "flags" be replaced with "pennants". He referred to language limiting "wearing clothing with accoutrements" and asked if this referred to situations such as people wearing monkey suits or chicken costumes since this can be very distracting in traffic. Mr. Garrett said that it would be their intention to prohibit those

because they can distract traffic. He said he would check with the city attorney on this aspect also.

Mr. Garrett summarized the proposed changes as follows:

- Paragraph B1 (b) – size of stationary sign limited to 12 square feet.
- Paragraph B3 (b) – size of moveable handheld sign limited to 8 square feet.
- Paragraph B3 (d) – delete the words, “distribute handbills, leaflets or any other form of advertising or”.
- Paragraph B3 (d) – delete the words, “wave at”.
- Clarify with the city attorney the understanding of the word “clothing” and whether it includes costumes.
- Clarify with the city attorney the term “flags” and how it relates to national flags. Should this be changed to “pennants”?
- Chair Decker referred to page 4, 2C, and asked for clarification about the term “moveable parts”.

Motion made by Chair Decker and was seconded by Commissioner Psycheff to recommend adoption of the proposed code amendments to the City Council with the changes and amendments that the Planning Commission has proposed as above. Motion passed unanimously (6-0).

WORK SESSION

Commute Trip Reduction Plans and Programs

Chair Decker explained that they would get a briefing on the requirements of the 2006 Washington Commute Trip Reduction Efficiency Act (CTREA) and draft plans to respond to those requirements.

Planning Manager Garrett introduced the item and Associate Planner John Bowler who is the lead on CTR issues. He explained that there are two important pieces – one is optional and is the GTEC plan for reducing use of single-occupant vehicles in a Growth and Transportation Efficiency Center such as the City Center area. The other is part is an update of the basic CTR plan which is mandatory. The draft plans are under review right now by the Puget Sound Regional Council. Staff is expecting revisions from them so are not looking for any action from the Planning Commission until those changes are completed. This will return to the Planning Commission for a more formal process.

Mr. Bowler reviewed the CTR program. He explained that employers with 100 or more employees reporting to work between 6 and 9 a.m. are required to have a CTR program in place. This is primarily informational such as bulletin boards, paycheck inserts, etc. to encourage use of “non-drive alone” transportation. The primary source of materials is Community Transit. The City’s primary role in it is to review the efforts of the employers in Lynnwood. There are currently six employers in Lynnwood that are affected by the CTR law.

He explained that this version is similar to the previous one. The main difference is the higher goals of commute trip reduction and the target for total vehicle miles traveled.

Planning Commission Discussion:

Commissioner Ambalada asked if a feasibility study has been done with the cooperation of neighboring cities since Lynnwood is not the only one who causes the traffic congestion. Mr. Bowler said that one of the requirements of the new CTR plan is cooperation with adjoining jurisdictions. The City of Lynnwood did hold consultations with the other eight affected jurisdictions in Snohomish County and with the County itself.

Commissioner Ambalada asked if students at Edmonds Community College were considered employees. Mr. Bowler said that certain groups, such as school and university faculty, are exempt. He reviewed how the law relates to schools and universities. Commissioner Ambalada noted that since the aim is to reduce traffic congestion in the area, perhaps employers could work out a plan of being open 24 hours for employees and work on different shifts. Mr. Bowler agreed that this would be an alternative. The GTEC plan includes things like carpool, van pool and transit and also includes things like encouraging flexible work hours and telecommuting. He explained that there are very few mandatory elements in the CTR and it is based on a good faith effort.

Mr. Bowler then discussed the GTEC program. This is an optional program that was made available to certain local jurisdictions. Certain criteria are required for it to apply such as being an already designated Regional Growth Center. It is meant to be more inclusive than the CTR program. The GTEC program is intended to encourage things like transit use, carpooling and alternative work hours, etc., but it is meant to cover a particular geographic concentration of employment and would potentially involve all of the employers in that geographical area. GTEC can also include things like an area-wide parking management strategy and improvements to sidewalks to improve walkability. This will require administration and funding. The state has made approximately \$2 million available for GTECs, but there is little information yet as to how that will be distributed.

Commissioner Ambalada suggested that the GTEC program might be a good project for the new Department of Neighborhoods. Mr. Garrett discussed the work that needed to be done by staff initiate this program. He suggested that this program needs to be successful to accommodate all the cars anticipated for the City Center project. He discussed congestion in Bellevue during peak hour travel even with relatively high level of transit use.

Councilmember Hikel added that Bellevue is coming to the point where they will have to pay for parking. The Downtown Bellevue Association is the moving force behind their subsidization of Metro passes to get people to the downtown Bellevue area. Employers can either ask their employees to use those that are subsidized or buy the passes for their own employees so that they can take the bus. He envisioned that something like this would be necessary for downtown Lynnwood in the future. There was some discussion about local and regional transit opportunities.

Chair Decker commended the foresight of staff and planners who had discussed trip reduction types of measures years ago in planning the city center project with ideas such as pedestrian-friendly walkways, promenades, etc. to be able to move people around without having to get in their vehicles.

Code Amendments regarding Work Release Facilities

Would the Commission ask staff to initiate a code amendment regarding work release facilities?

Mr. Garrett explained that these cannot be outlawed, but they can develop reasonable regulations and that is what staff is proposing to draft.

Chair Decker stated that since this cannot be outlawed it is appropriate for staff to initiate a study on the matter. There was consensus of the commission to initiate a study.

DIRECTOR'S REPORT & INFORMATION:

1. Upcoming Commission Meetings

8/9 – No meeting

8/23 – Workshop. Kevin Garrett discussed the need for briefings regarding the following:

- Energy Element
- Update of 2020 regional plan (Vision 2040) for Puget Sound Regional Council (PSRC). There will be a briefing for Council by PSRC on August 15. He encouraged the Planning Commission to attend.

Councilmember Hikel invited the Planning Commission to attend Shakespeare in the Park at Lynndale Park on Thursday, August 9 at 7:00 p.m.

John Bowler asked any commissioners who would like a copy of the CTR and GTEC to let him know. Chair Decker asked him to make them available on the website. Mr. Bowler stated that he would.

ADJOURNMENT

Motion made by Chair Decker, seconded by Commissioner Wojack to adjourn the meeting. Motion passed unanimously (6-0). The meeting was adjourned at 8:11 p.m.

Patrick Decker, Chair