

## PLANNING BOARD MINUTES

July 11, 2001

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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 – 5<sup>th</sup> Avenue North.

### PRESENT

John Dewhirst, Chair  
Beverly Lindh, Vice Chair  
Virginia Cassutt  
Bruce Witenberg  
Joanne Langendorfer  
Stan Monlux

### ABSENT

Cary Guenther  
Jim Crim

### STAFF PRESENT

Rob Chave, Planning Division Manager  
Steve Bullock, Associate Planner  
Karin Noyes, Recorder

Mr. Crim and Mr. Guenther were excused from the meeting.

### APPROVAL OF MINUTES

MOTION BY MS. LINDH, SECONDED BY MR. MONLUX, TO APPROVE THE MINUTES OF JUNE 27, 2001 WITH THE FOLLOWING CORRECTION TO PAGE TWO, FIRST PARAGRAPH, FIRST LINE: DELETE THE FIRST WORD "A." MOTION CARRIED, WITH MS. CASSUTT ABSTAINING.

### ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

### REQUESTS FROM THE AUDIENCE

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

### DOWNTOWN PARKING COMMITTEE QUARTERLY REPORT

Karen Wiggins, Downtown Parking Committee Chair, provided a brief report. She noted that the committee is currently working on a master plan for parking. They are also trying to address the issue of inadequate parking enforcement. They are still discussing the change that was made to the parking requirements in the multi-family zones, and they are hoping to propose a change in the parking requirements to lessen the requirement for one bedroom units in the multi-family zones.

Ms. Wiggins distributed a copy of a letter related to a joint effort on behalf of the Edmond Alliance for Economic Development, the Chamber of Commerce, property owners and the Downtown Parking Committee to enact a voluntary

program to move employee parking off of the street. They have considered making this a requirement through an ordinance, but have decided to try the program on a voluntary basis first.

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

Mr. Chave suggested that the Board start their review of the design guidelines by considering the City Attorney’s comments regarding the terms “should” and “shall.” Although the City Attorney’s comments have not been provided in writing to date, he has indicated that the Board has the discretion to deal with these two terms any way they want because there is no set definition for either term. The City Attorney concluded that the way that “should” and “shall” are defined in the proposed guidelines is acceptable.

Mr. Chave distributed a copy of the existing Architectural Design Board Criteria, which is a mixture of criteria and standards. Staff anticipates that the design guidelines will replace portions of the code (Chapters 20.10 and 20.12). He noted that the green sheet that was provided identifies the criteria used in the guidelines now and two other options for the Board’s consideration as follows:

1. Current Criteria: Use “should” to allow departures. “Shall” means that the requirement is mandatory.
2. Alternative Criteria: Use “should” to allow staff-approved departures and “shall” for departures approvable by the ADB or Hearing Examiner. A criteria for the second level of departures would be developed.
3. Alternative Criteria: Specify which items must be approved by the ADB or Hearing Examiner for departure, whether they are “should” or “shall.” The term would be less important because there would be a list of criteria for which the ADB, staff or Hearing Examiner could grant departures.

Mr. Chave concluded that the Board has a lot of flexibility regarding the issue of “should” and “shall,” depending upon how much discretion they want to build into the guidelines. The City Attorney has indicated that the current proposed language is adequate and meets the standards. His only suggestion was that they should be sure there is a distinction between Items B and C (see green sheet). He said that staff feels that if too much discretion is allowed, the guidelines will become too difficult to administer and defend and more decisions will be open to challenge. While staff understands the stakeholders’ concerns about flexibility, it is important that the criteria is clear so that decisions can be consistent even when the decision-makers change.

Mr. Monlux suggested that the term “shall” could be used to reflect those guidelines that are current code requirements or anticipated code amendments. Departure from these requirements could require a review by the ADB or the Hearing Examiner. The term “should” could be used for those guidelines that are not code requirements. Mr. Chave suggested that it would not be easy to separate the two terms as suggested by Mr. Monlux.

The Board discussed the three criteria options. Ms. Cassutt suggested that since the design guidelines are guidelines, perhaps Option 2 would be the best approach. Mr. Chave noted that, as currently written, the only guidelines where departures are allowed are those using the term “should.” Option 2 would allow for departures for all “shoulds” no matter where they are located in the guidelines. The ADB or the Hearing Examiner could approve departures for “shalls”. He noted that Option 3 is similar to Option 2, but it would create a list of those guidelines that allow departures rather than allowing departures for all of the guidelines.

Mr. Chave advised that the Board must decide whether or not the guidelines should be mandatory or if departures should be allowed. He noted that the design review process would continue in its current structure for now. The guidelines would be written to fit into both the existing and future structure for design review.

MS. LANGENDORFER ARRIVED AT THE MEETING AT 7:30 P.M.

**APPROVED**

Mr. Dewhirst recalled that the Board and staff tried to create a matrix to identify where departures would be appropriate and found it to be an almost impossible task. Therefore, he concluded that Option 3 would be very difficult to create. The Board agreed.

Mr. Witenberg pointed out that the terms “should” and “shall” can be defined any way the Board wants. However, people trying to apply common knowledge while reading the document could get confused very quickly. He suggested that they shouldn’t try to get creative with their definitions for the terms “should” and “shall.” Most people understand the term “shall” as mandatory and “should” as being something that would allow departures. Mr. Dewhirst agreed with Mr. Witenberg and reminded the Board that one of the goals of the process is to locate all of the design guidelines into one area of the code and make them more understandable and clear to the public.

Mr. Chave said that Mr. Witenberg’s comments point towards Option 1, which is what is currently written in the design guidelines document. If the remainder of the Board agrees, their task would be to review the testimony that was received at the last public hearing and determine if some of the “shalls” should be modified to allow flexibility. The Board concluded that Option 1 (the current language) would be the best approach. Next, they reviewed each of the public comments related to this issue as follows:

**#3—200-Foot Radius for Site Information.** Mr. Dewhirst recalled that the stakeholders requested that this section be changed to require only a 100-foot radius. Mr. Dewhirst said that in his experience, this requirement is more of an educational process for the applicant and his hired professionals. It really doesn’t benefit the City. He said that since the guidelines make a big deal of fitting new development into the context of the existing neighborhood and streets, a 100-foot radius would be pretty limiting. He felt that it is appropriate that the wider 200-foot radius be required. Mr. Chave said the other option would be to have different requirements for different areas. He said that a 200-foot radius is a larger relative distance in the downtown than it is in the Highway 99 area.

Mr. Bullock explained that at this time the City does not have a specific set of site distance requirements related to this issue. They only require that adjacent structures be identified. Mr. Chave clarified that the City is only looking for site relevant information such as driveway and street locations. They are not looking for detailed site plans for adjacent properties, only the general layout.

The Board agreed that it is important to see what is going on in the surrounding areas, and therefore, the 200-foot radius requirement should not be changed.

**#5—Buffers.** Mr. Chave said the staff does not have a problem with changing the term “buffers” to “landscape buffers” as recommended by the stakeholders. The Board agreed.

Mr. Chave suggested that the “shall” terms on Page 9 should remain as requirements and not be changed. He noted, however, that flexibility could be allowed in Items 1-3 at the bottom of Page 9. He also noted that Item 4 on Page 8 allows for buffer averaging and provides a list of reasons why a setback requirement could be modified. Since this provides a way to modify the standards on Page 9, Mr. Chave suggested that no changes be made at this time. Mr. Dewhirst noted that the buffer requirements are related to areas between single-family uses and other uses where there are buffering expectations.

The Board agreed that this section already provides a lot of flexibility and they agreed that the “shalls” should not be changed.

**#9—Number of Garage Entries.** Mr. Chave said that staff is working on some drawings that will better illustrate this concept because it is difficult to describe in words. He explained that staff’s main concern about the number of driveways is that, generally, the more driveways there are the more the total distance the building frontage is broken up. For example, two small driveways will exceed the width of one larger one because of the engineering requirements.

The Board agreed to defer this issue until the staff can create some drawings and additional code language with the help of the Engineering Department. Mr. Chave suggested that perhaps the staff could come up with two alternatives to build into the code to provide a few choices.

**APPROVED**

**#8—Garage Setback Entry.** Mr. Chave advised that the objective on the top of Page 17 of the design guidelines describes the reason for the proposed guideline. The Board agreed that the current language should remain as written to be consistent with the objective as noted by the staff. Mr. Monlux noted that mixed-use zones would be more restrictive than single-family residential zones which allow two car garage doors. Mr. Chave noted that single-family residential zones have setback requirements that the multi-family residential and mixed-use zones do not.

**#10—Trash/Utility Storage Location.** Mr. Dewhirst questioned if this requirement would apply to all zones. Mr. Chave replied that it would apply to all new development. He suggested that if the Board wants to allow a departure from this requirement, they should create some type of criteria to use when making this determination such as what mitigation would be required.

Mr. Dewhirst suggested that they could allow the use to encroach into the setback, but clearly indicate that the use would not be allowed in setbacks adjacent to single-family residential zones. The Board agreed and requested that staff change the language to reflect their decision. Mr. Chave suggested that perhaps trash/utility storage should also be prohibited in the street setbacks. The Board agreed.

**#12—Open Space Requirement.** Mr. Chave pointed out that multi-family developments would have an easier time meeting the open space requirements than the mixed-use developments would because of the side, front and rear setback requirements. Mr. Dewhirst inquired if the open space area could include the landscaped areas that are required. Mr. Chave said the original intent was that if the buffer area is developed into an accessible landscaped area, it could be counted as part of the open space requirement. He suggested that perhaps the meaning and intent of this section should be made clearer to indicate that buffer or setback landscaping would not automatically be considered as open space. The Board agreed to the following change to Item 1c on Page 22: delete “and landscaping, etc.” and add “If these features are integrated into a landscaped area the landscaped area may also be counted as open space.”

The Board discussed whether Items 1a and 1b should be changed to indicate that square footage applies to footprint and not floor area. Mr. Chave noted that, as currently written, these sections refer to the inside of the building and not the footprint. The Board decided that no changes should be made at this time, but that the design guidelines should include a definition for residential area as “interior square footage.”

The Board discussed Item 2a and agreed to change “must” to “should” to soften the requirement that 50 percent of the open space be located at grade. They also agreed to combine Items 1c and 4 to clearly indicate that the setback area may be counted in the open space requirement as discussed previously.

**#18—Flat Roofs.** Mr. Chave said that staff believes that a smaller variation between the modulation seems to be a better choice. Ms. Cassutt suggested that the ADB should have the responsibility of reviewing each case and making a decision. Mr. Monlux agreed and suggested that changing “shall” to “should” would be appropriate in order to allow greater flexibility for good design.

Mr. Chave reminded the Board that this section was intended to require more modulation for flat roof designs. It does not really apply to all wall modulation. He noted that the standard variation for wall modulation is 40 feet. The Board agreed that the maximum roof modulation should remain at 30 feet, as currently written in the design guidelines. They also agreed that no change should be made to the proposed language of Item 3iii on the top of Page 34.

**#23—Window Variety.** Mr. Chave noted that the best comments related to this issue at the public hearing came from Steve Waite who suggested that window treatment is probably more important than the variety and number of window types. He suggested that this comment be worked into the design guidelines. Staff agrees that if more window treatment around the windows is provided, then the required number of different window types and sizes could be reduced. The Board concurred.

THE BOARD TOOK A TEN-MINUTE BREAK AT 8:30 P.M. THEY RECONVENED AT 8:40 P.M.

**APPROVED**

Mr. Monlux referred to the language regarding window types on Page 44 and inquired whether “shall” or “should” is more appropriate—especially in light of the discussion regarding other ways to treat the windows. He noted that using the word “should” would give designers a lot more flexibility. The Board agreed to wait to make a decision regarding the terms “should” and “shall” until after the staff provides new language to include window treatment in this section.

Ms. Cassutt questioned whether the design guidelines need to be so restrictive by requiring two types of materials for buildings. She said she would prefer that “shall” be changed to “should” in this section. Mr. Dewhirst recalled that the consultant expressed concern about stucco and other building materials that were being used frequently. The intent was to break up that kind of façade by requiring at least two materials. He agreed that some all brick buildings are attractively designed, but he would rather go with the language as proposed.

Mr. Bullock referred to Page 45 of the design guidelines and advised that staff would be reconsidering the table provided. The way it is currently written implies that no departure would be allowed. However, this could be changed to allow flexibility as appropriate. This would allow approval of designs that use only one, high-quality material such as brick. The Board agreed that staff should research this issue further and provide suggested new language.

Mr. Dewhirst referred to Item 3 on Page 9 which requires a 10-foot high buffer landscaping for office and multi-family projects adjacent to single-family zones. He suggested that requiring a buffer of ten feet might not be appropriate since fences and other kinds of structures are limited to six feet in the buffer and setback areas. Ms. Cassutt and Ms. Lindh recalled that the intent of this provision was to provide additional buffer height to protect the single-family residential uses. The Board decided not to make any changes to this section.

Mr. Bullock reported that the City Council accepted the Board’s recommendation to allow bay windows to extend into the setback, but they did create certain conditions that would apply. Mr. Dewhirst said that this issue should be addressed in the design guidelines—perhaps in the window section. The remainder of the Board agreed that staff should incorporate the Council’s decision into the proposed document.

## **REVIEW OF PROPOSED NEW MIXED USE AND MASTER PLAN ZONING CLASSIFICATIONS**

Mr. Dewhirst recalled that the Board previously discussed the possibility of reviewing the area around the hospital as a possible master plan zoning classification. He requested that the Board provide their thoughts and ideas to the staff at this time.

Mr. Bullock said that staff has created some conceptual ideas for the Board’s consideration. He referred to the zoning map and said that staff suggests that the brown area on the east side of 76<sup>th</sup> Street be considered part of the hospital special zoning district. The new zone would allow a higher density, additional height, etc. He noted that none of these properties are adjacent to single-family residential zones. He added that if the Board would like to expand the zoning area to the west, they would have to carefully consider how the new zone would interface with the adjacent single-family zones—especially if greater height limits are considered.

The Board inquired why staff did not include the commercial zone that is located in the vicinity. Mr. Bullock said that Mr. Chave suggested that the general commercial zones along Highway 99 not be considered as part of this special zoning district. Mr. Bullock said that because staff proposes that the new zone allow a combination of the community business and multi-family zone uses, including the general commercial zones at this time would limit the uses that are currently allowed. He also pointed out that the height limit in the general commercial zone is between 35 and 45 feet. There is also a high-rise node that allows a developer to propose a greater height. The uses and heights allowed in the general commercial areas would probably not be appropriate for the special zoning district.

Mr. Bullock pointed out that a new zoning designation would allow a combination of the community business and multi-family residential uses. The community business zone allows commercial development with multi-family residential uses on the upper floors, but this would be inappropriate for all properties in this area and could inhibit future development. Some

properties would be better developed as either all commercial or all multi-family. He noted that no vertical separation would be required between commercial and multi-family developments and no mixture of uses would be required, either.

Mr. Dewhirst said he contacted surrounding cities to inquire regarding their height limits in commercial areas. The City of Lynnwood indicated that there are no height limits for the zones surrounding Alderwood Mall. They also indicated that they are in the process of considering the node around 196<sup>th</sup> Street and Highway 99, but they have not reached a consensus on what the height limit will be. He said that the commercial zones within the City of Shoreline have a 60 to 65-foot height limit, and the multi-family zones have a 30-foot height limit. However, they are in the process of considering a height increase in the multi-family zones up to 60 feet. The City of Shoreline also noted that they are trying to encourage the development of the area along Highway 99 between 175<sup>th</sup> and 185<sup>th</sup> Streets as the city center. However, the height limit has not been identified yet.

Mr. Dewhirst suggested that the City of Edmonds should consider increasing the height limits for the special zoning district to be at least equal to what Shoreline allows. He said he is concerned that the areas identified on the map as orange and brown may not be a significant enough for consideration as part of the master plan zone. Mr. Monlux agreed that the area proposed by staff is small. While he noted that there is one single-family area that could become problematic, he would like to see the boundaries for the master plan zoning area pushed further south.

The Board agreed that the boundaries should be expanded to include the property east of 76<sup>th</sup> Street to Highway 99 and between 220<sup>th</sup> and 208<sup>th</sup> Streets. They also agreed to consider height limits up to 75 feet with step downs to lower heights closer to the arterial streets and lower density zones.

#### **REVIEW OF EXTENDED AGENDA**

Mr. Dewhirst said that after talking with staff, he recommends that the meeting of July 25<sup>th</sup> be canceled. This would allow staff more time to bring back a draft ordinance for the design guidelines and the mixed-use and master plan zoning classifications. The Board concurred.

#### **PLANNING BOARD CHAIR COMMENTS**

Mr. Dewhirst had no comments to make during this portion of the meeting.

#### **PLANNING BOARD MEMBER COMMENTS**

Mr. Witenberg said he would like staff to schedule an opportunity for Stephen Clifton to come before the Board to discuss the UNOCAL property. Perhaps this could be scheduled for the next Board meeting. He specifically requested information regarding the UNOCAL site boundaries, the agencies and entities involved in the issue, the City's role in the various aspects of the process, how the City is monitoring the situation, the clean up process, the proposed multi-modal facility, and the Brightwater Treatment Plan. He suggested that this presentation be provided orally, with a written summary, as well.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:10 P.M.

**APPROVED**