

Minutes of the Development Review Commission September 13, 2016

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in Council Chambers, 31 East Fifth Street, Tempe, Arizona

Present:

Chair Linda Spears
Commissioner Thomas Brown
Commissioner Angela Thornton
Commissioner Scott Summers
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Alternate Commissioner Barbara Lloyd (Item #4, The Pier, only)
Alternate Commissioner Gerald Langston

City Staff Present:

Ryan Levesque, Com Dev Deputy Director - Planning
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Cynthia Jarrad, Admin. Assistant

Absent:

Vice Chair David Lyon
Alternate Commissioner Nicholas Labadie

Hearing convened at 6:00 p.m. and was called to order by Chair Linda Spears.

Consideration of Meeting Minutes:

- 1) Study Session June 28, 2016
- 2) Regular Meeting June 28, 2016

MOTION: Motion made by Commissioner Thornton to approve Study Session minutes for June 28, 2016 and seconded by Commissioner Johnson.

Vote: Motion passes 4-0

MOTION: Motion made by Commissioner Thornton to approve Regular Meeting Minutes for June 28, 2016 and seconded by Commissioner Johnson.

VOTE: Motion passes 4-0

The following items were considered for Consent Agenda:

- 3) Request for a Development Plan Review for a new 19,000 square-foot sanctuary addition for **FIRST BAPTIST CHURCH WORSHIP SPACE (PL160155)**, located at 4525 South McClintock Drive. The applicant is DFDG.

MOTION: Motion made by Commissioner Thornton to approve a new 19,000 square-foot sanctuary addition for **FIRST BAPTIST CHURCH WORSHIP SPACE (PL160155)**, located at 4525 South McClintock Drive. Motion seconded by Commissioner Langston.

VOTE: Motion passes 7-0.

The following items were considered for **Public Hearing:**

Commissioner Brown stepped down from the dais; Alternate Commissioner Lloyd took his place.

- 4) Request for an Amended Planned Area Development Overlay and Development Plan Review for two new 24- story buildings consisting of a mixed-use 586-unit multi-family with retail and restaurant uses, and a Use Permit to allow tandem parking for **THE PIER (PL160248)**, located at 1190 East Vista Del Lago Drive. The applicant is Sender Associates Chtd.

PRESENTATION BY STAFF:

Diana Kaminski, Senior Planner provided a presentation of the project that also outlined the changes from the previously approved project in January 2016. The Pier is located on the south side of Tempe Town Lake, west of Tempe Marketplace, east of Arizona State University within an original Planned Area Development approved in 2007 and an amended PAD approved in January 2016. The development was subdivided and street improvements installed; the lots have remained undeveloped. Lot 5 of the development was originally proposed for a hotel use, the most recent approval was to allow 551 units within a new mixed-use development of residential, retail and restaurant uses along the lakefront. A pedestrian tract to the east would be developed by the owner of the lot to the east, and the shared access drive on the west adjoins with a lot owned by the City of Tempe. The proposed building would contain four levels of underground structured parking under the footprint of the site with market rate apartments over first floor retail and restaurant use. While drafting the construction documents, the structural system of the building changed, resulting in a re-evaluation of the plan. The floorplate for parking changed with the structural modifications, which, in combination with proposed changes to increase the unit and bedroom count, impacted the required and provided parking. The applicant is seeking to add an additional floor and 35 units, reduce parking and increase tandem parking. Ms. Kaminski specified that the changes in essence would be to the commercial space, the Use Permit conditions are the same, and that DPR conditions did not change. Ms. Kaminski also specifically identified for the Commission which conditions had changed and which remain the same from the previous approval. Ms. Kaminski also stated that no calls or issues have been received from the public, nor from ASU, regarding this project.

PRESENTATION BY APPLICANT:

Darin Senders of Senders Associates presented the project information. She explained that there are some very minor changes with large implications to this project, since it had been before the Commission and City Council in January of this year. She presented renderings, some new and some from the previous submittal. She stated the colors and materials, etc are all the same, but an additional floor has been added to the top. They hope to add the reflecting pool back to the plans, as there is currently an easement in that area, this would be through administrative approval. This would be the first property going into the Pier 202/Southbank development; they are not seeking any zoning changes. Nothing has changed on the site plan except for the small water feature mentioned earlier. The reason they are before the Commission is because some structural/building changes had to be made, and since they switched back to a post-tension concrete system like most other high-rise buildings, it shrunk the spaces down some, brought the building height down by twenty feet or so. Since this affected the aesthetics of the building too much, the architects decided another floor needed to be added. However, the height is still less than the height that was previously approved. This also changed the unit count, increasing it by thirty-five units, and requiring the project to come back before the Commission. This reflects only a 6.3% change in residential units. These changes also resulted in parking changes. Parking spaces have been reduced by 2.6%, twenty-nine spaces (an increase in tandem spaces, and a decrease in compact spaces). These changes also affected the landscape, and landscape has actually increased a little. Ms. Senders then asked to discuss staff's Use Permit stipulations #3 and #4. She disagrees with the stipulations because they call out a specific number of types of parking spaces. She stated that is not reasonable, as this is a mixed-use project, and parking and the spaces within the garage may change over time, and then the applicant may find themselves in violation of these conditions, needing to appear before the Commission again.

Chair Spears asked Ms. Senders if they have a shared-use model for the parking. Ms. Senders responded that they do not have the model yet, but that Pier 202 had always planned to have shared parking between uses, buildings, and sites. Their parking analysis supports the sharing of commercial and residential spaces. Chair Spears inquired if they are then precluded from taking more residential parking, if needed for commercial use, or vice versa. Ms.

Senders responded that technically they could, but there is a tipping point as to residential spaces, as they have to have the parking available for residents.

Ms. Senders went on to speak about PAD condition #7, concerning the parking spaces on the street. They are requesting three of those spaces be reserved for them, similar to the Hanover project. They are working with Alex Smith, Community Development Deputy Director – Special Projects on this. They have taken seven parallel spaces on the street and converted them to seventeen angled spaces, so street parking is increasing. The client is asking that this be granted even on a temporary basis, for the leasing office, until a certain occupancy rate or a certain time in the future.

Rob Fransway of Springbrook Development LLC, stated that he is aware that Ms. Kaminski has some technical difficulties in allowing this that he does not understand but respects. He stated changing the parallel stalls to diagonal stalls makes sense and sets precedence in the area. Being that the project has subterranean parking, he would like the potential renters to have easy access to parking and this would allow it. They also need minimal signage to identify the leasing office.

Chair Spears asked that Mr. Fransway point out on the map where those three spaces are, and Mr. Fransway clarified.

Commissioner Thornton asked Ms. Kaminski if those public spaces would be metered. Ms. Kaminski responded that the existing seven spaces are in the public right of way, they are public spaces. The applicant is asking for a disposition agreement to purchase the City property to acquire as part of their development, adding ten more spaces on their private property with an easement that would retain the spaces for public use. They would be available for public use, but the applicant is counting them in their parking calculations. The City would determine at a later date if these spaces would ever be metered. This was discussed a year ago, and Ms. Kaminski was advised that the City could not make that commitment, as it involves a disposition agreement of property. Ms. Kaminski also clarified that the applicant needs to work with the City as part of a Development Agreement regarding the issue of whether these spaces can be used on a temporary basis for leasing purposes. This matter cannot be addressed with the PAD entitlement process. These spaces are to be dedicated long-term as public spaces even though the applicant has the benefit of having those seventeen spaces counted as part of the total parking available onsite.

Chair Spears asked for clarification whether the seventeen spaces, once built, would be owned by The Pier or by The City. Ms. Kaminski stated if the City and the applicant entered into a disposition agreement then the property lines would be adjusted and those spaces would become part of The Pier private property with an easement for public access parking.

Chair Spears inquired if there is a proposed purchase, Ms. Kaminski responded that there is ongoing conversation regarding disposition of property between the applicant and the City.

Ms. Senders explained that the underground garage actually comes out under those spaces, and therefore they are abandoning them and granting an easement back to the City for those spaces. This is what the applicant is discussing with Alex Smith, the City abandoning the spaces to The Pier for a reasonable purchase amount, and then The Pier granting an easement back to the City.

Chair Spears asked Ms. Kaminski if this is not part of the PAD, can the Commission act on it? Ms. Kaminski stated the City, as one of the property owners, has authorized the request for the PAD application but DRC or staff cannot address the issue of allowing temporary reserved spaces at this meeting. That would have to be addressed via the development agreement.

Commissioner Thornton then asked why the Commission is looking at this, if it is not part of the conditions. Ms. Kaminski stated that #7 was an existing condition from last year, it had not changed. It is acknowledging that there are parking spaces along that south side and they will enter into an agreement for those to be recorded concurrently

with the deed. Their PAD cannot take effect unless the City conveys the property to them and they develop these spaces.

Commissioner Sumners asked for clarification that the seventeen spaces are for public parking, but they are counted in the project number as available spaces for the project. This does not make sense to him. Ms. Kaminski stated that this property is not in the Transportation Overlay District, but it is common in certain urban areas that you would count on-street parking as part of your total parking calculations. In this case, it is not in the TOD, but by the parking study and the PAD, staff is allowing them to count those seventeen spaces in the total parking provided for the project.

Commissioner Lloyd asked if this would be setting precedence and of this is how the City is envisioning parking for any future developments. Ms. Kaminski stated that this is the first development to go into the south bank area. There is a Master Plan in place for this area that contemplates parallel parking on the south side. Ms. Kaminski stated that the Master Plan would have to be revisited in terms of the intent of parking along the street front on the other site.

Ms. Senders pointed out that there is a trend for what they are proposing; an example is the parallel parking along Seventh Street. Angled parking has been replacing the parallel along Seventh Street; it allows more spaces and ease of use. She stated she understood the Commission may not have the purview tonight, the applicants are continuing to work with the City, they just wanted to "begin the discussion" tonight.

Chair Spears stated that she thought it would not be a problem with them going back to staff and working out some kind of agreement without having a recorded stipulation.

Ms. Senders stated the other stipulation Ms. Kaminski had mentioned earlier was Landscape condition #25 under Design Review stipulations. This has to do with the street trees on the south side, along Vista del Lago.

Mr. Jeff Anderson, the landscape architect for the project stated that he is familiar with the concerns over planting depth and planting over structure. His firm has done several projects over structure, and they have had success, with large trees. Examples would be Scottsdale Spectrum, which is an office complex with very large trees over structure, which has been there about 15 years; the trees are 25-30 feet tall. They also completed Hayden Ferry Lakeside, and are currently working on Marina Heights. The project here is very similar in regards to soil depth. They are planning to have some of the soil below grade so they can keep it cooler. They project working with 4.5 to 5 feet of soil. At his firm's renovation project at the Biltmore Financial Center at 24th Street and Camelback, the trees have been in the ground since 1983. There are ficus trees there in about 5-6 feet of soil, again, there since 1983, and they are conservatively 50 feet tall. What they have found in their practice is that there is more importance in the width of the planter than how deep. Once you get past the root ball of the tree, it is more important to have at least three times the width of the root ball as opposed to having a small tree well. There are fewer problems if there are 9 to 10 foot wide planters, rather than deeper ones. He is hoping to come up with some kind of agreement, he has invited Ms. Kaminski to come out to the job site, as it is under construction, and she can see exactly how deep it is. It is not exactly the same scenario, as it is in a courtyard, a bit more protected, but the trees are awaiting re-planting.

Chair Spears asked Ms. Kaminski to re-clarify what her changes or modifications were regarding this from the original stipulation. Ms. Kaminski pointed out in great detail a diagram that was provided on the report of the condition that is being proposed. There is an existing public utility easement that has to have a root barrier, so you are essentially creating a barrier along the entire bottom, two feet below soil and two feet above soil. They are proposing to mound this, she has not seen an application of this in which the monsoons don't wash the soil out and expose the roots, but this is the condition that is being proposed. What is shown on the drawing is what was previously approved with the condition that they provide the soil going down to the depth of the garage; this is from last year's presentation. Ms. Kaminski explained that the solution presented by staff allows for a reduction of 10 spaces and still provide the required landscape and trees required by the project.

Mr. Fransway stated that the solution he is proposing as a pilot project will work and can be repeated to other projects on the lake and that he disagrees with staff on this particular issue.

Commissioner Amorosi pointed out that according to the landscape architect Mr. Anderson, the project at 24th & Camelback had between 5 and 6 feet of depth for the trees there but this project does not have as much depth. Mr. Fransway responded that they had barely five feet, but the trees at Camelback are over 50 feet tall, with the 5 to 6 feet of soil to support them, and you need the depth to support the canopy. In this project, however, the Chinese Pistache trees only grow to 25 to 30 feet in a normal situation, so they are half the canopy, this species of tree is half the size of the trees on Camelback. Commissioner Amorosi questioned that 4 feet of soil was not adequate for the trees to reach the height and growth at maturity. Mr. Fransway stated that they have nearly the same amount of soil as the Camelback site, where the trees are twice as large as these trees would ever be, based on their species. Commissioner Amorosi pointed out that the Camelback trees are in a courtyard that are sheltered by buildings, and they are not being exposed to a full force of wind, as these trees will on the street, during a monsoon.

Commissioner Johnson asked staff for clarification on the species of the tree, he thought the species in the front would be Velvet Ash, not Chinese Pistache, unless there is a change to the existing Master Plan. His question is what is the method for changing the Master Plan, specifically trees in the Master Plan. Ms. Kaminski stated that a revision to the master plan would be required and it would involve participation of all property owners within the master plan. It is a separate City process and that has not been initiated yet.

Chair Spears inquired how staff would handle modification to conditions of approval that were previously approved by City Council. Ms. Kaminski stated that the applicant would have to fulfill the condition of approval as previously approved by City Council. Chair Spears asked if staff's concerns would be addressed by keeping the original condition of approval. Ms. Kaminski confirmed that would meet the requirements.

Ms. Senders stated that Ms. Kaminski is providing an alternative and they are providing another alternative, so maybe the applicant can take the original stipulation and provide an alternative that is acceptable to the City. Chair Spears stated that she understands that an alternative is being proposed but she would really like the commission to consider only the changes that are being made as a result of the additional units and the parking changes. Chair Spears stated that any technical changes proposed can be handled in the way that they normally would have been, through staff, rather than come back before them tonight.

Commissioner Lloyd stated her concerns about the proposed tandem parking. She does not believe it is practical for a building of this scale. Commissioner Lloyd asked that the applicant if they have a done any similar projects in the valley. Mr. Fransway responded that the goal and the use for that it is primarily for the valet parking. He stated it works for limited residential and commercial uses. Ms. Senders also responded that the Farmer-University project has tandem residential and tandem commercial, and most of their hotel parking is valet. They also used tandem spaces in the Whole Foods project that just came through. It is widely used throughout the valley in mixed use projects, and the percentage here is much lower than the norm.

Commissioner Sumners stated that he agreed with the use of tandem parking for valet but asked for further clarification in the total number of tandem parking provided. He stated that in the materials before him, however, 38 spaces are marked as valet, but there are 178 tandem spaces, and that the 178 tandem are just multi-family, so is the report not correct or what? Mr. Fransway responded that the tandem does progress from the B2 to the B1 level, which is the commercial space. The tandem level does carry down through all four floors. It was in the original approval, and it is in this submittal as well. They are just maximizing the efficiency of the parking garage, as the stalls could have been used for something else; it is just extra parking for the residents to park to store other vehicles such as a boat. Many people have extra vehicles such as boats or motorcycles that are unused, and that is generally what it's used for. They will reserve the parking for the units, there's space for bicycles and a storage cabinet for each unit above their stall at the end.

Commissioner Amorosi commented that they are more than doubling the amount of tandem parking and it "looks as if you have 206 two-bedroom and 4 three-bedroom units. Should I assume that all those will be tandem parking, how will that work if you live on the 20th floor, it's 11pm, and your roommate needs to leave, you have to go down and move your car and come back up, paying rates on the lake?" If this is the case, his opinion would be to add a floor of

parking rather than a floor of apartments, so as to have less rather than more tandem parking. Ms. Senders responded that it is not 90 tandem spaces, it is 180. Mr. Fransway stated that when someone leases a home, they would reserve a space based on their needs. Many people have additional non-used vehicles, as stated previously. There are only 4 three-bedroom units, the rest are two bedrooms and most likely rented by singles or couples. Commissioner Amorosi inquired about visitor parking, if there is not enough parking for residents, then where will visitors park? Mr. Fransway responded that visitor parking is at E1 level, which is open to the public. In addition to that, visitors can access the lower levels. Ms. Senders commented that at this point in the process on parking within mixed use projects, you typically have the numbers and locations of spaces, but usually don't have the specifics on where every valet, residential, etc. space is going to be. As part of their construction documents process, they refine the garage and decide specifics. Guest parking is typically combined with commercial parking. The extra spaces are required by ordinance but they're not required to be reserved or assigned. This project meets the requirements for residential parking; their parking analysis shows that they have sufficient parking for commercial and residential as well. Tandem parking for residential has become very common in the last 6-7 years, as they are very efficient and also managed well, each unit has its own tandem parking, and there is no sharing with a neighbor, which makes it much easier to manage. 216 spaces are what they have, and that is fully supported by their parking analysis as well as staff.

Chair Spears then reminded the Commission members that the existing entitlements are the ones that this board and the Council have approved, so they are really only considering the increases in parking, and that would be due to the additional 35 units.

Commissioner Amorosi asked for explanation as to why the applicant wants to add congestion to the towers. He said they referred to aesthetics, but with a tower that is 290 feet, a person would not notice 10 feet difference, if they don't add those 35 extra units in the towers.

Mr. Fransway responded that the number of units added has to do with the fact that in the design and the massing of the project.

Commissioner Thornton asked if the parking spaces are being charged for, or do they come with the cost of rent. Mr. Fransway responded that one or two spaces would be included with the home, they will probably charge for the second to optimize parking spaces, as some persons that would have two spaces don't actually need the second space.

Commissioner Johnson asked about conditions for approval under Use Permit, #3 and #4. The applicants had stated their issues with #3, but were they ok with #4? Ms. Senders responded that she had the same concerns with both conditions, and that was that they were calling for a specific number of parking spaces being assigned to a certain type of parking. She is opposed to tying themselves to a conceptual floor plan in the garage at this time and tying them to specific uses will restrict the flexibility of parking with the changing uses over time.

Chair Spears asked staff again, since these conditions were not in the original stipulation, what in the additional units and additional parking prompted you to add these additional stipulations?

Ms. Kaminski explained that in regards to #4, it was based on the parking study and floor plans that they showed, she's aware the floor plans were modified based on construction type and they're working on construction drawings, they want to submit construction drawings very quickly, which indicates to her they are in a fairly finite condition, where the tandem spaces are less flexible now than they were a year ago. Also because of adding the units, and increasing the tandem, staff wanted to stipulate that this is the maximum number of tandem on each of those floors. They've removed compact spaces and reconfigured things, maximizing the utilization of each floor, but once you've changed the column structure of these floorplates, there is limited flexibility to make additional modifications.

Chair Spears asked the same question from previous, if this were not coming before the Commission tonight, how would this be handled? Ms. Kaminski stated that the Use Permit states that any increase to the tandem spaces requires it to come back. So if they had kept their original entitlements, in which there were fewer tandem spaces and

fewer units, then staff would not have had those conditions of approval. It was triggered by the additional units and the additional parking.

Chair Spears asked for clarification as to why this is an issue now, when it wasn't at the time of the initial submittal. Ms. Kaminski stated it was because the number of units increased, the number of tandem spaces increased, and the total number of parking spaces decreased, which impacted the number of guest spaces and the number of spaces available for commercial use. So regarding condition #3, the concern is all of the commercial parking was originally put on B1 and is now being shifted to B2 because there aren't enough spaces on B1 because of the reconfiguration of the floor plate. So we want to make sure that during business hours, and if the restaurant is open at night, and if you have residents who have guests, you have a potential for conflict in the shared uses of those spaces. So staff is trying to protect the amount of customer and employee parking for the commercial uses, recognizing guests can go to the lower levels, and maybe those tandem spaces are related to the units, one being their own and one being their guest space.

Chair Spears explained that there is currently a large building built on the lake that was supposed to have an 8,000 square foot restaurant going into that space. However, the restaurant to this date does not exist. Her concern is specifying that the parking is for restaurant use, when you may find that there's not a restaurant that eventually goes into the space.

Ms. Kaminski replied that the wording in condition #3 is that 148 spaces are reserved for commercial use, inclusive of any tenant, employee, or customer use. It also calls for 38 tandem spaces specifically for use by restaurant valet. The plans call for a restaurant, and functionally, staff didn't see how valet would work for other commercial uses.

Chair Spears pointed out that we have the exact same situation with the first building at Hayden Ferry Lakeside, which is still not a restaurant and she would have no issue with saying there are 38 spaces assigned for commercial valet. Mr. Fransway stated that it would be wise to require "commercial spaces," as it is not as limiting, and he understands the idea is to limit the number of tandem spaces.

Chair Spears then asked if the applicant would agree with condition #4 as well, Ms. Senders said they would. Chair Spears then asked if staff was ok with these changes. Ms. Kaminski stated yes.

Ms. Senders asked if they could go back and confirm the tree stipulation. Ms. Kaminski stated that if we were to go back to what was originally entitled, the condition would read "Street trees shall be located in ground on the south side of the development along Vista del Lago Drive. These street trees shall be a minimum of 36" box specimens and a minimum of 1-1/2' caliper trunk." Chair Spears verified if that was what was initially approved and what Council had approved. Ms. Kaminski replied "yes." Chair Spears commented that they could defer to that language. Ms. Senders added that they understand that, and the trees in their proposal are in-ground (partially above ground and partially in-ground.) She offered that they would continue to work with staff on that.

Commissioner Amorosi stated that he had asked staff what the sound transmission class number was going to be because of thinning the floors between units, and he is concerned about the sound, and he believes he did not get a satisfactory answer. Mr. Fransway stated that he was unsure of the STC rating, but that it is 9 inches of concrete. The ITC rating, which is always the concern with concrete, is 50 for 8 inches of concrete. This project is using 9 inches. Mr. Fransway stated that he can find out what the STC rating actually is, but they are doing more than the minimum requirement.

Commissioner Sumners asked about Use Permit conditions #3 and #4 again. He shares the concerns about those, not wanting to tie the owner's hands, yet not wanting to have the City have to be involved in operations. He is curious if the City currently has a condition in which they monitor how the building leases spaces, going into the details of whether a certain lessee is sharing a bay with another lessee, etc. His assumption would be that the City does not do that. Ms. Kaminski responded that he is correct, the City does not monitor parking operations, however in the construction of a building they can determine where the parking lines are, and what becomes a tandem space or a handicapped space. That is the intent of condition #4, it is not about the operation, it's about the physical condition of

the site. With the issues of tandem parking and reserved spaces, the City has conditioned on other projects, signage for reservation of spaces or signage for valet only. In this case, it is part of their initial plan submitted to the City through their parking study, and based on the information presented to staff, staff agreed with what they're presenting, and put these in as conditions. If a management team comes along and changes that, or if the configuration changes, they need to modify their parking study, but not to the level of individual tenants or individual spaces.

PUBLIC COMMENT: None.

COMMENTS AND DISCUSSION BY THE COMMISSION:

Commissioner Amorosi stated that if this were the last two towers on the lake and there was a lack of space and an increased density needed, he wouldn't have a problem with this, but this being the first in this area, his fear is that additional density with less parking will set a precedent. He will not support the project.

Commissioner Langston agreed with Commissioner Amorosi, he does not agree with the use of tandem parking in the first submittal, and does not agree with additional tandem parking, nor additional units which further reduce the minimum required parking. Although he believes the project is very attractive as previously approved, he does not agree with the applicant placing the staff in a tough position by presenting a list of changes on the day of the hearing. He will not be supporting the request made this evening.

Commissioner Sumners stated that he had no issue with the increase in the number of units, but he is concerned about a number of things including the required parking spaces of 1200 reduced by 200 spaces, the issues with the landscaping and trees and conflict with utility easements, the public parking, and then compact spaces and tandem spaces. If all that is considered, then the parking is below what the TOD allowance is. That is a problem in this urban setting, he feels the parking will be a challenge once the project is operational. Ms. Senders countered that they are not cutting parking down. Commissioner Sumners replied that he has been part of an urban development that had zero parking requirements in the Code, which had good intentions with light rail coming, etc, in the transit-oriented city, and ultimately the ordinance was repealed. Based on what he has in front of him today, and being able to act only on that, he cannot support this project.

Commissioner Johnson stated that he was swayed by the comments made by his fellow Commissioners. He does not have a big concern with tandem parking. What does concern him is a smaller number of parking spaces overall and lack of an alternative solution for the parking. He is undecided, but is leaning in favor of the project.

Chair Spears asked staff for clarification of the number of spaces that were reduced, and stated that staff is supporting both the additional units and the parking being reduced. Since so many of the commission members are concerned about parking, Chair Spears asked staff to re-address the number of parking spaces provided by this project.

Ms. Kaminski reiterated that because the number of units went up, the total required went up. The original PAD showed required 1197 spaces, with 1106 provided. Now the required number is 1246, and the applicant is providing 1061. So yes, it's a slight reduction. Based on the parking study, staff was comfortable with that, comfortable enough to continue the allowance of the condition which would remove additional spaces. Having done a comparison to the other developments around the lake, staff felt that this was still within the threshold of those existing developments.

Chair Spears let the Commissioners know that those members that are new and did not hear the case at the time of the first submittal, it passed at that time and Council also approved it. She reiterated that the only thing that has changed from the first approved submittal is the slight change in number of parking spaces and the addition of 35 units, which was a result of a change in construction methods and materials. She also reminded the Commissioners that staff is in support of these changes.

Commissioner Lloyd spoke about precedent, and stated that she is leaning toward not supporting the project based on the decreased parking, as this location is a bit more isolated and has less access to existing public transportation

such as light rail. She stated she supports density, but not at the expense of putting it in a precarious precedent setting situation for other developers that might go in here, creating trouble in the future.

Commissioner Amorosi stated he understands the reconfiguration of the 6th floor, but the developer is also adding 12 units on each tower because of condensing the floors, so those 12 in each tower are extra.

Suparna Dasgupta, Principal Planner, stated that there may be an alternative. Since there are 3 different actions – sets of conditions for each of the PAD, the DPR, and the Use Permit, if the Commission so chose, they could consider these separately and take separate motions on each of the three.

Chair Spears summed up that the three separate issues are: conditions for the PAD concerning the number of units, the Use Permit concerning the tandem parking spaces, and the DPR for the proposed uses that include residential and below-grade parking. She then inquired if it would be helpful to postpone this case. Mr. Fransway stated that he would prefer not to do that, that this project represents a year's work, and that if the Commission likes the project, he hopes they will trust that they are not pushing the parameters; they are not taking the number of parking stalls down to a lower level. He reiterated that he always maximizes everything, and that he will take as much parking as he can get, even if it is used for extraneous vehicles. This was approved previously, and the only reason they are before the Commission is because they optimized the floor plans. If this is not approved tonight, he will be forced to start going into units and lopping off walls to play a numbers game, which would be hundreds of hours of labor. The decision to change a three bedroom into one bedroom and studios does not increase the number of vehicles on the site. In the end, they are only asking for a 2% reduction in parking, which does not make a difference. There was room for additional units.

Chair Spears then asked the Commission if they wanted to vote on this as an entire project or on the three entitlements separately.

Commissioner Thornton stated that she thinks the project is beautiful and liked it the first time as well, and that it is part of a Master Plan. She is unsure if the new Commissioners have seen the Master Plan. Tandem parking does not bother her at all, she knows it works well. She stated that she feels this process had been unorganized and choppy. She has a problem with last minute conditions popping up on the day of the hearing, which she has voiced in the past. She is not a parking study expert, and she believes staff when they say this will work. She will be voting in favor of this project, with no preference on how the voting takes place.

Commissioner Lloyd was concerned that the motions could not be split for the different actions as all them are tied to each other so she felt it should all have to be considered together.

Ms. Dasgupta stated that the PAD and the DPR would have to be voted on together, the Use Permit could be separated out and come back to this Commission later, or to the Hearing Officer.

Commissioner Sumners asked for clarification again as to what they are being asked to approve as it relates to the number of parking spaces. Ms. Kaminski responded that the number of spaces, being handled through their parking study, they're asking for 1,061 spaces rather than 1,246, just shy of 200 spaces of what is required vs. what is being provided.

Ms. Dasgupta explained that staff does not have any specific conditions; the City accepted the parking study and accepted the parking they show for the project. Staff did not have the concern the Commission does regarding parking, and therefore did not attach a condition of approval.

Chair Spears then clarified that they are actually voting on increasing the tandem spaces from 180 to 216 to accommodate the 35 additional residential units. They have also decreased the number of 3 bedroom units and increased the number of one bedroom and studio units. So in terms of overall parking requirements, there may not be an issue, as "we do not calculate parking requirements based on number of beds. We base them on number of

units, so the fact that they are adding 35 units that are smaller units, may in fact mean that there is less parking required."

Commissioner Langston inquired if that meant that the Zoning Code is incorrect, the Zoning code requires X number of spaces, but in this particular case, since the applicant has made an argument based on the type of unit, that requirement no longer applies. Is this correct?

Ms. Dasgupta clarified that the Zoning Code states the minimum parking, but PAD process allows an applicant to deviate from the minimum requirements of the code for certain development standards and parking is one of those standards.

Commissioner Lloyd commented that, along with Commissioner Thornton, she trusts staff's suggestions, and she's aware staff feels with the conditions they've added this does not create a precedent given the size of this project. Her concern is being overdeveloped and under parked would set a precedent for future development. Her opinion is that it does set this negative precedent.

Ms. Kaminski pointed out that on page 9 there is a comparison of other developments around the lake, and if you look at the breakout of studio and one-bedroom, each of those would get one space, which is to Code. The two-bedrooms are still under the number of tandem, so even if the entire tandem were assigned to the two-bedroom units, they would all have two spaces, which is still to code. So when you look at the numbers and ratios and the breakout of unit types, she is very confident that the number is very close to Code. The area in which it deviates is in the commercial ratio because of sharing spaces with guests. It's a very slight deviation from the code, and staff is comfortable with that.

Chair Spears commented that this is part of a Master Plan, and that only part of the Commission has seen that plan and she apologized that the newer members of the Commission have not, which may put them at a disadvantage.

Ms. Dasgupta clarified for the Commission that if they chose to separate out the voting on just the Use Permit, and it were to be denied, it could still go on to Council for appeal. The Use Permit could still go to Council to be heard, (she corrected this from her earlier statement that it would go to Hearing Officer), typically it would, but in this case it would go to Council. The same would apply to the PAD.

Commissioner Sumners then stated that he thought they should separate the items out for voting, to send the message to Council of what the Commission's concerns are.

MOTION: Commissioner Sumners moved to approve the two items, Amended Planned Area Development Overlay and Development Plan Review for two new 24- story buildings consisting of a mixed-use 586-unit multi-family with retail and restaurant use for **THE PIER (PL160248)**. Motion seconded by Commissioner Johnson.

VOTE: Motion passes 6-1, with Commissioner Langston in the opposition

MOTION: Commissioner Thornton moved to approve a Use Permit to allow tandem parking for **THE PIER (PL160248)**. Motion seconded by Commissioner Lloyd.

VOTE: Motion passes 4-3, with Commissioners Langston, Sumners, and Amorosi in the opposition.

STAFF ANNOUNCEMENTS: None.

There being no further business, the meeting adjourned at 7:48 pm.

Prepared by: Cynthia Jarrad

Reviewed by: 

Suparna Dasgupta, Principal Planner, Community Development Planning