

PLANNING BOARD MINUTES

May 9, 2001

Chair John Dewhirst called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

PRESENT

John Dewhirst, Chair
Beverly Lindh, Vice Chair
Virginia Cassutt
Bruce Witenberg
Jim Crim
Cary Guenther
Stan Monlux

ABSENT

Joanne Langendorfer

STAFF PRESENT

Rob Chave, Planning Division Manager
Duane Bowman, Development Services Dir.
Arvilla Ohlde, Parks and Recreation Dir.
Steve Bullock, Associate Planner
Meg Gruwell, Planner
Karin Noyes, Recorder

Ms. Langendorfer was excused from the meeting.

APPROVAL OF MINUTES

MOTION BY MS. LINDH, SECONDED BY MR. DEWHIRST, TO APPROVE THE MINUTES OF APRIL 25, 2001 WITH THE FOLLOWING CORRECTIONS:

1. PAGE THREE, THIRD PARAGRAPH, END OF FOURTH LINE, DELETE THE WORD "THAT."
2. PAGE FIVE, FIRST TITLE, CHANGE "BAN" TO "BAY."
3. PAGE FIVE, SIXTH PARAGRAPH, THIRD LINE, DELETE THE WORD "TO."
4. PAGE FIVE, SECOND PARAGRAPH FROM BOTTOM, THIRD LINE, DELETE THE WORD "TO."
5. PAGE SIX, SECOND TO LAST PARAGRAPH, SECOND LINE, CHANGE "CASSUTT" TO "LANGENDORFER."
6. PAGE SEVEN, FIRST LINE, CHANGE "CASSUTT" TO "LANGENDORFER."

MOTION CARRIED.

ANNOUNCEMENT OF AGENDA

Item 8a, an introduction of an amendment regarding right-of-way encroachment, was postponed to the next meeting. Item 5a, the parks and recreation report, and Item 5b, a presentation on the Edmonds Memorial Cemetery Master Plan, were combined.

REQUESTS FROM THE AUDIENCE

There was no one in the audience who wished to address the Board during this portion of the meeting.

PARKS AND RECREATION QUARTERLY REPORT AND PRESENTATION OF EDMONDS MEMORIAL CEMETERY MASTER PLAN

Ms. Ohlde reviewed her written quarterly report as follows:

- The Washington Recreation and Park Association awarded the City of Edmonds the 2001 Award of Excellence for two of their recent park development projects. Brackett's Landing Park received an award for overall design, strong community desire for enhancing the natural setting, innovative use of materials that reflects the natural resources, and character that reflects the community commitment to parks and recreation benefits. Lynndale Skatepark also received an award for reflecting a positive joint partnership, the involvement of youth and the inclusion development of site amenities for various needs.
- The staff is continuing to work with CH2M Hill and two citizens on the Mid-Waterfront Walkway Project permits. No decisions have been made on the design, but staff has held discussions with the consultant, the coastal engineering, environmental staff and two citizens. The group decided that additional design drawings of the bulkhead and walkway would be necessary to address the points of discussion, and staff is currently working with the consultants to complete this redesign. When this is completed, staff will report back to the City Council and request authorization to submit the project for permits.
- The draft Comprehensive Park, Recreation and Openspace Plan is nearly complete, and public hearings will be scheduled soon before the Planning Board and City Council. There are three additional elements to the plan. The Cultural Arts Plan and Youth Assessment will both be presented for public hearing soon. The Cemetery Master Plan will be presented to the Board later in the meeting, for a public hearing on May 23, 2001.
- The City Council authorized the Mayor to sign a purchase and sale agreement with UNOCAL for the purchase of Marina Beach. This 4.5-acre parcel is located south of the Port of Edmonds and has over 1000 feet of shoreline. She further described the details of the sale.
- The legislature recently passed Substitute House Bill 1836, an act relating to the creation of a legislative task force on local park and recreation maintenance and operation. The Act calls for designated member representatives on the task force who will report back to the legislature by December 1, 2001 with regard to existing sites, funding benefits; future needs and identified funding sources. The goal is to identify options for funding of operations and maintenance for local park systems.
- Nearly 25 years ago, the State Legislature approved a gas tax limit of 23 cents and agreed that people who pay tax on gas for non-road vehicles could apply to the state for a refund. Up to 18 cents of the 23 cents per gallon remaining would go back into a fund account and be granted to the communities through the IAC. With the new proposal to increase the gas tax up to 30 cents, they are requesting that parks get an equal portion of that tax increase.

Ms. Ohlde presented the draft Edmonds Memorial Cemetery Master Plan to the Board for review. The Cemetery Board created this plan with the assistance of a consultant to address the long-range needs and plans. The plan includes landscaping and other amenities to make the facility more pleasant. The plan also proposes the construction of a columbarium in the northeast corner of the cemetery. She briefly reviewed the plans for landscaping, circulation and entrance into the cemetery. She also referred the Board to the draft rendering of what the columbarium could look like.

Ms. Ohlde said the Cemetery Board is very conservative. The City pays the cost of one, full-time maintenance position at the cemetery. The revenue from the cemetery goes back into a fund account to use for the operation costs. They also put a percentage of their revenue into a long-term perpetual care fund for future projects. The Cemetery Board's goal is to have total cost recovery for whatever new facilities they provide on the site, including cost recovery for the columbarium.

The Cemetery Board has received approval from the City Council to begin a reclamation process for lots that were purchased a number of years ago and no record of the families exists. They are working through the legal process to reclaim these lots that were purchased between 1890 and 1950.

Mr. Dewhirst noted that the cemetery master plan is scheduled for a public hearing before the Board on May 23, 2001.

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PRESENTATION OF PORT OF EDMONDS MASTER PLAN

Mr. Toskey, Port Executive Director, and Mr. Keuss, Deputy Director, were present to review the Port master plan.

Mr. Toskey reviewed the history of the Port's master plan process. He recalled that the last master plan was created in 1994 and updated in 1996. It was to be a 14 years plan, with projects being implemented on the basis of about two per year. However, at the end of 1996 the Port facilities collapsed as a result of a heavy snowstorm and the master plan was implemented in a matter of about two years. This made it necessary for the Port to create a new master plan to guide future development. He said the draft master plan before the Board is the result of significant public involvement, the most recent of which was a presentation by three architects regarding what the master plan implementation could look like. He referred the Board to the draft master plan document that was provided, but noted that the Commission will likely be updating the document before it is finalized.

Mr. Toskey advised that the final would impact four of the Port's leasees design and functions identified in the master plan: Anthony's Restaurant, Arnies Restaurant, the Edmonds Yacht Club and the arts facility. He advised that the Port was approached by the FACE group with a request that the Port provide land for the development of an arts facility. The intent is to create a facility where artists can actually produce their artwork on site and within the public's view. It would also include classes for the public to participate in. At this time there is no such facility in the State of Washington. The most prominent facility of this type if found in Alexandria, Virginia, and it is called the Torpedo Factory. Many of the Port and FACE representatives have visited this site. He noted that the Commission has not made a final decision on this matter, and it remains in the master plan as a possibility.

Mr. Toskey advised that, to date, all of the facilities on Port property have been marine related, with the obvious exception of the restaurants. However, these could even be considered marine related since they depend upon the waterfront ambiance to attract their clientele. The FACE art project would be the first non-marine related function on Port property. Staff will continue to negotiate with FACE and provide more information as it becomes available.

Mr. Toskey advised that if the Port's master plan is approved by the Commission and subsequently adopted into the City's Comprehensive Plan this year, the Port would likely start their first project this fall and then proceed to implement one or two projects per year until the entire plan has been implemented. They expect all of the proposed projects to be self-funded. The Commission has indicated that they would bring any project that would require public funding before the public for a vote before any tax money is used.

Mr. Toskey referred the Board to the Port's Strategic Plan, which provides the philosophical outline of the Port's policies for the master plan. He noted that one important aspect to note is that the old mission statement indicated that economic development would be the Port's first priority. The new mission statement indicates that the first priority is to operate the Port on behalf of the residents of the Port District. Of the six priorities listed in the new mission statement, economic development is last. The Commission has given a great deal of thought as to what role the Port should have in the community and they believe that they should be operating and developing on behalf of the residents. This philosophy is reflected in the proposed master plan.

Mr. Keuss reviewed the details of the master plan. He referred to the updated master plan that was provided to each Board member. He noted that the Port Commission has not officially approved the document, and Port staff is hoping that this approval will be granted within the next few weeks.

Mr. Keuss referred to the Port entrance locations and said that the Port has requested that the architectural consultant for the master plan, Miller/Hull, provide options for improving these areas. Mr. Keuss said that about 3½ years ago the Port formed a task force made up of several members of the community to consider the entrances to the Port property, and the consultant will consider their recommendations.

Mr. Keuss advised that the existing Landing/Arnies complex, as well as the parking area next to it, will not be changed. However, on the east side of Admiral Way will be a new large parking area. This property is currently used for Port and restaurant employee parking and some storage. This parking area will probably be the first master plan project.

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Mr. Keuss said the cluster of buildings shown in the middle of Port property on the waterfront side will be a mixed-use building complex with a square footage of about 40,000 to 50,000 square feet on two levels. The Port does not know the exact dimensions of this building because it will all depend on the uses and needs that are identified. This facility will likely house the arts complex and the Edmonds Yacht Club, as well as a small scale meeting and gathering space. It is also possible that some type of marine related retail use could be located in this structure. Mr. Keuss said that the north boardwalk would be expanded to be much wider to accommodate a greater public use. In the middle of the mixed-use complex will be a plaza space for public gatherings which could also be used as a viewing place for the arts facility upon occasion during the summer months.

Mr. Keuss said that on the east side of Admiral Way, across from the mixed-use complex, will be a marine related repair facility of roughly 20,000 square feet. This could be served by either one major vendor or numerous smaller vendors for small boat repairs. There may also be some office space in this building, but the Port does not anticipate any significant office space. The area is located next to the existing boatyard where boats are brought out of the water and across Admiral Way by the travelift. They plan to leave the boatyard as it currently exists.

Mr. Keuss referred to the southeast corner of the Port property, and advised that a maintenance facility would be located in this area. Staff anticipates the size to be about 2,000 square feet. He noted that, currently, the maintenance function is handled out of the ground level of the existing administration building. The master plan proposes to demolish the existing administration building and relocate all of the Port administrative operations in the basement of the Anthony's building. Anthony's has indicated that they would like the Port to either tear down and rebuild or significantly remodel their existing facility. However, they are not looking at any significant increase in the square footage of the facility. No draft design plan shave been created for this project yet.

Mr. Keuss advised that across the street from Anthony's is the location of the old boatloft facility that was in such disrepair that it had to be removed. This area has been roughly graded and crushed rock put down so that it could be used for overflow parking for Port and Anthony's staff. The master plan anticipates that this property will eventually be developed as a permanent parking area. He said that between the parking lot at mid marina and Anthony's restaurant and parking area is the current travelift facility. This operation will remain in its current configuration, but around the Anthony's building will be some type of plaza area or other public amenity to provide more space for public use.

Mr. Keuss said the parking area in the south would remain in about the same configuration to provide parking for the south marina tenants and trailer and vehicle parking for the public launch. The traffic pattern on and around the bend of Admiral Way will remain the same as it currently exists. However, they have asked the consultant to present ideas for expanding the stack storage area. There is a demand for this type of service if it can fit into the plan. There will be parking on the east side of the street near Marina Beach Park instead of the existing parking on the west side of Admiral Way. He said the Port has an agreement with the City of Edmonds that they will provide some parking space for the Marina Beach Park visitors.

Mr. Keuss advised that there are a few other concepts proposed by Miller/Hull that would require joint effort by the Port and City. One is related to a kayak rental facility and the other is related to the fishing pier. He pointed out Miller/Hull's proposed ideas for these two uses, and advised that Port staff would continue to work with the City on these and other related issues.

Mr. Dewhirst inquired how many parking spaces are required for the currently proposed land uses. Mr. Toskey answered that approximately 500 parking spaces would be required, which is significantly less than what currently exists. Mr. Keuss noted that the master plan would not impact the water area. Mr. Toskey advised that the Port does not anticipate a problem with the expansion of the marina. However, because of the lengthy permit process this will not likely take place for at least ten years.

Mr. Dewhirst said he has always been concerned about the southern portion of Admiral Way and the tremendous amount of traffic that is on that road. He inquired if it would be possible for the Port to provide a turn around in that location. Mr. Keuss agreed that Admiral Way does become congested at the south end, and the Port hopes that the design of the multi-modal facility will provide a link through this area back onto SR-104. Mr. Toskey added that any turn around provided in

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this area would be located on City property. Once the City has identified property for this use, the Port can work with them to provide this type of service.

Mr. Dewhirst said it seems critical that the Port create facilities that are revenue generating. He questioned whether the Port has ever considered moving their administrative offices away from the water so that the more valuable water front property can be used for revenue generating activities. Mr. Toskey answered that the Port's administrative function is very small, and it is important that most of the Port employees are close to the waterfront so that customers have immediate access to staff. That is why the Port would like to place all of their operational staff together in the basement of Anthony's restaurant.

Mr. Monlux inquired why Anthony's wants to have their building replaced or significantly remodeled. Mr. Keuss advised that the building is old and has been added onto and remodeled over the past several years. The Port has experienced recent problems with the mechanical and utility systems in the building, which have made the building difficult to operate efficiently.

Mr. Monlux inquired if the proposed meeting space in the mixed-use complex would be large enough to host a wedding reception or other activity of that type and size. Mr. Toskey said that staff recently sponsored a meeting between all organizations and businesses in the area that provide meeting space. Based on that meeting, the Port has determined that their policy will be to provide meeting space for Port Commission meetings and the Edmonds Yacht Club. Activities that require a large amount of space, such as wedding receptions, will not be accommodated in the mixed-use complex. The Port does not want to directly compete with other organizations that provide this same type of service.

Mr. Toskey advised that another aspect of the proposed master plan that has not been discussed is the concept of having one of the mixed-use buildings come out to the water's edge so that people can walk through it. This building would add architectural interest and feeling to the waterfront. The Port may end up asking the City for a variance to implement the concept in the future. This design is not actually necessary, but would make the waterfront more attractive and provide more amenities to the non-boating public.

Mr. Dewhirst advised that this issue is scheduled on the Board's agenda for June 27, 2001 as a public hearing.

PUBLIC HEARING ON CONTRACT REZONE APPLICATION BY INES ANGIONO-FOURNO (FILE NO. R-2001-31)

Ms. Gruwell reviewed the staff report for the proposed contract rezone of property located at 551 Elm Way to change the zoning from RM-3 to RM-1.5 in order to allow one additional unit on the site. She noted that a few years ago, the subject property was included in a rezone request (R-99-231) to rezone a cluster of properties to the greater density. Neither the City Council or the Planning Board supported the rezone request at that time. Ms. Gruwell said the contract rezone before the Board at this time attempts to address the public comments from the last time the property was considered for rezone. The applicant is not proposing any external changes to the property, and the density would increase by one unit to a maximum of three units on the site. If the property were rezoned without a contract, there could be four units on the site. Staff has not received any SEPA appeals on this site, but they did receive one comment letter from Ms. Hoyt, who expressed concern about her view being blocked if the setbacks are decreased from 15 to 10 feet and development is allowed closer to her property line. Ms. Gruwell summarized the criteria the Board must use when determining whether or not the contract rezone proposal should be approved. The application must meet all of the six criteria in order to be considered for a rezone.

Ms. Gruwell said staff recommends that the Board deny the contract rezone request based on the earlier Board and City Council decision that the Comprehensive Plan does not identify the subject property as RM. The area still functions as a buffer between the multi-family and single-family zones. She concluded that the burden of proof is upon the applicant to show that they can meet the criteria.

Mr. Dewhirst opened the public hearing and inquired if any of the Board members received any ex-parte communications regarding this issue. No one on the Board identified an appearance of fairness concern.

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Steven Michael Smith, Lovell Sauerland Associates, 19400 – 33rd Avenue West, Suite 200, Lynnwood, identified himself as the applicant's representative. He distributed a memorandum outlining specific court cases related to spot zoning. He pointed out that the proposed contract rezone does not involve any new construction on the site. He explained that this issue was initially raised by a former tenant of Ms. Fournó's who was disgruntled and decided to file a complaint with the City. The City investigated and found that the third unit in Ms. Fournó's home was not a permitted use even though it had been operating as such for several years. The City pursued enforcement action and that is why the rezone application was presented last year for the rezone of a series of lots. The original rezone application was denied, and Ms. Fournó is now before the Board with her own, separate contract rezone application. Mr. Smith advised that the neighborhood is in support the rezone request, and the majority of the neighbors signed the original petition. Mr. Smith said Ms. Fournó feels it is important to get the support of the neighbors since neighborhood compatibility is always a major concern.

Mr. Smith said that, if approved, the contract rezone would only allow one additional dwelling unit, which is significant in that the impact of the approval would be minimal. The impact for this unit would be less than almost any other unit approved in the City because the construction has already been completed and there is no more work to be done. No construction impacts will be associated with the approval and there is sufficient parking space to meet the code requirements. He noted that, if approved, there are still issues related to building code compliance on the inside of the structure. These have not been resolved yet because the applicant is waiting to see if the use will be allowed to continue.

Mr. Smith suggested that the proposal is consistent with the Comprehensive Plan. He recalled that when the previous rezone proposal, of which the subject property was a part, was reviewed, staff's interpretation was that the rezone proposal was consistent with the Comprehensive Plan Map bubble diagram. The City Council agreed. He suggested that the primary reason for the Council's denial of the previous rezone proposal was that it would make it possible for a developer to purchase the entire group of lots, tear down the buildings and construct a new apartment complex. The contract rezone being proposed at this time would restrict development on the subject property to three units.

Mr. Smith said that the proposal is also consistent with the purposes of the zoning ordinance. He referenced the letter staff received from Ms. Hoyt, who expressed concern about the view from the south end of the applicant's property. Mr. Smith noted that, if approved, the applicant would agree to propose a covenant increasing the building setbacks required from 10 to 15 feet, which is what currently exists for the RM-3 zoning designation. There would be no further encroachment into the view corridor.

Mr. Smith referred to the criteria that the proposed change be consistent with the existing zoning of the surrounding properties. He pointed out that because there would be no physical change to the property and because the development would blend into the surrounding properties, the applicant asserts that there would be no impact to the surrounding properties.

Mr. Smith said another criteria to consider is whether or not there has been sufficient change in the character of the immediate or surrounding neighborhood or in City policy to justify the rezone. He said that the basis for denial of the last rezone request identified that there had not been adequate change in the surrounding area to warrant the rezone. However, he suggested that there has been sufficient change in City policy to warrant the rezone. He noted that the RM-3 zoning was established in 1966. Since that time the Growth Management Act has been enacted placing pressure on the City to find good opportunities for infill development. This one additional unit would help the City meet this goal and responsibility without having an impact on the surrounding properties or the City. Approval of the contract rezone would provide a high-quality, affordable unit within the City. Mr. Smith said that the property would also be economically and feasibly suitable for the uses allowed in the proposed contract rezone. He noted that the building would not be changed and has functioned as a three-unit structure for years.

Mr. Smith referred to the criteria that there must be a relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property owner. He suggested that the analysis in the staff report that weighs the private benefit against the public benefit is not the most reasonable balance. He suggested that the public benefit is met by compliance with the Comprehensive Plan and the fact that another high-quality, affordable dwelling unit would be provided in the City in an area where pedestrian access to the downtown and employment opportunities are available. He said that while there is a great deal of public benefit, balancing this amount versus the amount of private benefit would be

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impossible. The more appropriate measure is the balance between the private benefit and the public cost. They should consider what it would cost the City to allow the contract rezone to go forward and what the significant impacts to the surrounding properties and public facilities would be. He emphasized that the public cost is as close to zero as possible. Everything is available in terms of facilities to serve the unit, and the value to the subject property owner is tremendous.

Mr. Monlux clarified regarding the issue of limiting the setback requirements to those that currently exist in the RM-3 zone rather than allowing the property to have a ten-foot setback if the contract rezone is approved. He questioned the process that would be used to make sure that this requirement is enforceable. Mr. Smith answered that the applicant would support a condition that would require a covenant against the property limiting any future development to the RM-3 bulk and setback requirements.

Mr. Smith concluded that Ms. Fournó's goal is to get what she has enjoyed over the past several years approved by the City. She fully believed she was entitled to this use when she bought the property. She did not realize there was a problem until the enforcement action was commenced.

Ines Fournó, 551 Elm Way, said that when she purchased her property ten years ago, she bought it as a triplex. They were told that the unit located in the downstairs needed to be finished, but that it had all of the electrical and plumbing installed. All they needed to do was hook things up. She said she had no reason to doubt that the building was a triplex. She said that she purchased the home so that she would have an extra income during retirement. There are three mailboxes, three electric meters, three entrances and three addresses. She said she bought the property for her own use, and she has no plans to sell it or tear down the existing structure. She has had to go back to work to pay the bills and legal fees. She emphasized that her plans are not to tear anything down or build anything new, and she would appreciate the Board's support of the contract rezone.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Ms. Lindh inquired if a covenant regarding the setback requirements would be legal and binding if the rezone were approved. Ms. Gruwell answered that the applicant could propose a covenant in the contract rezone restricting the setbacks, but the Board cannot require a change in the contract rezone. Mr. Chave agreed that the Board couldn't place conditions on the contract rezone. However, they could recommend conditions that could become part of the contract. He said the Board needs to clarify that they want the applicant to incorporate this covenant into the contract, but the applicant is not required to do so.

Mr. Dewhirst requested that staff explain how a contract would be attached to the land. Mr. Chave said the contract would be recorded and run with the land. A specific note would be made on the zoning map to indicate that a contract rezone applies to the property. The contract would also show up on a title search.

Assuming that the contract rezone is approved and the permits are granted, Mr. Witenberg inquired if this would encourage other property owners in the neighborhood to use this case as an example in support of a rezone for their property, too. He said he is concerned that approval of the contract rezone would encourage other property owners to seek spot rezones. This would enable the property owners to accomplish, parcel by parcel, what was denied a few years ago. Mr. Chave said that surrounding property owners could point to this case as an example of change that has occurred that would warrant a rezone on another piece of property, but each application would have to be considered on a case-by-case basis. However, the Board should also realize the specific circumstances surrounding the current application. He explained that the new proposal is different than the previous application which had no contract conditions attached. Mr. Chave said that, typically, the City does not like spot zoning to occur because it creates a precedent for more spot rezone actions. The staff generally takes a conservative view on spot zoning, but in this case the applicant feels that there are no impacts to the surrounding properties and the contract and circumstances lend it to be compatible with the transitional uses that currently exist in the area.

Ms. Cassutt inquired how the subject property was able to obtain three addresses if the property was only zoned to allow two units. Ms. Gruwell answered that there are actually only two addresses listed on the address book.

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Ms. Lindh recalled that when this subject property was considered a few years ago as part of a larger rezone request, one of the major concerns was related to traffic. If all of the properties were rezoned to a greater density, the traffic impacts could have been significant.

Mr. Crim noted that the exterior appearance of the existing structure would not change and approval of the contract rezone request would clear up an oversight that occurred in the past. He said he would support the contract rezone request if the applicant would be willing to place a condition upon the setback requirement as previously discussed.

Mr. Dewhirst recalled that the previous rezone request included the properties all the way up Sixth Avenue, with no buffer. It could be possible that two or three other parcels will request a rezone, as well. But there would still be a buffer between the multi and single-family developments. He agreed that the Board should consider each future rezone request on a case-by-case basis on its own individual merits. Any future rezone requests would have to meet all of the criteria as well. He said he finds that the contract rezone request conforms to the six criteria listed in the Comprehensive Plan, with the additional setback requirement as offered by the applicant.

Mr. Witenberg said he agrees that the proposed contract rezone meets the criteria that the Board is supposed to consider. However, he emphasized that it is improper for the Board to consider the circumstances in which the applicant finds herself. When someone purchases a piece of property, it is their responsibility to determine the zoning and uses that are allowed on the site. He said he also does not feel it is appropriate to recommend approval of the contract rezone based on the economic circumstances of the applicant. He said he would support the contract rezone request because it meets the criteria that must be considered, and not for any of the personal reasons associated with the applicant.

MOTION BY MR. CRIM, SECONDED BY MS. LINDH, TO OPEN THE PUBLIC PORTION OF THE HEARING AGAIN. MOTION CARRIED.

Staff advised the Board that the applicant must clearly state their desire to place a setback restriction in the contract. Mr. Smith said the applicant would like to amend the contract rezone to include a setback restriction as a contract condition prior to sending the document to the City Council for final approval.

MOTION BY MR. MONLUX, SECONDED BY MS. LINDH, TO FORWARD THE CONTRACT REZONE (FILE NO. R-2001-34) TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL AS PROPOSED, WITH THE ADDITION OF THE APPLICANT'S OFFER TO ADD AN ADDITIONAL CONDITION TO THE CONTRACT REQUIRING FUTURE DEVELOPMENT ON THE SITE TO MAINTAIN A 15-FOOT SETBACK. MOTION CARRIED UNANIMOUSLY.

Mr. Dewhirst advised that the Board would forward their recommendation to the City Council for a public hearing in the near future.

THE BOARD TOOK A TEN-MINUTE BREAK AT 8:40 P.M.

PROPOSED AMENDMENTS TO THE EDMONDS COMMUNITY DEVELOPMENT CODE REGULATING PLANNED RESIDENTIAL DEVELOPMENTS (PRD'S)

Mr. Bullock referred the Board to the draft PRD ordinance, which includes comments written in the margin to articulate the rationale for the changes. He briefly reviewed the document and highlighted the issues that are still undecided. He particularly noted the following sections:

- **Section 20.35.020 Applicability:** Mr. Bullock noted that this section was significantly changed to allow the PRD ordinance to apply to all subdivisions within the City and not just to those of five or more lots. He added that most of the subdivisions that will occur in the Edmonds will be four lots or fewer in size and will typically have some environmental constraints on site. The PRD process is the preferred way for these sites to be developed.

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Mr. Bullock specifically referred to Items b and c at the top of Page 3, which would allow the City to consider attached units in the single-family zones within the City through the use of the PRD process. He noted that the Board has discussed this issue with staff a number of times throughout the past year. The proposed language is staff's attempt to articulate when it would be appropriate to allow attached units. He said staff does not feel comfortable with allowing attached units in all PRD projects—only on sites where physical constraints and other environmental issues make it difficult to develop. Staff suggests that it may be appropriate to allow attached units to compensate for a developer's willingness to protect the critical areas on the site.

Mr. Bullock referred to the table at the top of Page 3 which outlines a possible method of determining when attached units would be allowed. The table indicates that if the subject property has critical area sites of 25 percent or less, no attached units would be allowed. If the property has between 25 and 50 percent of critical area on site, then attached units would be allowed with up to two units per building. If more than 50 percent of the property is critical areas, then attached units would be allowed up to four units per building. He concluded that staff is seeking further direction from the Board regarding this issue.

- **Section 20.35.030 Modification of Standards:** Mr. Bullock advised that the current PRD ordinance allows the density to be determined by the net developable area of the property, and does not allow the number to be rounded up at all. He said staff would like a better way to encourage potential applicants to use the PRD process. One way to do this is to offer the potential of a slightly greater density. Mr. Bullock pointed out that staff has recommended two different options for determining the density allowed. The first option would be to divide the total lot area by the density allowed by the underlying zoning and rounding up to the nearest whole number. The number of units allowed on the site could change depending upon where the access roads are located, etc. The second option would provide an incentive which would allow additional units on the site based on the size of the project. He said staff has some reservations about Option 2.

Mr. Bullock referred to Section d on Page 4 and noted that under the current ordinance, the height cannot be changed at all. However, throughout most of the discussions the Board and staff have felt that there are areas in the City (hospital/medical activity center) where a greater height would be appropriate and would not impact views. The language proposed in this section would allow an opportunity for additional height as long as the project provides more openspace on the site.

Mr. Bullock referred to Section 2 at the bottom of Page 4 and noted that no changes were made to this section. However, since the issue was discussed by the Board on a number of occasions, staff would like further direction from the Board.

- **Section 20.35.040 Criteria for Modifying Development Standards:** Mr. Bullock said staff tried to identify the special criteria that could be used to determine whether or not development standards could be modified. He noted that the critical areas ordinance allows for modification of the development standards through the variance process, which is specifically set up to deal with hardship situations. Staff is recommending that this be changed in order to encourage people to use the PRD process to do better design. Sometimes modification requests are not related hardship situations, but they can provide a benefit for the community, the development and the neighborhood. The four criteria proposed by staff would allow for creative design without requiring the developer to rely upon the more limited variance criteria.
- **Section 20.35.070 Review Process:** Mr. Bullock explained that under the current PRD ordinance, a developer is required to go before the ADB for review and recommendation to the Hearing Examiner. The Hearing Examiner then reviews the project and sends a recommendation to the City Council. Assuming that the City Council grants preliminary approval of the PRD and subdivision proposals with conditions, the applicant could then proceed with construction drawings for the City Council's final review and approval. Mr. Bullock pointed out that this process can be lengthy and drawn out and fraught with enough uncertainty that most applicants do not want to go through the process. He said that one of the primary goals of the PRD ordinance amendment is to streamline the process.

Mr. Bullock explained how subdivision applications are processed, which is much shorter than the current PRD process. He said staff recommends that the subdivision process be used as the model for the PRD process. Staff feels this would

be a reasonable approach since most of the PRD's that would occur in the City would be located in single-family zones or would have been applied for simultaneously with a formal plat application. This process change would allow the formal plat and the PRD application to be considered at the same time. The ADB could review the application early in the process as part of the staff review process. However, there would be no public hearing before the ADB. Their comments would be forwarded to the Hearing Examiner for consideration along with the staff's comments. The Hearing Examiner would hold a public hearing and issue a decision on the preliminary plat and PRD. Mr. Bullock concluded that this is a much less time consuming process than currently exists.

Mr. Witenberg referred to Item 3 on Page 3 and noted that there is no definition for the term "closed meeting review." He said it is his understanding that this type of meeting would be closed to public comment, but the public would still be allowed to attend and listen to the proceedings. He suggested that this be clearly identified in the document. Mr. Bullock agreed and explained that, normally, when staff schedules a public hearing they put signs on the subject property advertising the PRD action. This sign would probably not be in place on the property when the project is sent to the ADB, and the ADB's review would probably not be advertised to the public.

Mr. Dewhirst said that up to this point, all PRD applications had to be accompanied by a standard subdivision plan. If a PRD could be accomplished through the plat process he questioned if it would be possible for the Hearing Examiner's decision to be final. He said this would eliminate the step of having to go before the Council. Mr. Bullock replied that one of the reasons for requiring that a PRD application be reviewed by the City Council is that on a final plat there is often a road right-of-way that has to be accepted by the City Council. However, if a PRD is proposed that does not have any road dedication requirements, perhaps the City Council would not need to make the final decision. He said he would request feedback regarding this option from the City Attorney.

Roger Hertrich, 1020 Puget Drive, suggested that sufficient issues related to the PRD ordinance have been brought up by the staff and Board to warrant another public hearing. He emphasized that the Board and staff have rewritten the entire PRD ordinance and added philosophy that is totally different than the original PRD ordinance. He reminded the Board that the purpose of the PRD ordinance is to allow developers to cluster development to protect critical areas. He said he enjoyed the Board's comments during the contract rezone hearing about encroachment into the view corridors and the impact to surrounding properties. He suggested that spot zoning and buffering are concerns that surrounding property owners will have related to PRD development. He said he would like the Board to review the proposed ordinance to determine if they really want to allow additional density and attached buildings.

Mr. Hertrich said the City previously added a provision related to common walls, but this was subsequently changed as a result of a particular proposal that was submitted which would have created a significant wall. He said the City setback requirements provide an open affect, and the changes being proposed would take away the City's ability to protect this open space. Mr. Hertrich said he is adamantly opposed to any increase in density and more buildings than would normally be allowed. He said the City should not encourage the PRD approach by allowing developers to change the neighborhoods negatively. He questioned whether or not it is appropriate to encourage PRD's rather than just allow them. The density should stay the same and attached units should not be allowed.

Mr. Hertrich said he feels the majority of the changes proposed in the draft ordinance are wrong unless the City feels the need to squeeze as many people into Edmonds as possible. The City should protect the existing neighborhood from spot zoning. He questioned the proposed options for determining the area of a site and the opportunity that would be created for greater density. He referred to the staff's recently proposed concept of using lot circles to determine the number of units that could be located on a site. He suggested that this same type of concept should be applied to the PRD ordinance, as well.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

In answer to Mr. Hertrich's concerns, Mr. Bullock said there seems to be some concern about what would be allowed to occur around the parameters of a PRD development. He said the proposed ordinance would allow the houses to be placed closer together through the "0" lot line concept, but the setbacks around the parameter of the PRD and adjacent to surrounding properties would have to be the same as what is required in the underlying zoning. The PRD criteria would not allow a modification in the parameter setbacks, but a variance could be sought for this purpose if a hardship is identified to

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support the request. To further clarify this issue, the Board and staff agreed to change Item 2 on Page 6 by placing a period after the word “zoning” in the second line and deleting the rest of the sentence.

Both the Board and the staff disagreed with Mr. Hertrich’s suggestion to use lot circles to determine the density allowed in a PRD.

The Board discussed the proposed language that would allow the PRD process to apply to all subdivisions, regardless of size. They also discussed whether or not attached units should be allowed to compensate for critical areas. Ms. Lindh recalled that the Board has discussed on numerous occasions that developable land in Edmonds is generally made up of smaller parcels. The Board has discussed changing the PRD ordinance so that it could be applied to all subdivisions in the City regardless of size. The Board concurred with their previous discussion.

Mr. Witenberg stated that if the Board could control everything that takes place within the City, they would not want to have any more density than currently exists. However, the Growth Management Act requires the City to absorb a certain portion of the population growth over a specific time period. The City must decide whether to disperse this growth throughout the City or constrain this growth to larger multi-family developments. He pointed out that PRD’s are one of the ways to absorb some of the additional population in compliance with the State mandate without having to allow more multi-family development. Ms. Lindh noted that the attached unit concept, as discussed by the Board previously, would be of the type that appears to be single-family units rather than apartment style.

Mr. Dewhirst referred to the diagram on Page 3 and emphasized that whether to allow attached housing or not has nothing to do with the density issue. It is related to how the permitted uses are allowed to occur on the site. He said he could support the concept of allowing attached units of two units per building, but he could not support the allowance of four units per building in a single-family zone. He said there are certain expectations in the single-family zones and the City needs to respect these expectations. He felt that design could address many of the concerns, but allowing four units per building would come close to trampling the citizens’ expectations.

Ms. Lindh questioned whether allowing attached structures would result in bulky buildings that would impact the surrounding properties. Mr. Dewhirst suggested that allowing four or five two-unit building on one site could have a significant impact. While clustering the units on the site is good, they should perhaps limit the number of attached unit buildings to two. Mr. Bullock pointed out that there are not very many sites within the City that are large enough and have sufficient critical areas to warrant multiple attached units.

The Board agreed that the last line of the table on Page 3 should be eliminated so that no more than two units could be attached as one building. They asked that staff also make it clear that the table only applies to development in single-family zones with critical areas. With the exception of Ms. Cassutt, the Board concurred that the number of attached buildings per development should also be limited.

The Board agreed that Option 1 for determining density would be the most appropriate (bottom of Page 3). However, they recommended that the term “rounding to the nearest” should replace “rounding to the next.” The Board agreed that the PRD ordinance is not the correct vehicle to start a discussion regarding greater height limits in specific areas of the City. Mr. Chave noted that this issue would be discussed during the Comprehensive Plan review scheduled for the near future.

Mr. Bullock referred to Item 2 at the bottom of Page 4 and said the City has elderly housing criteria at this time, but it is so difficult to apply that no one has ever taken advantage of the criteria to date. The Board concurred that they should have something in the ordinance related to special needs housing.

The Board agreed that staff’s two-step approach for the PRD review process is reasonable (Pages 9 and 10). They also concurred that Item 2 on Page 6 should be changed by placing a period after zoning and deleting the rest of the sentence.

The Board concurred that Items 2 and 8 on Page 7 should be deleted and that the term “high quality” in Item 1 be deleted, as well. Mr. Witenberg referred to the last bulleted item in the margin of Page 7. He suggested that this item be further defined and moved over as one of the achievement items. Mr. Bullock explained that it is difficult to establish the public benefit.

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Staff felt that many of the items on the list of achievements would benefit the public. He suggested that perhaps the comment related to public benefit could be placed in the explanation provided for this section. The Board concurred.

Mr. Dewhirst referenced Items B through E on Pages 7 and 8 and noted that none apply to perimeter streets to make it clear that they need the same kind of treatment as sidewalks. Mr. Bullock replied that the Engineering Department would require improvements to the perimeter streets, but it could also be added to this section to make it more clear.

Mr. Monlux requested clarification of Item B on Page 4 which relates to zero lot lines. Mr. Bullock answered that the City Attorney recommended this language. The Board agreed that the definition provided at the bottom of Item B should be removed and put into the definition section of the Development Code.

The Board directed the staff to come back with a revised draft document at the next meeting. Mr. Bullock advised that the next draft would have all of the changes identified by the Board. He said staff would eliminate the discussion in the margins and only indicate the new changes in underline/strikeout format. The Board agreed that at the next meeting when they review the document, they would also allow public comment.

CONTINUED REVIEW OF DESIGN GUIDELINES AND POTENTIAL CODE AMENDMENTS TO IMPLEMENT THE DESIGN GUIDELINES

Mr. Chave distributed the matrix for the design guidelines which identifies the standard approach, options that are available to comply with the guidelines, and incentives or bonuses that could be provided to encourage the options. It also identifies when staff may approve departures or options and when the ADB or Hearing Examiner must review them.

Mr. Chave said that staff recently met with the Edmonds Stakeholders to review the current draft, as well as the Board's recommendations. They suggested that a requirement that all new utilities to be underground should be considered. They should also consider incentives for placing existing utilities underground. Staff feels that this request is worthy of further consideration. If the City wants to encourage underground utilities, they should consider offering some type of incentive.

Mr. Chave said staff has been working with the consultant regarding the issue of thresholds for different sizes of buildings. Rather than coming up with a number for the overall building size, staff feels it may be more appropriate to consider the building footprint size. The massing options seems to work better when referencing building footprint rather than total square footage of the building—especially in the downtown area. If the thresholds were changed to be the building footprint, the downtown buildings would be relieved of the massing problems that have been discussed earlier.

Mr. Chave said staff hopes that the matrix organizes the design guidelines visually and provides the Board with a notion of where the various bonuses and tradeoffs are. He said staff anticipates working with the matrix more at the next meeting, and they will also attempt to get another draft design guidelines document to the Board with all of the changes made to date. However, he noted that there are still several outstanding issues to consider. He referred to the memorandum from staff outlining the issues that are still undecided. He said staff would try to provide a number of photographs and an analysis of a number of different existing approved buildings identifying how they would have been impacted by the proposed guidelines.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst requested that staff update the Board member list. He also reminded the Board of the Walkable Communities Workshop that will be held on Friday afternoon.

PLANNING BOARD MEMBER COMMENTS

There were no Board member comments during this portion of the meeting.

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MOTION BY MS. CASSUTT, SECONDED BY MR. CRIM, TO ADJOURN THE MEETING AT 10:15 P.M. MOTION CARRIED.

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