

## PLANNING BOARD MINUTES June 23, 2004

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Chair Young 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.

### **BOARD MEMBERS PRESENT**

James Young, Chair  
Janice Freeman, Vice Chair  
Jim Crim  
Virginia Cassutt  
John Dewhirst  
Don Henderson

### **BOARD MEMBERS ABSENT**

Cary Guenther  
Judith Works

### **STAFF PRESENT**

Rob Chave, Planning Division Manager  
Steve Bullock, Senior Planner

Board Members Guenther and Works were excused from the meeting.

### **READING/APPROVAL OF MINUTES**

BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF JUNE 9, 2004 AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

### **ANNOUNCEMENT OF AGENDA**

There were no changes made to the proposed agenda.

### **AUDIENCE COMMENTS**

Don Kreiman, 24006 – 95<sup>th</sup> Place West, provided some thoughts regarding the Comprehensive Plan, particularly related to downtown Edmonds. He said he recently spoke with Dale Hoggins, “2004 Edmonds Man of the Year,” regarding a parking meeting he recently attended. Mr. Hoggins made the suggestion that stripes be painted on the parking spaces in the downtown area. While this sounds like a small thing, it really is not. He noted that the Highway 99 Task Force recommended that there be a clear identification of where Edmonds starts and stops along Highway 99 because no one seems to know. He suggested that the same concept should apply to downtown Edmonds. There should be five locations that identify the start of downtown Edmonds. If the downtown area were delineated, the City would have the ability to have different setbacks, raise building heights, etc. These signs could be located on SR-104 near the Port, Dayton Avenue, Main Street and Fifth Avenue. He concluded by stating that downtown Edmonds is a gold mine that is underutilized. It could be a place where people congregate, walk to shopping, etc., but there needs to be a definite boundary around it.

### **PUBLIC HEARING ON FILE NUMBER CDC-04-37**

Mr. Bullock briefly reviewed the staff report. He referenced Attachment 3, which is a memorandum to the Board from the staff, and includes a copy of the City’s zoning code as it refers to the downtown community business (BC) zone that exists throughout the downtown. He explained that the BC zone allows for mixed-use development, but one of the provisions is

that the ground floor of buildings in the BC zone must be reserved for commercial uses. The BC zone does, however, have a provision that allows the parking for commercial or residential uses to take place on the ground floor as long as the front 30 feet, as measured from the street, is reserved for commercial uses. He advised that the intent of this provision is to make sure the downtown remains viable with space reserved for commercial uses.

Mr. Bullock explained that the proposed amendment would, for the most part, maintain this existing limitation. However, it would provide a provision, in a few limited places, for residential units to be introduced on the ground floor. He referred to the section of the code which prohibits residential units from the ground floor, and noted that the amendment would add an exception clause that would allow residential units to be introduced on the ground floor if they can meet the three conditions. The first condition is that the first 30 feet of the building must continue to be reserved and used for commercial uses. Secondly, the property must be adjacent to single-family or multi-family residentially zoned properties. Lastly, the unit that is proposed on the ground floor must face the residential zoned property in some way or fashion.

Mr. Bullock said staff has reviewed the proposed amendment. While they believe some aspects of it are reasonable, they acknowledge the fact that the Planning Board is in the process of looking at the whole downtown area and discussing the possibility of dividing the BC zone into different sub zones. Some of these sub zones might allow residential uses on the first floor. He noted that there are approximately 20 to 25 parcels that the proposed amendment would apply to. He used a map to point out some of these parcels. He said staff has concluded that the proposed amendment would have a scattered affect in the downtown area, and they are not sure how this would fit in with some of the things that are being proposed as far as dividing into more distinct sub zones. For that reason, staff is recommending the Board hold off on making a recommendation to approve the proposed amendment. If the Board does decide to recommend approval to the City Council, staff recommends that the second clause be more strictly written as “properties that share a property line with residential properties” as opposed to “being adjacent to residential properties” since there is often some dispute as to what adjacent means.

**Bob Gregg, applicant, 16550 – 76<sup>th</sup> Avenue West**, said he would be co-presenting the application with **Sarah Castillo**, an intern in their office for the summer.

**Sarah Castillo, 8808 – 201<sup>st</sup> Place Southwest**, referred to the map that was provided by the staff and pointed out that in every city there is a core business commercial zone, which in Edmonds is located on the north side of town and identified on the map in purple. There is also a transition business commercial zone, which is located along the Fifth Avenue corridor as it enters into the downtown area. She explained that a transition property is defined as business commercial zones that share a property line with residential areas. She advised that, as written, the current code states that for site development standards, “the ground floor of development must consists of only commercial uses to a minimum depth of 30 feet as measured from the street front of the building.” She said the applicant believes this section of the code is appropriate and it happens to work for all commercial business zones.

Ms. Castillo advised that the proposed amendment addresses the second part of the code, which is related to use. The current code states that, “the permitted uses prohibit residences to be located on the ground floor of a structure.” She pointed out that certain concerns arise related to the transition zone of a business commercial property. First, as transition properties there is desire for the commercial activity not to encroach onto the residential property. She used the map to illustrate that the business commercial properties share a property line with the residences, which creates a concern that the commercial activity could encroach into the privacy of the residences. She suggested that the proposed amendment would provide a simple solution to address this concern. Since the upper floors facing the residential zone are already residential, the City should also allow residential units on the ground floor facing the residential property owners.

Ms. Castillo said a second concern that may arise with any business commercial zone is, typically, commercial users want to be oriented to the commercial street front and do not want their commercial space to be too deep. The proposed amendment would resolve this problem by allowing condominiums on the ground floor behind the required commercial space, facing the residential zone. This would allow the space to be utilized sufficiently to meet the needs of both commercial and residential property owners.

Ms. Castillo concluded that the applicant is proposing a code amendment that would allow residential units to be located on the ground floor as long as the following conditions are met:

- ❖ The development on the ground floor must consist of only commercial uses to a minimum depth of 30 feet as measured from the street front.
- ❖ The property must be adjacent to a single-family residential zone or a multi-family residential zone.
- ❖ The multi-family dwelling units must be located on the ground floor such that they face the adjacent residentially zoned property.

Ms. Castillo said the applicant is willing to change the words “adjacent to” to “shares the property line with.” She summarized that the change would only apply to BC properties that share a property line with residential zones, which happens to be predominantly the Fifth Avenue corridor leading into downtown. In addition, the proposed amendment would in no way relieve a developer from placing commercial uses to a minimum depth of 30 feet of the entire length of the street front, which thereby, satisfies the commercial use intent. She pointed out that the proposed amendment would benefit all residential users, including the adjacent residential property owners who would likely prefer as little commercial activity facing them as possible. It also benefits all commercial uses. While they would be required to meet the minimum depth of 30 feet, they would not face the problem of spaces that are too deep.

Mr. Gregg referred to Mr. Bullock’s suggestion that the word “adjacent to” be changed to “shares a property line with.” He said he would agree with that change. Mr. Bullock also mentioned that there are scattered BC properties throughout the downtown. The proposed amendment is intended to focus on the Fifth Avenue corridor where these properties predominantly exist. The remaining properties that would be impacted are located on the absolute perimeter of the downtown area where the residential and commercial zones interface with each other.

Mr. Gregg said Mr. Bullock stated that the applicant did not acknowledge that there are already some provisions to mitigate the transition zone, one of which is the 15-foot setback from the adjacent property line and the proposal would not change that provision. There is also some landscape buffering required in the setback, and the proposal would not change this provision, either. However, the applicant agrees with Mr. Bullock that the transition part of the BC zone is different than the rest of the BC zone and some steps have already been taken to mitigate that transition. He said he believes this additional small change, which only affects the transition properties, would continue to improve the situation.

Mr. Gregg said Mr. Bullock’s major point was more related to timing than substance or content of the proposal. While he doesn’t agree or disagree that it would be awkward to approve the change at this time, “time waits for no man.” He noted that one of the largest holes to be dug in the Edmonds BC zone will start tomorrow, and based on what they have been hearing from the City Council and the Architectural Design Board, the proposal would address some of the concerns that have come up. He noted that Mayor Haakenson has stated that there are some commercial requirements in areas of town that may be forcing unusable space and there are some problematic restrictions on residential zones. While the City’s plan is to review this whole area, this step is not intended to be anything other than a baby step towards the direction they are going anyway. It would be over ridden by whatever final new plan that is adopted later.

Mr. Gregg clarified that the proposal would meet the intent of the commercial desires. They agree 100 percent that the space in the buildings that faces a commercial street front should be commercial the whole length to at least 30 feet in depth. But it is important to remember that these properties are all platted at 120 feet in depth. He noted that the minimum depth of the development would be 30 feet. The market driven depth would be 60 feet, which is as deep as a commercial space wants to rent. In order to build to the code driven depth, the remaining space would have to be used for parking or else remain vacant. Since the new development that he referenced is the only one that would utilize the proposed code amendment before the master plan is changed in the near future, they would be allowed to build to a 90-foot depth, with an additional 30 feet on the side that faces the residential developments. Regardless of the staff’s comment regarding timing of the proposed amendment, Mr. Gregg asked that the Board go ahead and recommend approval to the City Council now.

Board Member Henderson inquired where the property Mr. Gregg will start developing in the near future is located. Mr. Gregg said the property is located on the south side of Fifth and Walnut. It runs from Walnut to Holly Drive along the length of Fifth Avenue. It is 120 feet deep by 210 feet long and will face McGregor Place, which is located on the other corner of

Fifth and Walnut. Mr. Bullock added that Pete's Automotive and Hong Kong Gardens is currently located on the subject property.

Board Member Dewhirst clarified that the subject property is basically a no man's land right now because of practicality and market. Mr. Gregg agreed. Board Member Dewhirst inquired if any utilities or commercial storage could be located to the rear of the property. Mr. Gregg said it could if there wasn't already space for it. However, it would be a very expensive and inefficient place to put this equipment. Even secondary market rental space would command \$16 per square foot or \$180 per foot to appraise, purchase or sale. All of the features referenced by Board Member Dewhirst would be located over the parking ramp in the garage, on the roof, etc. and have already been accommodated. The choice is to either have a 120-foot deep commercial space which would likely not be desirable or place two residences on the back that would face towards the residential zone.

Board Member Dewhirst referred to the third proposed provision that would require the residential units to face the adjacent residentially zoned properties. He inquired if this would mean the entrance and driveways for the two residential units would come from that side, as well. Mr. Gregg said the purpose of the third provision is to make it clear that the units would not be intermixed with the commercial space. The idea is to have residences facing residences. In this particular case, there would be no parking or access from the rear. The units would be accessed from the garage parking just like the units on the second or third floor. Another access would be from the Fifth Avenue ground level entrance. There would only be windows on the rear of the building facing the adjacent residential properties.

Board Member Crim pointed out that because there is a 15-foot setback, the development would only be able to occupy a depth of 105 feet. Mr. Gregg said the parking ramp would be located on the south side of the property, so there would be no units located on the ground floor in this area. The parking ramp dives down deep enough so that the other side of the property could be developed as either commercial or residential space.

Board Member Cassutt questioned what the windows in the proposed residential units would look out onto. Mr. Gregg said there would be a 45-foot landscaped area. Board Member Cassutt asked if the residents of the units would be able to access the landscaped area. Mr. Gregg answered that all occupants of the building would be able to access the landscaped area for passive use, but there would be no access to the units by car and no parking would be provided to the rear.

**CHAIR YOUNG OPENED THE PUBLIC HEARING.**

Roger Hertrich, 1020 Puget Drive, said he has spoken regarding the issue of commercial space in Edmonds on previous occasions. He recalled that a previous code required that at least 50 percent of the total building had to be commercial, and the intent was to protect the limited areas for commercial uses. The zone is still commercial but has been changed to mixed-use, which originally allowed the one and only floor above the commercial use to be residential. With the building height limits two floors would fit nicely and allow for a taller first floor ceiling to accommodate commercial uses. With the adjustments to the height limit, it is now possible to construct two floors of residential above the commercial space, and the City eliminated the requirement that 50 percent of the building had to be used for commercial space. This has resulted in greater uses for residential than for commercial, which gets further and further away from the concept of 50 percent for commercial. Not only has the area requirement been reduced, but they have also reduced the size of the commercial units in order to accommodate two floors above. He suggested that these spaces probably wouldn't rent well because they are designed with lower ceilings.

Mr. Hertrich said that the developers have now found that selling condominiums is a much better deal than selling retail space. This has resulted in a push to make the commercial zone more and more residential. He recalled that more recently, the City created a provision that required only the first 30 feet of the first floor to be commercial space, allowing another use such as parking behind the commercial space. Since elevators to access the upper residential units and parking access can be deducted from the commercial space requirement they end up with very little commercial space in these developments. The proposed change would further reduce this amount of space. If approved, they will eventually end up with only residential. The City should look at opportunities to increase rather than decrease the commercial uses.

Mr. Hertrich summarized that the proposed change would not be good. While Edmonds might not have the best commercial district and there might be areas on the edges that no one wants to use as commercial space, he believes they need to continue the requirement for commercial use. He said he believes they should take a step in the other direction and say that if the developer takes off so many square feet for the entrance to the residential upstairs and so many feet of frontage for the entrance to the driveway on the main floor, they must provide a greater area in the building for commercial use elsewhere. He questioned what the City really wants to occur in this area. Do they really want to increase the residential use in the mixed-use zone more than it is right now? He said he does not support the proposed amendment. He said he believes the general public's concept of the developments that are occurring in Edmonds is very negative. They are becoming too massive.

Mr. Hertrich said the building proposed for construction by Mr. Gregg would be 210 feet long, which would result in a massive wall approximately 30 feet high. The few feet of open space is wonderful, but there would be no spacing or break up in the width of the building. In addition, there would be less space for commercial. Mr. Hertrich summarized that he believes it is important for the City to retain the ability to have commercial space.

**Ray Martin, 18704 – 94<sup>th</sup> Avenue**, said the City has to make a choice between a market drive quick profit arrangement and the long-term interest of the downtown central business district of Edmonds. He recalled that in the late 1970's a host of condominiums began to appear on Fifth Avenue, working their way down the hill. There was uproar amongst the citizens and a moratorium was placed on this type of development. He noted that Fifth Avenue is a main entrance into the City, but there is a wall of condominiums along both sides. He questioned if that is what the City really wants.

Mr. Martin noted that the Fifth Avenue Restaurant site is identified as the future location of another condominium, as is the ice cream store that is located next to it. He said he has enjoyed the small-scale nature of Edmonds, and he is concerned that staff is taking a neutral approach on this issue since he had assumed the Mayor would already have given them the direction that this would be the location of another condominium. He said he would rather see another restaurant or another type of business go into this area.

**Darrell Marmion, 750 Edmonds Street**, said Mr. Hertrich did an excellent job of explaining his concerns and the history of retail space and where it is heading in Edmonds. Mr. Marmion said his concern is an issue of "code creeping" where the code is incrementally changed over time resulting in a code that in no way meets the intent of the original Comprehensive Plan or the code that was put in place. He agreed with Mr. Bullock's concern that these kinds of changes should be done as an overall revision to the Comprehensive Plan with public input and not just to help one project.

To illustrate how office space in the downtown area has changed. Mr. Marmion used an example of a typical property that is 120 feet deep and 250 feet wide, which is about a 32,000 square foot lot. The way the square box, two story buildings were built ten years ago, this would have given about 55,000 square feet of office and retail space. Then changes were made to encourage residential units to occupy up to 50 percent of the structure, and next it was changed to require commercial space to a depth of 30 feet, with the remainder of the ground floor available for other uses. This reduced the amount of office and retail space to about 8,000 square feet. When you include elevators, public entrances, and parking garage ramps, this amount is reduced to about 7,000 square feet of retail/office space. This results in only ten percent of retail/office space being provided compared to ten or fifteen years ago. This is a huge change in the execution of the code, but nothing was changed in the Comprehensive Plan or the purposes defined in the code related to what they are trying to preserve in the BC zone. This "code creep" has greatly changed the way they are developing properties without an overall change to the Comprehensive Plan.

Mr. Marmion said the proposed amendment tries to appeal to the idea of dealing with the transition areas. The reason a BC zone has a 15-foot setback requirement when located next to a residentially zoned property is to help with transition. In the Architectural Design Board Review, they are required to look at the impact, through the Urban Design Guidelines, if there is a single-family property located next door. He concluded that there are already measures in place to address transition.

Mr. Marmion said the idea of a 30-foot depth being adequate for office/retail space is not founded. He questioned where storage space, office space, etc. would be located. In addition, deliveries and services would have to come through the front of a building. This would eliminate any uses other than small walk-in businesses. Restaurants, etc. would not be possible.

Mr. Marmion said he sees the proposed amendment as an attempt to squeeze in a few more units on a ground floor. On the sample property he looked at, if a modest sized unit of 2,000 square feet were built, this would allow ten more units in the building. He felt that is the main reason the applicant is requesting a change in the code, and he does not think the change would be in the best interest of the citizens of Edmonds.

**Leslie Haan, 750 Edmonds Street**, reminded the Board that the City just recently hired an economic development director so that they could look at bringing in more business and make sure that Edmonds grows. This does not necessarily mean grow with condominiums in mind. The intent is to encourage economic growth and make Edmonds a destination place. The proposed amendment is just one more example of a developer presenting a need and requesting that rules be either bent or changed. The proposed change would not necessarily benefit anyone but the existing developer of the site, and she doesn't want to see another huge rectangular building. Whatever the City can do to limit what the developers are trying to do to the downtown would be appreciated. While the developers have a right to develop their properties to their maximum benefit, the citizens have a right to protect their city. She said she is appalled that yet another developer is trying to bend, break or change the rules. She is looking to the Planning Board and City Council to help with this.

**John Quast, 15714 – 75<sup>th</sup> Place West**, said that currently the code has induced significant vacant areas in the downtown and surrounding areas because of the provisions that have been put in place that require commercial space on the ground floor. Developers have purchased and developed property in a manner that meets the existing code requirements, yet this has resulted, in some cases, in a large number of vacancies over a long period of time on the first floor. These vacancies are created for a variety of reasons. The BC zone is large, and the City's intent was to control the growth in the area. However, trying to manage the service sector by having retail areas that the community cannot support has not been practical. He proposed that the City shrink the BC zone and provide a separate transition zone. This would allow the City to grow from retail to service to residential. In the retail BC zone, the first floor of all development could be reserved for commercial space. He suggested that since service uses pay more for a given space than residential, when the demand gets large enough the residential will move into service. In a like manner, when retail becomes demanding enough, there will be a transition from a service to retail uses. This would result in an orderly progression that can be done without major changes to the structures. What they have in place now requires major changes to a structure to transition from a residential use to a service use. He suggested that developers be required to provide the first floor in such a manner that it could easily be converted to a retail use. This would require a commitment on the part of both the City and the developer to allow the natural transition to happen without undue obstruction.

**Rowena Miller, 8711 – 182<sup>nd</sup> Place Southwest**, said her main concern is about the growth of Edmonds and the tremendous mass of buildings they are accumulating. She questioned how this application would impact parking and traffic in the area. She questioned what type of businesses would only want a depth of 30 feet. Some of the business owners she knows have turned places down because there wasn't enough room. She said the whole issue sounds like a piecemeal change to the code, and she urged the Board to consider this issue as part of a wider discussion of the Comprehensive Plan. It doesn't make sense to make piecemeal changes.

**Don Kreiman, 24006 – 95<sup>th</sup> Place West**, emphasized that the most valuable commercial or retail space in the downtown is the space that faces the street. If he was going to rent a space for any type of business, the last place he would want is the backside of the building, which is the subject of the applicant's proposal. Because this amendment would change the Comprehensive Plan, it is a time for the Board to make a logical decision. The end result of the amendment would be a nice courtyard 45 feet deep by 100 feet long. He said he bicycles through Edmonds almost everyday, and he sees a lot of commercial space available. It is not the space that is located along the street; it is the space that is away from the main thoroughfares. He said it is important to protect the commercial spaces throughout the City, but not those spaces that abut against residential zones. He suggested that these spaces would likely remain vacant if they were developed as commercial space. This is an opportunity for the Board to do one thing that would make the property available for someone's residential use instead of a commercial space that would likely fail.

**Greta McKay, 504 Sixth Avenue South**, pointed out that there is no way for anyone to have access to the back of Mr. Gregg's proposed building, whether it be developed for commercial or for residential use. He said the previous speakers

have suggested that although the code only requires a business with access of at least 30-feet in depth, the commercial space could extend the full depth of the building and perhaps attract other businesses.

Mr. Gregg said he agrees with most of the comments made by the public. A lot of comments were made that a depth of 30 feet for commercial space was not enough. He noted that the development he constructed on the other corner of Fifth and Walnut, McGregor Place, runs the whole length of Fifth Avenue and goes 90 feet deep. However, the code only requires a depth of 30 feet for commercial space. He suggested that perhaps the code should be changed to require commercial space to a depth of 60 or 70 feet. He emphasized that he is not asking the City to change that part of the code that requires commercial space to a depth of 30 feet and noted that this requirement was encouraged by developers who wanted to build condos and only meet the absolute minimum code requirement for commercial activity. This results in grade level parking behind the minimum 30-foot deep retail space. Again, he emphasized that he is not proposing a depth of 30 feet for commercial space, but that is simply what the code currently requires. He is only asking for a minor exception under certain strict conditions.

Mr. Gregg noted that McGregor Place provides 7,500 square feet of commercial space on the ground floor, and it was disappointing to him to have to place a 25-foot wide drive out on Fifth Avenue because there was no other way to access the lot. On the current project that would be impacted by the proposed amendment, they have been able to put the ramp on the back of the property so the entire 210 feet of retail space along Fifth Avenue could be developed to a depth of 90 feet for a total of over 18,000 square feet of retail and commercial space on the ground floor. He clarified that the proposed exception would only apply to projects that can meet the minimum depth requirements. He also clarified that the proposed amendment would only allow him to develop two additional residential units. Mr. Gregg noted that the proposed development would not be a massive wall. The design is highly modulated, with a large courtyard.

Again, Mr. Gregg said that in a perfect world, it would be acceptable to wait to make this change in the code until the Comprehensive Plan is reviewed for the downtown area as a whole. However, it is not practical for them to wait, and that is the reason they have requested a code change now. He pointed out that access to the landscaped area to the rear would be through the front door and the corridors. He said there is a misnomer that something the Board does tonight will or won't have this building going forward. The building has already been approved, permitted and is moving forward. All they are asking for is to use the space behind the existing planned 90 feet of commercial depth for two condominiums instead of additional commercial space on top of the 18,000 square feet that is already proposed.

Mr. Gregg pointed out that those who spoke against the proposed amendment also spoke against his proposed project two years ago when a contract rezone application came before the Board and City Council for approval. The very space they are talking about for two residential units was zoned single-family residential. The only two dissenting votes on the City Council for the contract rezone were based on their concerns about the commercial part of the mixed-use building encroaching eastward into the residential zone. Those who spoke against the project spoke against converting residential to commercial. Tonight they are present to argue against converting commercial to residential. He stressed that they are drawing a line far from splitting down the middle. The proposal would be a win-win situation. It would provide a massive amount of commercial for the downtown and allow just the deepest rear space that faces the residential neighborhood to be residential.

**CHAIR YOUNG CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.**

Board Member Dewhirst said he is intrigued by the proposed code amendment, but he questioned how the proposed amendment would be treated on a corner lot. Mr. Bullock answered that on a corner lot, a property owner would be required to provide 30 feet of commercial depth from both of the streets. Board Member Dewhirst referred to the property located at the corner of Fifth Avenue and Howell where the grocery store is currently located and noted that this is a ripe parcel for something else to be developed. Mr. Bullock pointed out that commercial space would be required on the portion of the development that fronts on Howell and the portion that fronts on Fifth Avenue.

Board Member Henderson questioned what would happen if the lot that is located directly behind Mr. Gregg's property on Walnut were developed as commercial rather than multi-family residential. Would this property owner have more trouble obtaining approval to rezone to BC if Walnut developed as a business district and the ground floor condos were developed as

**APPROVED**

part of Mr. Gregg's proposal? Mr. Bullock said this would be a policy decision made by both the Planning Board and the City Council. The property along Walnut is developed as a four-unit condominium building, with four separate property owners, and it is very unlikely that the scenario suggested by Board Member Henderson would occur. However, if this situation were to occur, the City would have to seriously consider the request, and he does not know if approval of the proposed amendment would have any impact on the outcome. Board Member Henderson expressed his concern that residential units on the ground floor of Mr. Gregg's development could have an impact in the future if the BC zone wants to grow because more businesses are coming in off Walnut. Mr. Bullock said he would not anticipate this occurring.

Board Member Crim said his understanding is that the design of the building has already been established and approved by the Architectural Design Board. The only question is how to finish out a modest portion of the ground floor. Mr. Bullock said that is correct. Board Member Crim said he is concerned about changing the code piecemeal, and he questioned if there is any other method to address the applicant's concern. Mr. Bullock explained that the code is very specific in that variances are only allowed to address bulk and dimensional standards and can never be used to address use issues. The situation before the Board at this time is a use issue, and a variance would not be an option for resolution. He said the BC zoning district does not have any provision that would allow residential on the first floor with a conditional use permit or some other mechanism. It just prohibits the use on the ground floor.

Board Member Freeman said it has previously been suggested that when reviewing the Downtown/Waterfront Plan, the Board consider options for somehow converting residential space to commercial space in the future. This could also go the other way if that is what the demand was. Board Member Cassutt agreed. Mr. Bullock said that if a building were designed with appropriate ceiling heights and the appropriate infrastructure, it would be possible for it to be converted from residential to commercial space in the future. Board Member Freeman pointed out that allowing residential uses on the ground floor would not necessarily close the door to commercial space if the need were to arise later on. She said she is not in favor of doing things in piecemeal fashion but would consider this as part of a whole in the Downtown/Waterfront Plan review. Board Member Crim agreed that the proposed amendment had a lot of merit, but he is not in favor of making piecemeal changes now.

Board Member Dewhirst said he is intrigued by the proposed amendment and understands both sides of the issue. Particularly in the case they are talking about, he doesn't see any problem with the proposed amendment. But when looking at the map, there are numerous other sized properties that would also be impacted by the change. He said he would like staff to do a little more work on the concept. He recalled that they have heard for years about encroachment into the residential areas, and the concept might help to lessen this encroachment. However, he said he is also concerned that on some of the other properties, particularly when the code only requires commercial space to a depth of 30 feet, they might be opening up a situation they don't quite understand yet. While this might not be a big deal, he would like to know more about how it would impact other properties. He said some of the wording in the proposed amendment concerns him because attorneys can interpret code language to create loopholes.

Board Member Crim said that if Mr. Gregg builds his structure so that it is a commercial space, he would not be prohibited from finishing it as a residential unit in the future if the code is changed. The structure of the building would be better if it were built to commercial standard on all the first floor. He agreed with Board Member Dewhirst that while this property is pretty straightforward, the impact to other properties could be a concern. He said he would be in favor of not forwarding the proposed amendment to the City Council, but rather incorporating the idea into their deliberations for changing the Comprehensive Plan.

Mr. Chave explained that since this is a formal application by an individual, the Board has an obligation to pass it on to the City Council one way or the other. If the Board's inclination is to give it further consideration, but they are not in favor of it now, they could pass a recommendation to the City Council that no change be made now. But the Board could retain the idea and incorporate it into their work on the Downtown/Waterfront Plan. Unless the applicant voluntarily wants to have it studied further before it goes to the City Council, the Board must forward a recommendation now.

Chair Young said he doesn't know exactly what the applicant is applying for and what he must measure his recommendation against. The Board is treating this as though it is quasi-judicial, yet it is dealing with legislation and affects properties other than Mr. Gregg's. Mr. Chave said the application is for a legislative change, but the proposal has come from an individual

property owner. He explained that any citizen or property owner has the right to apply for a change to the development code. Chair Young said if that is the case, he questioned what the Board should measure against when making their recommendation. If this issue were judicial and the applicant were requesting a zone change, he would have the Comprehensive Plan to measure the application against, and he would expect information that said this type of use was no longer required and forecasted not to be required by the market. He said he doesn't have any objection to the proposal in principle, but he has an objection to making a legislative change that would impact more properties than just the applicant's. Again, he said regardless of whether he likes the idea in principle or not, he has nothing to measure his decision against.

Board Member Crim said the Board must send a recommendation related to the application to the City Council. Mr. Chave agreed, and suggested that the Board talk with the applicant to see if he would be willing to allow the staff and Board to further study the proposal. The applicant has the ultimate right to have the decision heard throughout the process. As far as what the Board should measure the application against, Mr. Chave said they should look at Comprehensive Plan policies, the purposes of the code, the zoning district, how it fits with the intent of the code, etc. Legislative items can impact more than one property. However, there is no requirement in the code that says a certain number of people must apply. Any citizen or person impacted by the code has the ability to apply for a code change. Typically, the Board sees these changes come from the staff or the City Council.

Chair Young said that if the proposal is, in fact, a legislative change that is being treated in a quasi-judicial manner, he hasn't heard any persuasive information about why it is anything other than just a great idea for this piece of property. While he is not saying it is a bad idea, but he hasn't heard how it would benefit the community and that there is a need for the change to be made for the greater good of the community of Edmonds.

**BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD FILE NUMBER CDC-04-37 TO THE CITY COUNCIL WITH A RECOMMENDATION OF DENIAL. BOARD MEMBER FREEMAN SECONDED THE MOTION.**

**BOARD MEMBER HENDERSON MOVED TO AMEND THE MOTION TO RECOMMEND THAT THE APPLICATION NOT BE APPROVED AT THIS TIME, BUT THAT IT BE SENT BACK TO STAFF FOR FURTHER STUDY AS TO HOW IT WOULD IMPACT OTHER PROPERTIES IN EDMONDS. BOARD MEMBERS CRIM AND FREEMAN ACCEPTED THE AMENDMENT.**

Mr. Chave said that, regardless of how the City Council decides on the application, there appears to be some interest by the Board to consider it as part of their review of the Downtown/Waterfront Plan. Board Member Crim agreed and suggested that perhaps the amendment to the motion is redundant because the concept will be discussed in the context of the Board's future review. Board Member Henderson agreed but said it is important to communicate to the City Council that they would be reevaluating the concept as part of a whole rather than outright rejecting the proposal.

**THE MOTION CARRIED 5-1, WITH BOARD MEMBER DEWHIRST VOTING IN OPPOSITION.**

Board Member Crim requested that staff provide further background as to how the 30-foot depth requirement for commercial space was established in the BC zone. Board Member Dewhirst suggested that it would be helpful to have a workshop to discuss both the depth requirement and the height limit for the BC zone. This would allow the Board an opportunity to review the current situation.

THE BOARD TOOK A FIVE MINUTES BREAK AT 8:30 P.M. THEY RECONVENED AT 8:35 P.M.

**PRESENTATION BY EDAW REGARDING UPDATE TO THE CRITICAL AREAS REGULATIONS**

Mr. Chave introduced the following consultants from EDAW: Dan McShane, the geotechnical consultant; Jill Sterrett, the managing principal for the project; and Jim Keany, the lead scientist for the project. He advised that the consultants would make a presentation, and then allow time for the Board discussion and questions.

Jill Sterrett, Managing Principal for EDAW, said their consulting firm was hired by the City to work with them on their critical areas ordinance. The intent of the presentation is to provide an overview of the requirements and process, where they are in the process, and a brief description of the issues. She said she would provide a general introduction to the critical areas requirements, and her colleagues would provide much more of the technical details.

Ms. Sterrett said that the Growth Management Act (GMA) that was passed in 1990 requires preparing a critical areas ordinance. The Comprehensive Plan is also a requirement of the GMA. She said the two purposes of preparing a critical areas ordinance are to protect human health and safety and to protect the functions of natural systems. She advised that a few years ago, the City of Edmonds adopted their critical areas ordinance as part of their Comprehensive Plan as required by GMA. A few years ago the State adopted a requirement that cities update their ordinance every seven years. They also mandated that the ordinance incorporate best available science. While there is a lot of debate about what exactly is best available science, essentially the common understanding is that you need to establish a record, which shows you carefully considered the science that is available. But that doesn't mean you have to apply some standardized solution. Looking at the best available science allows a city to tailor the critical areas ordinance to the issues that exist in the City and find the solutions that are right for them.

Ms. Sterrett said the State's changes also added a greater emphasis on anadromous fisheries between the time the original requirements came in and the requirement for this update. There are endangered species listed in terms of anadromous fish in this area, so this part of the GMA was also increased. There is also a new requirement that the ordinance proposed by the City be reviewed and accepted by the Department of Community Trade and Economic Development (CTED).

Ms. Sterrett said there is an inherent conflict between the GMA and critical areas, and that is why both were adopted at the same time. One of the main provisions of the GMA was to increase density within urban growth boundaries, with the overall concept being to focus more of the growth within the State in the already developed areas and allow for more open space and protection of rural areas. However, there are natural resources that need to be protected within the urban areas. The aspect of protecting the resources within an urban growth boundary is what happens through a critical areas ordinance. It was very deliberate on the part of the framers of the GMA to look at both at the same time. Even though they are increasing density in urban areas, it is still important to protect the natural resources as best they can.

Jim Keany, Lead Biologist, reviewed some of the issues that must be dealt with in rewriting the critical areas ordinance. He explained that because Edmonds is located in an urban area, they have some interesting aspects of man-induced systems they have to work with and figure out how to apply a critical areas ordinance. Mr. Keany said there are two types of human-induced effects on aquatic systems: direct and indirect. Direct effects are things that happen to the stream or wetlands. There can be habitat effects from filling or channelizing. There are things that affect the flow regime such as impervious surfaces that have built up over the years. If there is more than ten percent of a watershed with impervious surface, then it has a significant impact on how the flow regime acts. Landscaping also has an impact on the flow regime, such as when people cut down native vegetation and replace it with lawns right up to the streams. Mr. Keany said there are always concerns related to water quality as a result of people putting fertilizer on their lawns and from general urban runoff from roads and parking lots (oils, grease, tire residue). These chemical constituents eventually get into the water because the streams are not buffered as well as they used to be.

Mr. Keany explained that indirect effects on the aquatic systems are a little more vague at times. The loss of riparian vegetation has more than just a physical effect on the stream. While it does shade a stream, it also provides a number of nutrients from decomposing leaves and wood that fall into the stream, insects that fall into the stream that other insects prey upon, etc. Upstream migration barriers prevent anadromous fish such as salmon or steelhead that come to the fresh water to spawn and live in the ocean for most of their lives from getting up the stream. Many studies show that the energy those fish brought into the stream has significantly changed. Mr. Keany said there are also a number of miscellaneous biological interactions that have an impact on aquatic systems. These include invasive species, vegetation management, and human disturbances. All of these converge and have an impact on all components of streams and wetlands, and they represent some of the aspects that must be considered when looking at where the critical ordinance is now and where it is going. It will eventually get to the point where policy decisions need to be made by the Board and the City Council.

Mr. Keany said there are several aspects associated with the Edmonds critical areas ordinance update. The first is putting together a critical areas inventory. It is impossible to figure out how to manage the resources until they have a general idea of where they are located. The first thing the consultants did was gather all of the resources the City had, which included the basic skeleton of the inventory in a variety of different map forms. A GIS database has been built to identify all the critical areas that must be covered in the ordinance. The second step of the process is to conduct a comparative code analysis, which compares the City's current code with the guidelines that CTED and the Department of Ecology (DOE) have put out. He explained that there are a number of jurisdictions that are ahead of the City of Edmonds in this process, and the consultant's have reviewed the solutions they have come up with.

Mr. Keany said the next step in the process is the best available science review, which requires the staff, the Board and the consultants to update the code in a manner that reflects the best science available that is applicable to the City's critical areas. Once the best available science review has been completed, they can start on the code revision and update process, which is what the consultants are currently working on. The final step will be to assist the City in their SEPA analysis. Because a code change is being made, at least a SEPA addendum must be completed to analyze the potential effects of the new code implementation.

Mr. Keany briefly reviewed the consultant's progress to date. He advised that the inventory has already been developed and a comparative code analysis has been done. They have also completed the best available science review, as well. They are about half way through the process and all work will be completed by the end of November. The ultimate goal is to obtain City Council approval of the ordinance by late December. He reported that public workshops have been scheduled for the near future. But before these workshops occur, draft code language would be drafted by a team of consultants and the staff.

Mr. Keany briefly reviewed some of the more significant issues the consultants are dealing with. He provided a map identifying potential frequently flooded areas, streams and wetlands. This data was collected from the City's flood plain maps based on information from the Federal Emergency Management Agency (FEMA). There are very limited frequently flooded areas in the City, and they are generally located along the shorelines, near wetlands and at the mouths of some creeks.

Next, Mr. McShane displayed a map identifying the potential geologically hazardous areas. He explained that EDAW produced a series of maps showing potential geological hazards. Maps have been created to show the geologic units, the soil types, slope angles, soils that are subject to seismic liquefaction, etc. On the map that he displayed he noted the area identified as "The Meadowdale Slide Area." He advised that EDAW would be working with Landau Associates, who have done some recent work in this area, to evaluate how development is being managed. He noted that this is a deep-seated slide that falls within the Whidbey formation, and development has actually occurred on the landslide. It is important to manage development in this area to make sure things stay reasonably stable. Mr. McShane referred to the yellow areas on the map, which identify slopes that are greater than 15 percent. While these areas might not necessarily be landslide areas, they are areas where concerns about erosion hazards should be considered. The red areas on the map identify slopes that are greater than 40 percent, and these are often thought of as areas where both landslides and erosion could occur. These areas warrant more careful planning before development occurs. Mr. McShane advised that the consultant would also review the seismic hazard areas and identify the best approach as part of their process.

Mr. Keany displayed a map identifying the potential fish and wildlife habitat conservation areas. He advised that this is a new definition under the latest CTED guidelines. He explained that most jurisdictions under the old critical areas ordinance included streams as a separate category. From an organizational standpoint, CTED now recommends that streams be included under the heading of fish and wildlife habitat conservation areas. Other items that can be included are areas that are important for a particular species of wildlife. CTED has given a lot of flexibility for cities to look at their particular jurisdiction and determine what resources they feel deserve protection. They have provided a number of guidelines that list typical species or habitat that they consider should be recommended for protection. Some of these are listed by the Department of Fish and Wildlife under their priority habitat and species program and include important shellfish zones listed on the Washington Department of Fish and Wildlife database, the seal haul out area, and the one bald eagle nest in the City. There is also a category that is called either wildlife corridor lanes or critical urban open space, and this refers to upland habitat and not areas protected under another critical area zone. But sometimes there can be an overlap. For instance, there was a lot of discussion at the City Council level about the steep slope that was accidentally cut near the UNOCAL site. This

was a critical area with a steep slope, but it also had a lot of trees that would have fell into the urban open space category. Mr. Keany said that with the urban open space category you are usually looking for the potential to link habitats together.

Mr. Keany said that in Edmonds there are some issues related to streams, which can be interesting because they are linear features that cross a number of properties that could be public open space and parks and private parcels that have been developed previously. He provided a picture to illustrate a stream within Edmonds that has a rather healthy riparian corridor with large alder trees and other vegetation and a good interaction between the physical and biological habitats. However, he said there are numerous streams in the City that have absolutely no riparian corridor. These streams come very close to residences or go under elevated driveways or sewer connections, etc. One interesting question is how the buffer requirements should apply to built-out areas. If the residences are already there, the City cannot require property owners to rebuild the stream course at their expense, yet CTED is telling the City they can't just ignore these streams. The CTED guidelines state that no habitat function loss can occur in the natural systems. The goal is supposed to be improvement of conditions over the long-term period.

When doing the code comparison and best available science review, Mr. Keany said the consultants looked at best available science information from a number of different resources. They also reviewed the CTED and DOE guidelines, which provide standard language. In addition, they researched neighboring jurisdictions to see how they solved problems in critical areas. He referred to the best available science report that was put together by EDAW and briefly reviewed some of the issues they will be dealing with.

Mr. Keany advised that the existing code has a three-tiered classification system for wetlands, and the DOE has adopted a new four-tiered system that is pretty straightforward. Other jurisdictions have generally adopted this four-tiered system and the consultants will likely recommend the same for Edmonds. Other issues that will need to be considered are what the minimum size of a wetland should be for regulatory purposes. The existing code says 2,500 square feet is the minimum threshold size. Wetlands smaller than this are not covered by code and basically not protected. This threshold will likely be reduced because it is quite large compared to the CTED recommendations, what other jurisdictions are adopting, and what best available science says should be protected. Mr. Keany explained that buffer zone requirements around different wetland types depend upon what type of category of wetland it is. The new DOE numbers range from one to four, with one being the best and four being the most degraded. The consultants agree that the better the condition of the wetland, the greater buffer it deserves because it is more valuable. The existing code is within the ballpark of the number range identified by the DOE, but they need to consider changing from a three-tiered system to a four-tiered system. They also need to determine what the recommended buffers should be.

Mr. Keany referred to the issue of compensatory mitigation and said that if there is no alternative for development of a parcel and City staff reviews and agrees that a wetland or part of a wetland has to be filled, the City needs to identify the requirements for either enhancement of another wetland or the same wetland on site or a wetland creation if the damage is significant enough. There are standards to identify how much compensation would be required. The consultants will be reviewing the City's existing compensatory code in relationship to best available science and what other jurisdictions do. However, they believe the current code is within the ballpark. In addition, he advised that the development standards must be consistent with best available science and the critical areas recommendations. CTED limits what activities can occur within wetlands and their buffer zones.

Mr. McShane referred to the code comparison and best available science review for geologically hazardous areas. He explained that the approach for dealing with geologically hazardous areas is pretty important to make sure they are addressed correctly. The City has an existing code that the consultants must review to determine how well it fits with the particular hazards they know are in Edmonds. There are example codes that are broad in range and the hazards vary from location to location. It is important for the City to adopt something that fits Edmonds' situation. He advised that the current code requires a 50-foot buffer for geologically hazardous areas, but it can be reduced to ten feet. This is consistent with CTED's recommendations. He noted that the buffer requirement in the Meadowdale area is 200 feet because the impacts to that slide area are rather large. Mr. McShane pointed out that within the City's code there are four geologically hazardous areas: erosion, landslide, steep slope and seismic hazard areas. CTED breaks this into only three categories, folding steep slopes into the erosion hazard areas and landslide hazard areas. This might be an appropriate approach for Edmonds. Mr. McShane said staff has already indicated that the issue identifying top and toe of slope has been problematic in the past. The way the

code is written, the method for measuring the steep slope can be confusing. There might be a different approach that would work better.

Mr. Keany reviewed the code comparison and best available science review for the frequently flooded areas. He advised that the City must identify frequent and 100-year flood areas. The City's existing code is fine, but the inventory map will be sent out to the City Engineers to supplement the FEMA maps because there could be frequently flooded areas that are not recognized by the FEMA maps. The consultants may recommend that provisions dealing with frequently flooded areas be handled by other parts of the City code and not specifically written into the critical areas ordinance.

Mr. Keany advised that for the fish and wildlife habitat conservation areas, streams must be added into the subcategory. This also includes critical and significant habitats. The existing code makes reference to an inventory map that doesn't exist. A number of resource areas were added such as shellfish, threatened and endangered species, kelp grass beds, herring and smelt spawning areas, anadromous fish zones, etc. He explained that the existing code has provisions that advocate limited vegetation removal and retention but no specific recommendations about how that should be handled. Because this is important habitat, the ordinance needs to identify how those should be regulated to make sure there is a balanced growth approach. The consultants will work with staff to better define how lots can retain as much native vegetation as possible if they have been previously undeveloped. Another change will be to match the new stream typing criteria. The current code uses a three-tier system, and CTED is recommending that jurisdictions adopt the four-tier system that was adopted by the DOE. The big issue will be what to do in the developed areas. Should there be a threshold for development on the residential parcels? Can they require some minor enhancement of the stream corridor in order to get a permit?

Mr. Keany summarized some of the potential changes as follows:

- A general reorganization of the code to make it more user friendly. The existing code is difficult to follow.
- Provide consistent code cross-references.
- Creating limited geologically hazardous areas categories.
- Revise the wetland classification and stream typing.
- Retain native vegetation on previously undeveloped parcels. The City is built out so existing open space is very important.
- Provide flexibility for implementation with an assured outcome. On one hand there should be balanced growth as per GMA. On the other hand, they also need to protect the resources that exist in the City. They must allow staff some flexibility in how they implement the critical areas ordinance, yet they must ensure that the provisions are not too loose so that the City has no idea what the potential outcome could be. There are two groups who are very interested in what is going on. One is the environmental community and they want to make sure the code is strong enough to protect the resources within the City. The other groups are developers who want to make sure they are not hamstrung in developing lots that have a good potential for either residential or commercial development. The code must strike a fine balance between the two, but allow staff enough flexibility to implement the code and work with developers to make changes to the buffer requirements or place the structure on the lot in a different location, etc.
- Look at non-regulatory incentives and education. This is very important, particularly in the built out areas. People already live in these stream buffers, and it is important to give them ideas about stewardship of the City's resources.
- Protect exist aquatic functions.
- Identify priorities for enhancement of degraded habitats. It is important to identify where opportunities will present themselves over the next ten years.
- Outline how the ordinance will be administratively implemented. The staff wants to make sure the process is clear to both them and the applicant.
- Integration of the ordinance with the Shoreline Management Plan. The City will be updating their Shoreline Management Plan, and there are some nuances about overlap between the critical areas ordinance and the Shoreline Management Plan. At this stage, the consultants want to make it easier to organize critical areas issues so they will easily flow into Shoreline Management Plan update that will be done in the future.

Mr. Keany advised that the next step in the process is to finalize the best available science report. They will set up a meeting with the staff to review the revised code language. Once staff approves the proposed language, it will be presented to the Planning Board and eventually the City Council. A public input process would be conducted prior to the revised code language coming before the Planning Board. This will allow the public an opportunity to identify the issues they see as important. Once the Board and the City Council approve the code, a SEPA analysis must be completed. Once the SEPA review has been completed, the document will be forwarded to CTED for review and approval.

Board Member Dewhirst inquired if the ordinance would be correlated with the drainage regulations. Mr. Keany said there would be coordination, particularly with the stormwater regulations. Usually, the critical areas ordinance covers the more physical attributes of protecting resources such as streams. Drainage issues relate to things such as discharge and drainage for parking lots, new subdivisions, etc. There will be coordination, but there will not be a specific code classification for stormwater within the critical areas ordinance.

Board Member Dewhirst recommended that the consultant look at the City of Mill Creek's regulations. What they have done along North Creek is really innovative. They allow paved walking paths along the creek in the buffer areas. They have the wording down so the developer takes it off his taxes and the City doesn't pay anything for their nice network of walking trails.

Board Member Dewhirst said a real concern of his is how trails, walkways and sidewalks are treated in the critical areas ordinance. The ordinance has prohibited a lot of pedestrian facilities, and he would argue where the greater social benefits are. He said he would be very interested in looking at how the ordinance treats linear kinds of things across a multitude of drainage basins. He said he feels the two can go hand-in-hand and one should not be used to prohibit the other, which seems to be the case right now.

Mr. Keany said scientists are in the process of reviewing the best available science and what other jurisdictions are doing, but ultimately, the ordinance will consist of policy decisions. The staff, Board, City Council and public will have to decide what the specific balances should be for the City.

Chair Young inquired if the report would be the basis for the Board's recommendation on an ordinance. Would the Board walk through the provisions of the proposed ordinance and discuss how they were derived based on the information the consultant found and the criteria prescribed by CTED? Mr. Keany answered that the best available science report is divided into several sections. The first provides background information, but then it is broken up into the different resource areas such as wetlands, geologically hazardous areas, etc. The report goes through what was done throughout the inventory process, the code comparison process and best available science review. The third section for each resource area identifies what code changes would be made, how the changes compare with best available science, and what the overall risk factors are for each of the changes.

### **ADMINISTRATIVE UPDATE**

Mr. Chave reviewed that the Board had tentatively scheduled an open house on July 14<sup>th</sup> regarding the Downtown/Waterfront Plan Update. The staff has started to put together additional information to include in the public information piece. He advised that there are two ways to approach this subject. They could go ahead with the information session on July 14<sup>th</sup> just to get the public out and let them know what is going on. The other approach would be to flush out the ideas and concepts further before holding a public open house. Staff has material that talks about specific areas, but they haven't really done much with the other issues that exist such as the larger BC zone, the close in areas that were discussed as part of the earlier public hearing, etc. If the Board wants to go further, they should postpone the public meeting that was scheduled for July 14<sup>th</sup>.

Chair Young said he would like to present the available concepts to the public on July 14<sup>th</sup>, even though there are more issues that need to be discussed by the Board. Chair Young suggested that the public meeting would be a catalyst to obtain additional ideas from the public before they proceed further through the process. Mr. Chave pointed out that the public information piece clearly points out that the ideas presented are just some of the concepts being considered by the Board.

**APPROVED**

Board Member Cassutt agreed that it would be appropriate to hold an open house on July 14<sup>th</sup> to allow them to at least finalize some of the concepts. That way it will be easier to put all of the concepts together. Board Member Freeman agreed, and said it is important that the public open house be conducted prior to finalizing the draft so that it does not appear to the public as a done deal. She agreed that the open house should go forward on July 14<sup>th</sup>. Mr. Chave suggested that additional sessions could be held in advance of future meetings so that people can find out information without having to sit through a Board meeting or wait for a public meeting.

The Board briefly reviewed Page 9 of the public information piece that was prepared by staff. Board Member Freeman suggested that the last sentence in the middle column should be reworded to make it clear that buildings that are exclusively multi-family would not be allowed. Also, in the section at the top of the middle column related to the new “pedestrian commercial zone” she suggested that it might be a good idea to specifically mention cafes and opportunities for outdoor dining in the season.

Board Member Dewhirst referred to the middle section of the first column where street amenities are listed. He suggested that another thing that should be added is “works of art” both public and private. He referred to the last column and recalled that one of the goals was to keep the height of the buildings low around the fountain area. But that is not what the language states. Mr. Chave said the idea was that there was a public goal to preserve view corridors and have a true pedestrian orientation along the street fronts. In order to obtain that public benefit, the idea was that there would be some benefit also granted to the property owner as a trade off. The step backs would be required, but the property owner would be granted a few feet more height to potentially allow the third floor. Chair Young said the concept was to create a feeling of openness more than it was lower height.

Board Member Crim suggested that the last two bullets in the third column should be reversed. A lot of people will read through and see the increase in height and then stop reading and say no. The remainder of the Board concurred that this would be appropriate. He suggested that the term “step back” is more appropriate than “set back.” He also suggested that perhaps the step back amount should be 15 feet rather than 10 feet.

Board Member Dewhirst suggested that the proposed language would not achieve the original concept. View corridors are aimed at trying to preserve view somewhere. It was his understanding that the concept was to preserve the open space around the fountain. That can be seen as a view corridor. Board Member Cassutt agreed and expressed her belief that the buildings in this area should be limited to two stories, with no exception. Board Member Dewhirst said he, too, is concerned about allowing a third floor in that area. She noted that the City’s building is the only tall building. All the other buildings are just one and two stories.

Board Member Freeman said it is important not to confuse view corridors with the openness they are trying to establish around the fountain. It is important to prevent the canyon-like appearance by stepping the buildings back, but keeping the height to what currently exists in the area around the fountain. The remainder of the Board concurred that the goal was to retain the small town look. They agreed that the issue was more related to conservation rather than trying to encourage new development. Mr. Chave said the proposal would not necessarily encourage development, but if development occurs, they want it to go in a certain direction. Board Member Dewhirst suggested that the proposed language would open the door for new development, and he felt it would be more appropriate to close this door as much as possible.

Board Member Crim inquired if the Board would want to extend the two-story limit clear up to Sixth Avenue. Mr. Chave explained that limiting the number of stories is problematic. There is no difference in his mind of a two-story building that is built to 30 feet or a three-story building to 30 feet. He noted that many buildings are not built to the height that is currently allowed. If the Board wants the buildings to remain exactly the same, they must consider a reduction in height limits, etc. While the Board could certainly propose a height reduction, he would not recommend it. He did not believe the property owners in this area would support this change. Board Member Dewhirst said that while the property owners in the downtown might not support the change, the citizens would definitely provide their support. He said he believes it is a concept worth presenting to the public.

Mr. Chave pointed out that the buildings around the fountain are primarily single story. A 25-foot height limit would not result in the redevelopment of single-story buildings. Two stories would be allowed even if the height limit were reduced to 25 feet. He said the concept of using step backs would provide the appearance of a single-story structure from the ground level, but would allow an additional story. He recalled that the Board also discussed the need to have a goal of having the first floor be a meaningful retail height, which is about eleven or twelve feet. That is why they talked about allowing up to 33 feet so that developers who want to construct three stories would not be encouraged to compress the third floor in order to meet the height limit.

Board Member Crim suggested that perhaps the public information piece should include an alternate proposal that the building height in this area be 25 feet, which would only allow two stories. This would allow the public an opportunity to provide comment. Mr. Chave agreed that if this is something the Board wants to consider, it is important to present it to the public early in the process. The Board agreed.

Board Member Dewhirst suggested that the section related to the “new commercial core zone” should provide some type of introduction to point out the goals of preserving the old time feel of Edmonds around the fountain, including public and private spaces, one and two story buildings, etc. It is important to clearly explain why the Board is proposing the changes. The remainder of the Board agreed this would be appropriate.

The Board discussed that a possible incentive to encourage property owners to retain one-story structures in this area would be to eliminate the parking requirement for those properties that are redeveloped as a single-story structure.

Board Member Crim said it is important to point out to the public that the Board is not be proposing all of the ideas, but they would select from the options.

Mr. Chave referred the Board to the information provided by Stephen Clifton relative to RTID, which was provided at the request of Board Member Dewhirst.

Mr. Chave reviewed that the agenda for the July 14<sup>th</sup> meeting would include an open house on the Downtown Waterfront/Plan, a public comment period related to the concepts and ideas for the Downtown/Waterfront Plan Update, and a continued review of the Comprehensive Plan and Critical Areas Updates. He said it is unlikely that the Highway 99 Economic Feasibility Assessment would be ready to present to the Board on the 14<sup>th</sup>. The Board agreed that the City’s new economic development director should be invited to attend the July 14<sup>th</sup> Meeting to discuss her ideas and concepts for the downtown area.

Mr. Chave advised that a public open house for the critical areas ordinance and Comprehensive Plan update is tentatively scheduled for August 11<sup>th</sup>. Staff will be reviewing the schedule with the consultant within the next few weeks.

### **PLANNING BOARD CHAIR COMMENTS**

Chair Young provided no additional comments during this portion of the meeting.

### **PLANNING BOARD MEMBER COMMENTS**

Board Member Freeman said she read in the local paper that the Planning Board would be reviewing the issue of cottage housing. She said she visited the cottage housing project in Langley, which is absolutely beautiful. Board Member Cassutt said there are several nice cottage housing developments in the City of Shoreline, as well. Both Board Member Cassutt and Board Member Freeman expressed their opinion that the concept of cottage housing is great.

### **ADJOURNMENT**

**APPROVED**

The meeting was adjourned at 9:55 p.m.

**APPROVED**