PLANNING ADVISORY BOARD
AGENDA
JUNE 4, 2013 – 3:00-5pm
LANGLEY CITY HALL  - 112 2nd Street, Langley WA

1) Call to Order and Roll Call
2) Approval of Minutes – May 1, 2013
3) Code Amendment Discussion
4) Downtown Parking and Parklets Discussion
5) Discussion of Amplified Music Restrictions
6) Project Updates
7) Other board member items not on the Agenda
8) Audience Input
9) Adjourn

Next Regular Meeting: July 3, 2013 (tentative)
The meeting was called to order at 3:01.

Members present: Thomas Gill, Dominique Emerson, Aaron Simpson (alternate), Gail Fleming, Roger Gage
Staff present: Jeff Arango, Cheryl Knighton

APPROVAL OF MINUTES
Motion Thomas, Seconded Aaron. Approved with corrections.

Comprehensive Plan Updates

Staff report. It was recommended by Jeff that the city not move forward with the proposal at this time because of the opposition from residents on Sunrise Lane. Dominique is still concerned about not letting the ball drop as far as a circulation plan from the Park to Wharf St. Is there evidence of vandalism? Aaron has spoken with some of the residents and toured the area. He feels it would be a huge challenge to put in a Right of Way. Connie Marcucci said there is only about 10’ from the bank to her house. Feels there is a safety issue regarding the bluff. During the time of the slide, the gate was left open and there was vandalism that took place with a rock being thrown through a window. Aaron wonders if there may be another route that could be taken that would not impact peoples' personal lives. At this time it is tabled.

Land Use Designations on First, Second, and Third Streets

Jeff has amended the map to be consistent with the existing zoning for the properties affected.

There was much discussion regarding the funicular and the elevator. Gail asked about Paul Schell’s plan and if there had been any response to the elevator idea. Jeff met with Paul Schell and feels that it is worth pursuing. Dominique is worried about the long term maintenance. Gail asked about the properties on
Minnie Lane regarding the zoning. Jeff explained that it was at the property owner’s request.

Motion, to present the findings of fact to the council. Aaron. Second Roger. Approved.

**First Street Parking**

Jeff explained how it came about. Spoke about some concerns the merchants have. He talked about the impact on parallel parking verse angled. In the handout he gave three alternatives that were developed. Most were in support of Alternative C the “parklets” that provide a mini park like setting with seating and landscaping. Gail was in favor of them being placed in the area of the restaurants.

Break at 3:45
Continued at 4:10

Discussion continued First Street Parking …. Dominique would like a net loss of parking spaces in total between all projects. Jeff will provide. There will be signs placed directing parking in other area around town. Decided to table this for now and discuss at next meeting.

**Upper Langley Project**

Carrie Peterson introduced Chris Morrow and Roger Bennett and gave a presentation on the project. She passed out handouts of the area that will be developed. She explained the number house affordable houses with will be built and how they intend to environmentally friendly with the entire project. Some of the concerns from the PAB were traffic on Al Anderson and pedestrian access. The PAB has nothing officially to do with the decision making process on this project it will be up to the hearing officer. The PAB thanked the committee for their presentation.

Meeting adjourned 5:20PM
Memo

To: Planning Advisory Board (PAB)
From: Jeff Arango, AICP – Director of Community Planning
Date: May 31, 2013

Re: Development Code Amendments

Following completion of the PAB’s work on the comprehensive plan amendments the next item on the 2013 work plan is amendments to the city’s development code. The focus of the amendments is on development review procedures as more substantive amendments will be conducted following the

Below is a preliminary list of code amendments:

1. **Design Review Board (DRB) Scope + Review**
   a. Restructure the DRB to be an advisory body to the underlying land use permit whether it is reviewed administratively or via the hearing examiner. The City of Seattle structures their design review process as being advisory to the entity issuing the land use permit. This allows for a more comprehensive approach to project review that integrates design review and land use permitting.
   
   b. Grant the DRB authority to serve as the city’s “design commission” in order to advise the city on all public improvement projects. All city projects would require review by the city’s “design commission”.

   c. New Design Guidelines (to be completed later this year)

2. **SEPA Review and Appeals** – This was an issue that was brought up several years ago in terms of the need to clarify the SEPA appeals process and other procedural issues. These amendments should be considered at this time.
   a. Clarify SEPA appeals for project and non-project actions

3. **Establish a Site Plan Review Process** - Many cities have a site plan review process for reviewing multi-family and commercial development projects. Site plan review allows for a comprehensive permit review that encompasses design review, zoning, and construction standards. Depending on the size and scope of the project there will be different levels of review including administrative review and review by the hearing examiner for larger projects. Site plan review would be required for any multi-family project involving 3 or more units and commercial projects.

4. **Updated Landscaping Standard** – The existing standard is inadequate.
Memo

To: Planning Advisory Board (PAB)
From: Jeff Arango, AICP – Director of Community Planning
Date: May 31, 2013

Re: Downtown Parking + Parklets

At the May 1, 2013 PAB meeting the board requested that staff provide additional information on the affect of planned downtown projects on the overall parking inventory and more specific information on the public parking utilization from the 2011 downtown parking study.

During peak utilization for the three days in which parking counts were conducted in the summer of 2011 there were approximately 180 total parking spaces available and 87 public parking spaces available in the central business district. At all other times in which counts were performed there were a greater number of parking spaces available. The parking counts did not include the 50 parking spaces at the new CMA park + ride lot that is 800’ from the Cascade/First/Second intersection.

As part of the Second Street Project the parking on the north side of the street will be converted from angled parking to parallel parking resulting in an expansion of pedestrian space and a reduction in parking. In addition, the rain garden and public plaza will also result in a conversion of parking to pedestrian space and green stormwater infrastructure. The result is a loss of approximately 20 parking spaces. However, the city plans to work with the post office to convert the 15 minute parking adjacent to Useless Bay Coffee from 15 minute postal parking to general four hour public parking.

The parklet proposal would result in the elimination of four parking spaces as currently designed.

Attached are the parking count graphs and parking district maps from the 2011 parking study.
Langley Downtown Parking Study
District #2

Map showing parking areas with street project highlighted.
Total Parking Occupancy - Saturday 8/20/11

Time of Day

12pm

- Total Occupancy: 60.92%
- District 3: 58.62%
- District 2: 52.68%
- District 1: 51.22%

1pm

- Total Occupancy: 62.02%
- District 3: 56.47%
- District 2: 51.22%
- District 1: 51.22%

2pm

- Total Occupancy: 57.66%
- District 3: 48.29%
- District 2: 50.83%
- District 1: 48.29%

Total Parking Occupancy:

- District 3: 90.74%
- District 2: 81.48%
- District 1: 70.00%
Total Parking Occupancy - Friday 9/2/11

Parking Occupancy

- 3pm
- 2pm
- 1pm
- 12pm
- 11am

Time of Day

Parking Occupancy

- Total Occupancy
- District 3
- District 2
- District 1
ORDINANCE NO. 989

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, ADOPTING NEW SECTION 18.22.095, AMENDING SECTIONS 18.01.040, 18.16.020, AND 18.18.020 OF TITLE 18 OF THE LANGLEY MUNICIPAL CODE ADDRESSING COMMERCIAL DEVELOPMENT ADJACENT TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, REPEALING INTERIM ORDINANCE 979 AND SECTION 18.16.085, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City’s adopted Comprehensive Plan includes nine goals deemed to be essential in maintaining a satisfactory quality of life for Langley; and

WHEREAS, one such goal is the encouragement of changes that promote livability, pedestrian orientation, and thoughtful design, and limit stress factors such as noise and air pollution and traffic congestion; and

WHEREAS, certain development and potential development may occur in a manner that conflicts with one or more policies or other provisions of the adopted Comprehensive Plan; and

WHEREAS, the City of Langley intends by this ordinance to better implement the following Comprehensive Plan Policies, and to ensure that the City’s Comprehensive Plan remains consistent with its adopted development regulations:

2.5 Continue the conservation of housing through public investment in the infrastructure needed to service the community (water, sewer, storm drainage, streets, and pathways) and in development regulations necessary to prevent incompatible land use;

3.8 Require buffers (vegetation, fences, etc.) between certain land uses to minimize the impact of one use upon another, such as businesses adjacent to residences; and

3.9 Prevent incompatible land uses or blighting of residential neighborhoods through active code enforcement of available regulatory measures;

WHEREAS, the lack of sufficient regulations controlling and conditioning commercial development on sites adjacent to residentially zoned properties may potentially allow for incompatible land uses; and

WHEREAS, a vibrant downtown with opportunities for arts and entertainment is in the city’s interest and supports the economic viability of the community; and

WHEREAS, the SEPA Responsible Official has determined that this ordinance is exempt from SEPA review as a non-project action that is required for consistency with the comprehensive plan; and
**WHEREAS**, the city was granted expedited review from the Department of Commerce on September 11, 2012 in satisfaction of the review requirements of the Growth Management Act; and

**WHEREAS**, the Planning Advisory Board held a public hearing on December 10, 2012 to consider the proposal and accept public comment. Following the close of the public hearing the Planning Advisory Board unanimously recommended the city council adopt the ordinance as presented.

NOW, THEREFORE, be it ordained by the City Council of the City of Langley, Washington, as follows:

**Section 1.** A new section 18.22.095 of the Langley Municipal Code is hereby created to read as follows:

**18.22.095 – COMMERCIAL DEVELOPMENT ADJACENT TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS**

1. **Purpose.** The special standards set forth below for commercial development adjacent to properties zoned single-family residential serve the following purposes:

   A. In adopting these regulations, the City Council finds that commercial establishments adjacent to residential neighborhoods and in particular those uses selling alcoholic beverages, within the City of Langley may present problems that negatively affect adjacent residential neighborhoods.

   B. Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on the premises.

   C. The City Council further finds that the existence of such problems may create a serious and negative impact on the peace, health, safety and welfare of residents of nearby areas including the devaluation of property and negatively impacting the quality of life of adjacent residents.

   D. These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to their adjacency to residential neighborhoods.

   E. The conditional use permit process is a means to review the effects of establishments selling alcoholic beverages on adjacent residential uses on a case by case basis, and to prevent the undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.

2. **Special Standards**
A. **Scope.** These standards apply to all commercial development proposed adjacent to a single-family residential zoning district regardless of the underlying zoning district for the proposed commercial development.

B. Taverns, cocktail lounges and any establishment that is entirely restricted to those 21 and over are prohibited as a principal use. Age-restricted areas within licensed premises shall be allowed only as authorized below. Restaurants must meet food service requirements of the Washington State Liquor Control Board.

C. All premises licensed to sell alcohol for on-site consumption shall require a conditional use permit to establish, modify or expand the existing use. For hotels/motels/inns that contain a licensed premise, conditional use permit approval is only required to establish, modify or expand the licensed service area.

D. With a conditional use permit, an age-restricted lounge may be allowed as a secondary use within licensed premises. The size of the lounge shall be limited to 500 square feet of the customer service area (exclusive of service areas, but inclusive of the lounge area) for establishments that contain up to 2,500 square feet of customer service area. For establishments exceeding 2,500 square feet of customer service area, the lounge shall not exceed 25% of the customer service area. The principal use shall not be age-restricted at any time unless associated with a special events permit as authorized below and in compliance with the Washington State Liquor Control board laws.

E. All licensed premises are subject to a 30’ buffer from all property lines adjacent to a single family residential zoning district, as measured from the common property line to the nearest point of the licensed premises (e.g., exterior wall, or any outside seating associated with the licensed premises) including all gross square footage associated with the establishment. The conditional use permit may include a requirement that the buffer area be landscaped to minimize adverse impacts on the adjacent residential area including impacts caused by changes in topography between the residential and commercial zones. Pre-existing uses that do not meet the buffer distance requirement may expand with a conditional use permit provided that the expansion meets all applicable requirements including setback and buffer requirements and does not encroach further towards the common boundary with any single-family residential zoning district. The city may allow, with conditional use permit approval, minor expansions within the buffer that do not expand customer service areas. Such expansions may include kitchen, bathroom or storage space.

F. Live amplified music is prohibited without a special events permit issued by the City Council. No exterior live amplified music shall be permitted. In order to obtain a special events permit, the applicant shall be required to demonstrate to the satisfaction of the City Council reasonable temporary or permanent means used to attenuate noise impacts to adjacent residential properties. A maximum of
six special live amplified music permits may be issued in a calendar year. Live music in a non-age restricted dining area shall require approval of the Washington State Liquor Control Board and a copy must be provided to the City prior to approval. Amplified live music associated with a special events permit shall cease at 10:00 p.m. Sunday through Thursday nights and 11:00 p.m. on Friday and Saturday nights. On New Year’s Eve, such amplified live music must cease by 1:00 a.m.

G. Setbacks: A standard setback of 15’ is required from all single family zoning district boundaries. The setbacks may be reduced to those required in the underlying zoning district with a Conditional Use Permit and following approval of the Design Review Board.

H. Location of parking: Parking shall be located on the side of the property opposite from the residential zoning or in the rear of the property. If the parking is in the rear of the property, screening is required to buffer the parking area from the residential property.

I. Building design: Building development shall be compatible in scale and character with the residential buildings in the vicinity. New or expanded buildings must include noise attenuation that addresses all potential noise impacts, including, but not limited to live music. Outside seating should only be allowed on the side of a building opposite the residential zone.

J. Special Conditional Use Standards – In addition to the required conditional use permit findings set forth in LMC 18.28.044 the following findings must also be made as part of any conditional use permit approval under this section:

   a. The establishment has adequately mitigated impacts through the design and operation of the licensed premises on the surrounding residential neighborhood including, but not limited to, screening, location of parking, design and locations of entrances and exits, design and location of outdoor seating and service areas, noise emanating from the establishment including building infrastructure, and other measures to minimize noise impacts from customers leaving the establishment.

Section 2. Section 18.01.040 of the Langley Municipal Code is hereby amended to add the following definitions, to read as follows:

LMC 18.01.040 - Definitions

“Adjacent” means having a common endpoint or border where the extension of the property lines of the licensed premises contacts that common border.
"Licensed Premises" means any establishment licensed to sell alcoholic beverages for consumption on the premises at any time.

"Liquor bar" means a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.

"Lounge" means the portion of a restaurant or other principal use that is used primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge.

"Night club" shall mean any alcoholic beverage sales commercial activity which engages in the sale of alcoholic beverages in conjunction with providing live entertainment (including the playing of recorded music) or dancing between the hours of 6:00 p.m. to 2:00 a.m. regardless of whether such establishment is simultaneously offering restaurant meal service.

"Restaurant" means an establishment with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public.

"Service Area" means the area of a licensed premise where customers may order and consume alcoholic beverages.

"Tavern" means an establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

Section 3. Section 18.16.020 of the Langley Municipal Code is hereby amended to read as follows:

LMC 18.16.020  Secondary uses.

Secondary uses in the CB zone are:
A. Dwelling units in principal buildings, provided that commercial uses shall occupy the first and/or street level of the building;
B. Consumer goods repair;
C. On-site hazardous waste treatment and storage facilities, provided that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210, or its successor.
D. In-home family day care.
E. Adult Family Home.
F. Wireless Communication Antenna Arrays.
G. Lounges.

Section 4. Section 18.18.020 of the Langley Municipal Code is hereby amended created to read as follows:

LMC 18.18.020 Secondary uses.

Secondary uses in the NB zone are:
A. Accessory uses and structures;
B. Home occupations;
C. Foster homes;
D. Home day care;
E. Guest Houses. Guesthouses are added as a secondary use under this subsection but only if the principal use of the subject property under this section is a single-family dwelling;
F. In-home family day care;
G. Adult Family Home;
H. Wireless Communication Antenna Arrays.
I. Lounges.


Section 6. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this 22nd day of January, 2013.

Larry Kvarick, Mayor
ATTEST:

Debbie L. Mahler, Director of Finance/City Clerk

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney
SUMMARY OF
ORDINANCE NO. 989
OF THE CITY OF
LANGLEY
WASHINGTON
On the 22nd day of January, 2013, the City Council of the City of Langley, passed Ordinance No. 989, a summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF
THE CITY OF
LANGLEY,
WASHINGTON,
amending sections
18.01.040m 18.16.020
and 18.16.020 of Title
18 of the Langley Municipal Code
addressing
commercial
development adjacent to single family
residential zoning districts, repealing
interim ordinance 979
and Section 18.16.085
providing for
severability and establishing an
effective date.
The full text of the Ordinance will be mailed upon request.
Debbie L. Mahler, City Clerk-Treasurer
LEGAL NO. 459992
Published: Whidbey News-Times, South Whidbey Record. February 13, 2013.

IN THE SUPERIOR COURT OF
THE STATE OF WASHINGTON
COUNTY OF ISLAND
AFFIDAVIT OF PUBLICATION

In the Matter of Ord 989

STATE OF WASHINGTON
SS.
COUNTY OF ISLAND

The undersigned, being first duly sworn, on oath deposes that she is principal clerk of the WHIDBEY NEWS-TIMES/SOUTH WHIDBEY RECORD a bi-weekly newspaper. That said newspaper has been approved as a legal newspaper by the Superior Court of Island County and it is now and has been for more than six months prior to the date of publication herein after referred to, published in the English language continually as a bi-weekly newspaper in Island County, Washington, and it is now and during all of the said time was printed in an office maintained by said newspaper.

That the annexed is a true copy of all advertisement, with publication dates, as it was published in regular issues (and not in supplemental form) of said newspaper commencing with the issue of February 13, and ending with the issue of February 13, 2013.

That said newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of $ 56.07

Subscribed and sworn to me this 10 day of February 2013

CONIE ROSS

Commission Expires
3/11/2013

NOTARY PUBLIC
STATE OF WASHINGTON

Connie Ross
Notary Public and for the State of Washington Residing at Oak Harbor
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