

## PLANNING BOARD MINUTES

### August 11, 2004

---

---

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  
John Dewhirst  
Cary Guenther  
Judith Works

#### **BOARD MEMBERS ABSENT**

Don Henderson  
Virginia Cassutt  
Jim Crim

#### **STAFF PRESENT**

Rob Chave, Planning Division Manager  
Karin Noyes, Recorder

Board Members Cassutt and Crim were excused from the meeting.

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

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE MINUTES OF JULY 28, 2004 AS CORRECTED. BOARD MEMBER FREEMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

#### **ANNOUNCEMENT OF AGENDA**

There were no changes made to the proposed agenda.

#### **REQUESTS FROM THE AUDIENCE**

**Edmond Lee, 20345 – 8<sup>th</sup> Northwest, Seattle**, said he has a business located at 110 James Street. He referred to the property that is identified on the proposed Comprehensive Plan Map for the downtown area as a question mark (the property located west of Sunset Avenue North). Mr. Lee said he and his wife have an option to purchase this property that has been designated for residential use since 1956. He noted that the property has never been developed because it is difficult to develop as residential. He said he and his wife believe the property would better serve the City if it was developed, and they have a plan they would like the City to consider.

Mr. Lee said he and his wife have been long-time residents of north Seattle, but their company has been headquartered in Edmonds since 1985. He explained that they are in the business of purchasing distressed hotels, renovating them, ramping up the revenue and then selling them for profit. They employ about 15 people at their Edmonds office, with a number of satellite offices throughout the United States. In all, they employ a few thousand people.

Mr. Lee advised that, at this time, their company has a need to expand their office space in Edmonds. They currently occupy a 2,100 square foot space on James Street, and they are planning to relocate a number of people from their satellite office to the Edmonds office. In the near term, they will need 4,000 to 5,000 square feet of office space when their lease comes up in a few years. He explained that, for their company, it is all about lifestyle and quality of life. They are past the point where they are struggling to survive and they love Edmonds. Their goal is to create a live and work situation on the property. They

would relocate to the City and own their office building. They are proposing an 8,000 square foot office building on the street level with underground parking to accommodate their needs. There would be 4,000 to 5,000 square feet of residential space constructed on the upper level that he and his wife intend to occupy. Perhaps there could also be a studio or one bedroom apartment on this level, as well. He emphasized that they are not trying to maximize the height for the purpose of having a business there, and they want the development to be something that works well for the City and the neighborhood.

**John Bissell, Land-Use Consultant**, advised that Mr. Lee engaged his services to help him through the process. He introduced Brian Slick, an architect from the firm of Webber and Thompson, who has created preliminary ideas to illustrate what the Lees want to do with the site. He said he believes the proposal would be a nice, low-impact addition to the City of Edmonds. He said they are hoping to get some direction from the Board as to whether this property could be considered for inclusion in the 2004 Comprehensive Plan update that the Board is currently working on.

Mr. Bissell said he has been working on this issue with the Planning Department staff, and the next step is to talk to the Board. The intent is to encourage the Board to recognize that this piece of property, and perhaps even the adjacent properties, would be more suitable as a commercial zone. They are asking that the Board consider this as part of the ten-year Comprehensive Plan update. He recalled that the Board has previously agreed that there are some reasons to consider this parcel, but they have not deliberated the issue to date. He noted that on the Comprehensive Plan maps the Board is currently considering, the subject property is shown as a question mark. The Lees would like to get this question mark off the map and for the Board to forward a Comprehensive Plan amendment to the City Council that would allow for commercial type uses with a concurrent rezone.

Mr. Bissell recalled that, last year, the current property owner approached the City with a request that the Comprehensive Plan be amended so that the property could be rezoned. The Board forwarded a recommendation of approval to the City Council. However, the City Council denied the application and the applicant ended up tabling their proposal. He explained that between the time of the Board recommendation and the City Council hearing, members of the neighborhood raised some concerns and the applicant did not have sufficient time to show to the City Council that there were methods of mitigating those concerns. He said the Lees believe the Board could recommend approval of this type of change with some mitigating measures. The neighbors were concerned about the overwhelming height of the building and the loss of the residential character in the area. He referred to the drawings that were prepared by Mr. Slick to illustrate how these concerns might be mitigated and how the design guidelines would mitigate for most of them. The Board could also place additional conditions on the Comprehensive Plan change, if necessary.

**Brian Slick, Architect, Webber & Thompson**, said his company has been working on projects in Edmonds for at least four years. They recently completed a project at Second and Bell and are working with the City to redevelop the Unocal site. He said he has been working with the Lees for the last few months. As he reviewed the handouts that were available regarding the Comprehensive Plan update, he was struck by the fact that the subject property is identified as a question mark as far as land use. He said the challenge before him is to bridge the gap between the zoning concepts and the building concepts so that the two work in unison. Mr. Slick suggested that when considering downtown design concepts, a few things are relevant to the particulars of the subject property: view corridors, pedestrian connections to the downtown core, and a connect between the arts corridor and the waterfront

Regarding the relationship of the subject property to the surrounding business and residential zones, Mr. Slick pointed out that the two adjacent property owners to the north and south have also indicated their support for the Comprehensive Plan amendment and concurrent rezone request. He pointed out that there is a residential zone immediately to the east, which is defined as a boundary along the edge of the business district. The Burlington/Northern right-of-way provides a transition zone for a fairly intensified industrial type of use. He pointed out that because of the vacant property, there is a hole in the character of the street that disrupts the pedestrian connection to the downtown core. The Lees are proposing that this property be changed to a commercial designation so that it could be appropriately developed. This would knit the entire area together and act in compliance with the goals of the Comprehensive Plan.

Mr. Slick said another key point is the way the proposal would address the issue of pedestrian scale and appropriate development. He said they envision developing a strong street edge that would be inviting to the neighborhood and appropriately scaled to the traditional height in the downtown core. They also envision terracing the top floor of the building

back from the street. He noted that the business zone would require no setbacks for the interior property lines, and the Lees are proposing a simple floor plan that would correspond with the kind of commercial zoning envisioned in the BC zone. The upper floor would only be 50 percent of the allowable footprint. He pointed out that BC zoning would allow the building to be up to 25 feet high with an additional five feet if roof modulation is added. He suggested that this could actually be a benefit to the neighborhood. Without the modulation, they could construct a flat box type of development to the maximum height that would be permitted outright in a residential zone.

Mr. Slick said that by developing the project under a BC zoning, they could end up with a building that is consistent with the character and scale of the adjoining parcels along the Burlington Northern right-of-way and they propose to mitigate the bulk of the building with modest setbacks and modulation that would be compatible with the forms of the adjoining residential developments. This would close up the gap within the street front in the transitional area between the residential and waterfront properties. He advised that, because of the slope of the property and the 25-foot height limit, the development would actually be lower in height than the building to the south and the same height or lower than the building to the north.

Mr. Bissell stated that the neighborhood concerns were related to the commercial presence and the massing. With the proposed building design, these concerns would no longer be an issue. The topography that prevented the property from being developed as a residential use has an elevation that is level with the railroad tracks and about eight feet below Sunset Avenue. The first floor commercial story would actually have a portion of the building below the existing street level. The residential floor would be more at the street level or slightly above, so the development would be similar in character to a residential development. If the land designation for the property were changed to commercial, the end result could be less of an impact because of the existing topography on the site. With the modulated building design that is required by the design guidelines, the end result would be a design character that is similar to what exists in the residential areas.

#### **REVIEW OF DRAFT CITY OF EDMONDS 2004 BEST AVAILABLE SCIENCE REPORT AND DRAFT AMENDMENTS TO THE CRITICAL AREAS REGULATIONS**

Mr. Chave referred the Board to the first draft of the materials that were prepared by EDAW, the City's Environmental Consultant. He noted that two documents were provided. The Best Available Science Report will be distributed to State agencies and to the public upon request. The other document that was provided is a draft of what would be the new Critical Areas Regulations. He explained that, currently, the Critical Areas Regulations are located in Title 20, Chapter 15.B of the Code. Staff is proposing that these be moved into Title 23, which would combine all of the regulations related to the shoreline, critical areas and other environmental issues together. The staff and consultant also tried to incorporate Best Available Science in the regulations. He said that, although this section would be fairly lengthy, it would be easier to understand. He noted that the consultant attempted to summarize or group together all of the regulations related to wetlands in one place, all those related to geologically hazardous areas in another, etc.

Mr. Chave advised that staff is currently working to create a document that would explain the differences between the proposed and existing ordinances. They are also preparing a document to outline the process for each type of review. Staff is in the process of reviewing the draft ordinance, and they have provided some preliminary comments to the consultant. They will continue to review the document and provide feedback. In addition, geologists and environmental consultants will review the draft to make sure it works with the Meadowdale Regulations that were recently approved. He said the goal is to tailor the regulations to the type of permit a person is actually applying for. He advised that tonight's meeting is an opportunity for the Board to relay any questions and concerns they have to the consultants for consideration as they continue their work. At some point the consultants will provide a formal presentation to the Board. Once the initial corrections to the draft have been made, the document would be presented to the public on August 25<sup>th</sup> at a public open house. The consultants would present the draft document, outline the changes, and solicit feedback from the public.

Board Member Works referred to Pages 16 and 21 of the Best Available Science Study and suggested that staff review these sections to make sure they are consistent. Mr. Chave agreed.

Board Member Works referred to Page 20 of the draft Critical Areas Ordinance that references the new maps that would be created. Since new mapping will be done, she questioned how the public would receive notice of these changes. Mr. Chave

**APPROVED**

said the property owners would receive notice at the time that a development proposal is submitted. As they go through the review process for their application, they will have to identify the critical areas that are present. After this process has been completed, the title for the property would be updated to indicate the critical areas. Any future owner of the property would be notified of this fact via the title information.

Mr. Chave explained that the maps should not be considered a critical areas designation document. The maps are based on the information that the City has available. They are not exact, but can be used to indicate where wetlands might exist. The map should not be considered a regulatory document. Its intended use to let people know there is a likelihood that a wetland might exist on a property.

Board Member Freeman pointed out that, oftentimes, the person developing a property is not the property owner. She questioned if the current property owner would have any responsibility to notify a perspective buyer that there might be a problem. Mr. Chave said that if a perspective buyer hasn't gone through the building permit process or some other type of process that would require a wetland study, they might not know. But it would be the due diligence of the person purchasing property to check into this matter.

Chair Young asked how critical areas information would get into the title information. Mr. Chave said it would be recorded after a property owner has gone through some sort of review process such as a building permit, variance, short plat, etc. At this time, a property owner is required to delineate streams and buffers, and this information would be solidified during the permit process and included on the title. Board Member Guenther added that the City would not issue a certificate of occupancy for a project until the critical area has been recorded on the title.

Chair Young said he is more concerned about someone who has owned a particular piece of property for a long time. They would not find out about the map designations until they come in to the City for a building permit to redevelop their property. He suggested that this should be made clear as part of the public record. Mr. Chave said that, the way the current system works, it is up to individual property owners to seek this information from the City. He said that, usually, people do come in and ask for more information if there is a stream located nearby. He said it is rare for people not to understand that if there is something related to a stream on their property or they have a wet, boggy area, they need to check it out. He said that since the City does not have an exact inventory of their wetlands, they can't tell people exactly where the critical areas are and what the setbacks must be. However, they can inform people of the rules and give an indication of areas that need to be researched further. Through the updated map, at least the City will be able to provide better information to the public, but they will still have to rely on people asking reliable questions before they go too far on their plans. The maps will be available on the City's website and a citizen could also request a property map. When an applicant comes in, the staff can visit the property as part of their critical areas review. This information will make it as easy as possible for people to come in and find out what they need to do.

Chair Young said he assumes the City would have an extensive public awareness program to encourage people to check the maps and the City's website for more information. Mr. Chave said that when a property owner comes in and picks up information for a building permit, the staff lets them know that a critical areas checklist and other things will be required as part of the permit review. The staff makes every effort to get people to check out what is on their property as early in the process as possible.

Board Member Dewhirst expressed his concerns about the proposed setbacks and buffers that would be required. He said he doesn't have a problem with these buffer requirements being applied to new development, but he has a significant concern about making them applicable to areas that have already been developed. He said he does not see how a 30 to 35-foot setback could work in many of the developed areas in the community. He said that he and his wife recently went on a garden tour of Edmonds and found many situations where streams were running through gardens on private properties. People have done various kinds of treatment in these areas. He expressed his belief that if a property owner wanted to expand an existing use on property that had a stream running through the backyard, the 35 to 50-foot buffer requirement would not work. He suggested that the new buffer proposal could become a "sleeping giant." He questioned if people really understand what the change would mean to them. He suggested that perhaps there should be two categories of buffers, one for built up areas and one for undeveloped areas. He suggested that the consultant should be asked to research what other jurisdictions do in this

**APPROVED**

regard. He said it appears that there would be a lot more hoops for property owners to jump through, and he questioned if this would add both time and expense to the process.

Board Member Dewhirst pointed out that in the current SEPA regulations, non-motorized facilities are categorically exempt. He suggested that they should also be exempt from the critical areas ordinance, particularly sidewalks and trails. He said he would like the consultant to look at this more. He suggested that the social benefits of sidewalks and trails far outweigh the other benefits that are inherent in critical areas regulations. Mr. Chave asked how an exemption for trails and sidewalks would work in the Edmonds Marsh area. He said it doesn't make a lot of sense to exempt trails in critical areas since it has been demonstrated that people walking through very sensitive habitat can have a significant impact on the wildlife. Therefore, he questioned why the City would want to exempt trails from review. Board Member Dewhirst replied that the benefits of being able to walk through an area could far outweigh the benefits of protecting the habitat. He suggested that there could be some exceptions to this concept, particularly for the Edmonds Marsh. Mr. Chave said he would highlight this issue, but if there is no scientific basis for this type of exception, the City would not be able to do it.

Board Member Dewhirst pointed out that there has never been a public discussion about which is the greater benefit to the public: adding a sidewalk next to a stream that may encroach into a wetland or creating gaps in their walkway system. He suggested that the City should consider what they would gain from not allowing a sidewalk in an area like that. He personally felt that public walkways and streets provide a greater public benefit. Mr. Chave said he would ask the consultant to provide additional feedback.

Board Member Freeman said she also feels that some of the setback requirements seem wide compared to the size of the lots in Edmonds. She noted that a person with a 6,000 square foot lot with a stream on it would not be able to build. She agreed with Board Member Dewhirst that the proposed buffers appear to be too great for a built up community such as Edmonds.

Mr. Chave explained that with the current regulations, the buffers are fairly small, but the process, especially in situations where a property owner has to work within a buffer or a critical area, is extremely difficult. For properties that are located within a buffer area, a property owner would have to obtain a variance. If the property is located in a critical area, the property owner would be required to obtain a reasonable use exception, and both are extremely expensive and time consuming. In the proposed regulation the buffers would be greater, but the process would be streamlined. The new ordinance may allow a property owner to expand the development into a buffer area by coming up with a mitigation plan to compensate for the encroachment. This would allow the City to require a buffer enhancement before allowing a property owner to encroach into a buffer. He summarized that the buffers are large, but the goal would be to manage the buffers to get a better situation than what currently exists. He added that, if a developer can avoid the variance and reasonable use exception processes, the expense would likely be less than the cost of hiring someone to do an enhancement plan. However, because of the expanded buffers, more properties within the City would require a critical areas review.

Board Member Freeman inquired if it would be considered a situation of "taking" if the City were to prohibit a property owner from putting a new structure on a property to replace a structure that previously existed. Mr. Chave answered that, generally, a property owner would be able to replace what is already on the site, but he asked that the Board allow him to review the proposed regulations to make sure this would still hold true.

Chair Young inquired if it is possible for a property owner's lot coverage to be substantially less than what is allowed for the zoning classification if a wetland exists on the property. Mr. Chave answered affirmatively. Chair Young said that while buffers are important, he expressed the importance of making sure the property owners in Edmonds understand the impacts associated with the proposed new critical areas ordinance. Mr. Chave explained that these same issues arise with the existing code. A property owner has to apply for a reasonable use permit or a variance in order to build in the buffer or critical areas. The new ordinance would be more flexible so property owners wouldn't end up in variance and reasonable use situations as they do right now.

Board Member Dewhirst pointed out that obtaining a loan to build a house is becoming a function of land values. As the price of the land goes up, the size of the house has to get bigger, as well. If the proposed ordinance is approved for residential zones, the City might have to increase their height limit to allow houses to be of sufficient size compared to land value. Mr. Chave replied that there are more problems with height than with critical areas. He said it is more common,

because of the slope of a property, for a property owner to run into a height problem than it is for them to have a problem with the size of the building envelope as a result of a critical area on the property. He noted that the regulations do not prevent development. The height problem comes in simply because of where a developer is putting a house relative to the slope and how the height limit affects the design. He said that, ordinarily, the City's height limits in single-family residential zones are low and do not give a lot of leeway for pitched roofs.

Mr. Chave suggested that perhaps it would be beneficial for the staff to provide some examples of recently developed properties. They could illustrate how the existing regulations were applied, and what impact the proposed regulations would have had on the development. The Board agreed this would be helpful.

## **REVIEW OF DRAFT 2004 AMENDMENTS TO THE EDMONDS COMPREHENSIVE PLAN**

Mr. Chave referred the Board to the charts that were provided in their packets to review the development history of the downtown area. On the first chart, he advised that staff added up the major projects that were reviewed by the ADB on a year-by-year basis. Then they totaled both the residential and commercial floor area that was developed per year. He noted that throughout the 1980's, most of the development that occurred in the BC zone was commercial. Very little residential floor area was developed until the early 1990's, and there was a substantial increase in the amount of residential space that was constructed beginning in the late 1990's to the present time. He summarized that commercial development started off strong in the late 1980's with a dip in the early part of the 1990's. But then it came back close to the same level in the late 1990's. Residential development climbed rapidly in the late 1990's. However, he noted that part of this trend was associated with the assisted care living facility that was built in 1997. The second chart shows what the data would look like if the assisted living facility were not included. .

Mr. Chave said the conclusion he took from this information is that the City was not obtaining a good mixture of uses for development in the downtown area during the 1980's, but they are now. He recalled that the citizens have, upon occasion, expressed their belief that residential development has taken away from commercial development in the BC zone. However, the data does not support this claim. Commercial development is at about the same level as it was in the mid 1980's and the development of additional residential units has not impacted this number. The numbers indicate that there is something of a balance between commercial and residential development right now.

Mr. Chave referred to the third chart, which provides a relative ratio between commercial and residential development in the BC zone. It identifies how much of all the space that was built in a given year was residential and how much was commercial. In the 1980's almost all of the new development was commercial. So far in 2004, only 30 percent of the development has been commercial and 70 percent has been residential. However, he said it is important to note that these ratios change from year to year.

Next, Mr. Chave referred to the two scatter plot charts that were prepared by staff to chart the historic floor area ratio values for the BC zone. The floor area ratio totals all of the leasable floor area and puts it as a ratio compared to the area of the lot. The maximum floor area ratio allowed in the BC zone is 3:1. A three-story structure in that is developed from lot line to lot line would have a floor area ratio of 3:1. A two-story structure would have a floor area ratio of 2:1 and a single-story structure would be 1:1. He noted that none of the developers reached a greater floor area ratio than 2.5:1, which indicates that the City is not close to maximizing what could be built in the BC zone, and this is due to the building height restrictions. He said the chart indicates that in recent years, the floor area ratio for new development has been between 1.5:1 and 2:1. He advised that the line was provided to indicate what the generalized trend has been, from the highs that occurred in the 1980's to the economic downturn in the mid 1980's to the mid 1990's, and then into the current period where the floor area ratio values have come up considerably.

Mr. Chave concluded that the statistical information indicates that the regulation changes that have occurred over the years have resulted in a better mixture of development and a level of development that is closer to the goals that were identified for the downtown area. He emphasized that this data is not qualitative, but quantitative. People can still argue about the design of the buildings, which is a whole other issue.

Chair Young said that at some point before the end of the year, the Board would discuss development guidelines for the downtown area. They have briefly discussed the option of requiring a first floor to be more than ten feet in height, and this could possibly result in buildings higher than 30 feet. The Board will need to justify why this change should take place and how it is consistent with the downtown. Mr. Chave pointed out that the City is doing better in achieving the floor area ratios that the current plan and regulations call for. If the regulations are changed, the City must be cautious to make sure they can still achieve the goals identified in the Comprehensive Plan. For example, if the first floor height limit is increased, but the overall height limit remains the same, the floor area ratio would go down and this could impact the vitality of the spaces and businesses in the downtown.

Mr. Chave reported that staff has found funding for an economic development analysis for the downtown area as part of the City's review of the Downtown/Waterfront Plan. Some of the questions the Board has raised regarding ceiling height, etc. would be answered as part of this study. He said the major conclusions from the charts are important to present to the public, as well.

Chair Young said the data provided by staff in the charts shows the parity the City is trying to achieve between residential and commercial development. But he questioned how much of the commercial space is actually being occupied and how much is being built just so a developer can get two floors of residential space on the site. Mr. Chave said staff would provide more information related to vacancies in the downtown area at a future date. He said part of the problem is that there are some prominent buildings that are largely vacant, but there are many that have been occupied for years. There are many factors outside of the market factors that impact the downtown as a whole.

Board Member Dewhirst expressed that the City should feel good about the results identified in the charts. However, one of the questions that the height issue will raise is how much square footage and what kind of uses are built in the downtown. It will be important to compare what exists now with what could take place if the height limits were changed. A lot of people are seeing that there is a lot of unused capacity. He questioned if this type of information could be calculated. Mr. Chave said staff is working to gather this information now, and it should be available for the Board's review shortly.

Board Member Dewhirst said he believes it is important to include the conclusions and data collected by staff as appendices to the Downtown/Waterfront Plan. Mr. Chave agreed and added that the data will be useful in showing what the City has done to make sure they do their fair share to encourage and make room for infill development as required by the Growth Management Act.

Board Member Freeman recalled that the Board has heard from a number of different people that if development is not allowed to occur up to at least three stories, it would be difficult for developers to obtain funding from a financial institutions. She questioned if this is really true. Mr. Chave answered that the economic feasibility study for the downtown would help to answer this question. The intent is to analyze the existing regulations for the downtown and the options that are identified by the Board and the staff. The analysis would answer questions about what type of development could occur if each of the alternatives were implemented. However, it is important for the Board and the staff to be very specific about the options they want the consultant to analyze.

Board Member Dewhirst said he would like to see some hard data that supports the development community's comment that it is not economical to build a two-story building in Edmonds. Mr. Chave said this information would also be provided as part of the economic analysis. The consultant would indicate the types of buildings that would be allowable uses with each option and the likelihood that someone would build them.

Board Member Freeman said she would like the staff or the consultant to provide more information regarding the option of stepping back the third floor of development in the BC zone. She said she finds it difficult to believe that this option would not be economical. She said that as she has walked around Edmonds, she has noticed numerous structures in which this concept was used. Mr. Chave said that some buildings in the downtown area have the third floor stepped back on the waterside to allow for patios and decks with a view. These step backs are usually considered desirable so that people living in the units can enjoy an outdoor view of the waterfront. Board Member Freeman pointed out that views do not always have to be oriented towards the water. Perhaps the units could be stepped back to provide a nice view of the fountain. She said she would like the staff to provide unbiased data regarding this option.

Mr. Chave summarized that the Board would like the economic analysis consultant to consider the height of structures in the downtown in relationship to the first floor height. In addition, they would like the consultant to analyze the concept of requiring the third floor of a structure in the area around the fountain to be stepped back. Board Member Dewhirst also requested that the consultant review the option of limiting development in the fountain area to two stories only. Mr. Chave explained that the topography in the area around the fountain is fairly flat. If the first floor ceiling height were raised as has been suggested, the buildings would be limited to two stories anyway.

Mr. Chave said staff anticipates that the economic analysis would take between five and six weeks to complete, which puts it into the latter part of September. This would impact the schedule that has been proposed for the Downtown/Waterfront Plan. He suggested that the Board proceed with their work on the Critical Areas Ordinance and hold off on public hearings on the Downtown/Waterfront Plan until after the economic information is available. The Board agreed that would be appropriate.

Board Member Dewhirst questioned if there are other areas within the City that would be considered as part of the Comprehensive Plan update other than the downtown/waterfront, and Highway 99. Mr. Chave answered that the City has received two specific requests related to properties on SR-104. These will involve a swath of properties east of Westgate, but staff was not planning to bring up the portion of the corridor that lies west of Westgate as part of this review. They will also be working on the triangular area where they recently rezoned property to commercial. Board Member Dewhirst suggested that it would be important to analyze whether or not the Westgate policies are working. He said he also has some concerns about neighborhood commercial areas like Five Corners, etc. Mr. Chave cautioned that the Board and staff would not have enough time in 2004 to get into a review of the neighborhood centers. This could involve the creation of a sub area plan, which would take a great deal of the Board and staff's time.

Board Member Dewhirst expressed his concern about the amount of work that must be done by the staff and the Board before the end of the year. Mr. Chave said the staff is working on actually getting a formal draft of the updated Comprehensive Plan for the Board to review as soon as possible. They will also create a document that provides a legal compliance check. The areas that have been singled out for specific attention include the downtown/waterfront, Highway 99, and the specific requests from owners of property along SR-104. They have also received a request to review the triangular area along SR-104, but he is not sure the staff and Board will have sufficient time to complete this review in 2004.

Mr. Chave reminded the Board that they also must consider options for the areas that are zoned as larger lots in the City (RS-12 and RS-20). An analysis of the various options would be available for the Board's review at their first meeting in September. Board Member Young suggested that perhaps this issue should be a lower priority than the other Comprehensive Plan issues that must be addressed. Mr. Chave reminded the Board of the recent case that went before the Growth Hearings Board regarding the PRD ordinance. In their findings, the Hearings Board indicated that it is a good thing the City will be reviewing their RS-12 and RS-20 zones this year because they do not comply with the Growth Management Act. The City informed the Board that they would be reviewing these areas as part of their 2004 Comprehensive Plan review. He said staff believes it is important for the City to take action on this item as soon as possible.

Mr. Chave explained that the Growth Management Act requires that the City show that their Comprehensive Plan is in compliance, and part of that is showing a net density of four units per acre. If the City cannot meet this minimum density requirement, they must justify why not. The City can justify the large lot zoning for the properties that are located within the Meadowdale Slide Area, but the majority of the RS-12 zoning is not located within a critical area. He said that while the Board may not be able to complete their review of this issue by the end of the year, they should at least try. If the updated Comprehensive Plan cannot justify the large lot zoning, the entire plan could be at risk of being thrown out. Mr. Chave pointed out that changing the RS-12 zones to RS-10 would probably not have a huge impact on the neighborhoods. A property would have to still be at least 20,000 square feet in order to subdivide. He said staff does not predict that this type of change would alter the character of the neighborhoods significantly since most of the properties are built out. He concluded that staff would present the various options for the Board to discuss at their first meeting in September.

Mr. Chave advised that a few pages were added to the Downtown/Waterfront Plan document that was prepared for the public hearings. The intent of this document was to capulate some of the ideas that have been discussed and request public

feedback as to what the citizens do and do not like. He noted that Page 9 of the document focuses on the downtown retail core and Page 10 refers to the arts center corridor and other areas in the downtown. He referred to the second paragraph on Page 9, which talks about uses on first floor buildings being limited to retail or uses that serve retail customers. He suggested that perhaps this should be limited to retail uses because it is arguable about whether service uses would contribute to the pedestrian oriented retail environment.

Board Member Freeman suggested that a real estate office would be an appropriate use in a pedestrian oriented retail environment, particularly if they displayed information about properties that are available. This would attract people who are visiting the area. Mr. Chave said one option would be to list the specific types of service uses that would be allowed in the downtown area. However, this would be difficult to do. Board Member Dewhirst expressed his concern that when office uses are allowed in pedestrian oriented areas, they tend to create dead space along the sidewalks. Mr. Chave agreed that pedestrian oriented downtowns are more successful if there are not a lot of gaps between the retail storefront windows.

The Board agreed that an additional paragraph should be added at the bottom of the middle paragraph on Page 9 to make sure it is clear that the Board recognizes that one policy would not fit all situations as far as building height in the downtown. There could be different height limits for different areas. The Board agreed they would like to discuss not only the basic question of height, but also whether different areas in the downtown should allow different heights.

Board Member Dewhirst referred to the last section on Page 9 and suggested that another alternative would be to limit development to two stories. Mr. Chave expressed concern about limiting the number of stories. Board Member Dewhirst agreed, and suggested that the same concern would apply to the issue of step backs. He suggested that for purposes of the public hearing, perhaps this section should merely say that the Board wants this area to develop at a pedestrian scale. He recalled that the subcommittee that worked on the fountain area made some excellent policies recommendations. Perhaps they should leave these policies as they are and let applicants demonstrate how a proposal could meet the policies. He concluded that sometimes they try to provide too much detail.

Next, the Board discussed the third column on Page 10. They felt that the areas discussed in this section must be better defined. Mr. Chave agreed. He clarified that the lower paragraph talks about the commercial area west of Third and east of Sixth. The first paragraph was related to the area south of Fifth Avenue. He said he would re-label the areas to be more specific.

Board Member Dewhirst recalled that one of the goals of the recently approved streetscape plan was to convert the south end of Fifth Avenue to a pedestrian friendly environment. However, the wording on the last column of Page 10 seems to contradict that goal. Mr. Chave agreed that the first paragraph in this column does not emphasize a pedestrian design. Board Member Dewhirst said he felt it would be possible to have both a pedestrian and automobile friendly atmosphere in this area. Mr. Chave agreed and said that is why the last sentence was included in the section. The idea is for the streetscape design to make the area feel part of the downtown, but the uses would enable automobile access. Mr. Dewhirst felt this concept should be clearer. He said that a lot of people walk in this area because there are a lot of residential units. While he would not argue against automobile use in this area, the City should also do more to emphasize the pedestrian streetscape.

Board Member Dewhirst referred to the middle column on Page 2 and recommended that the references to the Fine Arts Center of Edmonds be deleted from the document. Next, he referred to the last column on Page 2. He recalled that the Edmond Marsh was called out in the subcommittee presentations as being quite important. Therefore, he felt there should be mention of its role as a unique environment. The remainder of the Board agreed that this should be addressed as part of the first bullet in the last column.

Board Member Dewhirst reminded the Board of their discussion about retaining the small town character of Edmonds around the Fountain area at Fifth and Main. However, the document makes no reference to the concept and why the Board is trying to do something different for this area. He suggested that something should be added to the last column on Page 2.

Mr. Chave advised that he would make the recommended changes to the document and post it on the City's website for the public to access prior to the August 25<sup>th</sup> public meeting.

**APPROVED**

Don Krieman said he recently attended a meeting of the Edmonds Downtown Merchants Association at which they expressed concern about the small amount of space that exists between the road and the facades of the business buildings. They expressed that there was not enough space to create a unique environment for retail opportunities. He requested that in addition to the economic analysts' reviewing the options related to building height, they should also review opportunities for buildings to be setback further from the street. Board Member Dewhirst pointed out that the City has always tried to maintain a strong building façade line along the sidewalk in the downtown area.

THE BOARD TOOK A TEN-MINUTE BREAK AT 9:15 P.M.

#### **REVIEW OF FINDINGS OF FACT AND CONCLUSIONS FOR FILE NUMBER R-04-7**

Mr. Chave said that each time the Board makes a recommendation to the City Council, the customary practice has been for the staff to create a memorandum summarizing the Board's findings of fact and conclusions. He referred to the draft memorandum that was prepared by Mr. Bullock to summarize the Board's recommendation related to File R-04-7. He noted that, typically, the Board Chair would be asked to sign the memorandum. However, because there was a significant amount of Board discussion regarding the application, staff felt it would be worthwhile to bring the document back for review by the entire Board to make sure it accurately reflects their comments and recommendations.

Chair Young said he found that the memorandum generally captures what the Board wanted to convey to the City Council, but he emphasized that the recommendation was not easy to make. He said he believes the Board's recommendation was appropriate because the application process was totally incomplete. The points made by Board Member Dewhirst with respect to the Growth Management Act addressed a lot of the issues that were especially pertinent. Chair Young recalled that at the last meeting, Board Member Dewhirst pointed out that the Growth Management Act requires a number of things, and not just that the zoning map be consistent with the Comprehensive Plan Map. The applicant's representatives had more than adequate time to make the points that needed to be made and address the issues, but they did not do so. Therefore, the application was not in compliance with the Growth Management Act.

Mr. Chave said staff tried to capture all of the findings made by the Board by using the record of the meeting. He cautioned that if the Board makes changes to the memorandum, they must base these changes on the record that was part of the hearing. They must follow the comments and reasons for denial that were stated at the hearing.

Chair Young suggested that Conclusion B should be tweaked. He clarified that the denial was not based so much on the fact that the Comprehensive Plan requires anything from a design perspective, but it requires something else from a procedural perspective. The Comprehensive Plan requires an application to address six issues. Even if two were moot by virtue of the Comprehensive Plan Map designation, he still did not feel the application met the Comprehensive Plan test. Mr. Chave clarified that this section states that there are other policies that need to be taken into account, and the applicant did not address them.

Board Member Dewhirst agreed with Chair Young that Conclusion B should be stated more strongly. He pointed out that the Board did not really discuss all of the policies related to the Westgate Corridor. They talked more about the Comprehensive Plan criteria that must be met. Mr. Chave pointed out that there are two specific policies for the Westgate Corridor that talk about compatibility with existing development, and Board Member Crim's motion was very clear in that compatibility was a significant issue. Therefore, staff concluded that the Board did make reference to the Westgate Corridor policies. Chair Young noted that the applicant didn't even bring up the issue of compatibility with the single-family zones along SR-104 until the Board brought it up as a question.

The Board specifically discussed Conclusion D, and whether or not the Board actually made the statement that they would not be opposed to multi-family zoning. It was noted that the motion approved by the Board at their last meeting stated that RM-3 would be a more appropriate zoning designation than RM-2.4. Therefore, the Board concluded that they did, in fact, indicate their support for multi-family zoning. They agreed that Condition A should be deleted from the memorandum and replaced with Condition D. They agreed that an additional sentence should be added to Condition B to indicate that the compatibility issue, as discussed at the public hearing, was a major reason for the Board's recommendation of denial.

**APPROVED**

BOARD MEMBER WORKS MOVED THAT THE BOARD ACCEPT THE MEMORANDUM PREPARED BY STAFF TO SUMMARIZE THE BOARD'S FINDINGS OF FACT AND CONCLUSIONS FOR FILE NUMBER R-04-7 AS AMENDED. BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mr. Chave advised that staff would make the appropriate changes and forward the document to Chair Young for signature.

#### **ADMINISTRATIVE REPORTS**

Mr. Chave advised that the extended agenda would have to be changed somewhat to incorporate the economic analysis for the downtown area. However, staff anticipates that the economic report for Highway 99 would be presented to the Commission on September 22<sup>nd</sup>.

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

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

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

Board Member Works requested that the City provide financial support for her tuition to attend the American Planning Association Conference in Portland, Oregon on October 4-6. She said she would be willing to pay her own transportation and hotel costs. The Board agreed that it would be appropriate for the City to reimburse Board Member Works \$250 for the cost of tuition.

THE MEETING WAS ADJOURNED AT 9:47 P.M.

**APPROVED**