

PLANNING BOARD MINUTES

October 13, 2004

Vice Chair Freeman called the regular meeting of the Planning Board to order at 7:07 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

James Young, Chair (arrived at 7:15 p.m.)
Janice Freeman, Vice Chair
Jim Crim
Virginia Cassutt
John Dewhirst
Cary Guenther
Judith Works
Don Henderson

STAFF PRESENT

Rob Chave, Planning Division Manager
Meg Gruwell, Planner
Jennifer Gerend, Economic Development Director
Duane Bowman, Development Services Director
Lyle Christman, Engineering Program Manager
Karin Noyes, Recorder

ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

REQUESTS FROM THE AUDIENCE

Jennifer Mantooh, P.O. Box 462, Edmonds, presented a letter in support of the Comprehensive Plan change and concurrent rezone request by Mr. Leiser and the Comprehensive Plan change request by Mr. Lammersdorf. She formally requested that the Planning Board include in their discussion the properties directly to the west of the Leiser property (9601 – 231st Place Southwest, 23027, 23017, 23015, 23009, 23003, 23001 – 97th Avenue West).

Mr. Mantooh said the reason for including these additional parcels for a Comprehensive Plan change from single-family to medium-density multi-family are as follows:

1. Six of seven parcels have been and are currently used for other than single-family residences. Specifically five duplexes, one business/residence and one single-family residence.
2. Current use of these properties and proximity to Edmonds Way makes them more compatible with the Edmonds Way Corridor plan designation than with single-family.
3. By changing the Comprehensive Plan designation of these properties, the City would legitimize what already exists.
4. The nature of the neighborhood would not change in real world terms.
5. Only seven percent of the land use in the City of Edmonds is used for multi-family, allowing for more density and yet to maintain the “appropriate balance” of land use.
6. These properties are physically suited for their multi-family use because they are being used that way currently.
7. There are no physical constraints that would prevent the proposed designation and future use with multi-family label.
8. Staff’s report on the Leiser request actually uses the fact that several duplexes already exist to the west as rationale for approving the request.
9. The purpose of the multi-residential zone is to allow more variety of residential housing types.
10. The commercial area to the west would benefit from increased density nearby.

11. There is continued demand for conveniently located multi-residential units.
12. Property values would be expected to rise based on improvements to same.
13. There is a lower demand on City services such as education, water use and need for additional infrastructure from multi-family residences.
14. Multi-family housing does not generate as much traffic as single-family residences, as people have fewer cars and utilize public transportation more, reducing congestion and pollution.
15. The City of Edmonds annexed the area where these properties are located in 1997-98, reducing the square footage required to meet the Comprehensive Plan designation of medium density multi-family, thereby allowing for a change to take place.

Ms. Mantooth asked the Board to consider these properties as they review the proposed Comprehensive Plan changes that are on the agenda for later in the meeting. She noted that her comments were also submitted to the Board in written format.

Joel Patience, 600 Edmonds Way, said he lives across from the Paradise Lane access, and for the last 20 years his neighborhood has been asking the City and the State Highway Department to do something about the pollution and noise impacts associated with the highway's proximity to their properties. He pointed out that there are about 20,000 cars per day going past his home at the same elevation as the windows of his home. These cars spew an enormous amount of pollution and toxins into the neighborhood. The neighbors have specifically asked the Highway Department to erect some type of sound deflection. While they have agreed that this would be appropriate, they have indicated that there is no money in the budget for the project. In addition, they have indicated that there is a jurisdiction and right-of-way conflict with the City of Edmonds. He pointed out that a lot is happening along the corridor, and it is important for the City to recognize that this area is an entrance to their neighborhood, which has gone down hill as a result of the traffic situation. He said that, at some point, the residents of the neighborhood would appreciate feedback from the City regarding this issue. He said he would contact City staff again to see if there is some way for them to interface with the Highway Department to resolve the problems. In the meantime, he encouraged the Board members to visit his neighborhood and view the situation firsthand.

Don Krieman, 24006 95th Place, said he has been attending Planning Board meetings for quite a while and has learned a lot about land use issues. In addition, he has been attending meetings of the Downtown Edmonds Merchant's Association since the first of the year to hear their ideas for increasing sales tax revenue for the City. He emphasized that the Association consists of a group of professionals who know what they are talking about. They have managed to improve the economic conditions in the downtown and provide more tax revenue to the City. He reported that over the past year, the downtown merchants have collected over \$1 million in sales tax revenue that directly benefits the City of Edmonds. If anyone knows how to get more buck out of Edmonds, it is the Association members. The downtown merchants supply jobs and sales tax revenue to the City, and they are responsible for many community events, as well. He urged the City to acknowledge the Association's efforts and consider the ideas they have put forward for improving the economic health of the downtown area. Mr. Krieman reviewed that the Association has requested that the City consider the implementation of a 12-foot minimum first floor ceiling height in the BC zone. They have also suggested that wider sidewalks be required to accommodate pedestrian traffic and allow visitors to window shop. In addition, they would like the City to consider allowing flexibility for buildings to be used as large spaces or divided into smaller spaces. He concluded his statement by urging the Board to consider the changes proposed by the Downtown Edmonds Merchant Association.

Strom Peterson, 9110 Olympic View Drive, said he is both a citizen and business owner in Edmonds. He is also the President of the Downtown Edmonds Merchant's Association. He said he, too, believes in the small town feel of Edmonds and the characteristics that bring people to live and start businesses in the City. However, he believes this charm could be lost if the City is not proactive and forward looking. He emphasized that change is inevitable, the City must work to create a vibrant downtown to generate the money necessary for the services that are needed in the community. He pointed out that the downtown businesses contribute significantly to the City coffers, providing more than \$1 million over the past year to help pay for police and fire protection and other needed City services and programs.

Mr. Peterson suggested that, from an aesthetic standpoint, it is important to incorporate a plan to enhance the character of Edmonds, while keeping future projects economically viable to attract high quality retail to the area. One way of doing this would be to implement a first floor ceiling height requirement for the downtown area. He thanked the City staff, the City Council, the Planning Board and the citizens for taking the time to develop an effective Comprehensive Plan for the

downtown area. He concluded that both economics and quality of life should be taken into account in order to best serve the City.

Michael Young, 20209 – 83rd Avenue, said he is also a citizen and business owner in Edmonds. He said he believes Edmonds is a beautiful place to live and own a business. Growth and progress are going to happen no matter what, and the question is whether the City will be proactive and guide the growth or be reactive and let the change guide them. One of the purposes of reviewing the Comprehensive Plan is to review the new set of population forecasts and create policies to guide the anticipated development. The current Comprehensive Plan no longer works, and this is evident in the fact that there is about 33,000 square feet of vacant rental properties in the downtown area. If this space were occupied, the City would be able to collect up to 25 percent more tax revenue. He expressed his belief that a viable downtown business core is what makes Edmonds, and it helps pay the bills, too. There is nothing special about vacant storefronts, but developers would continue to build properties with untenable ground floor space if the code is not changed, since the residential units are guiding development at this time. Establishing a first floor minimum height requirement and raising the maximum height allowed would resolve this problem. He said he did not feel this type of change would have a significant impact to the community, as a whole. Mr. Young advised that the Association's goal is to provide a healthy business core for the City. As a resident and business owner, he asked the Board to consider their recommendations and move forward to make downtown Edmonds a stronger business core that can benefit all the citizens of Edmonds.

Jennifer Gerend, City of Edmonds Economic Development Director, said that downtown Edmonds is a burgeoning retail core of shops, restaurants, cafes and bars that increasingly suburban cities are trying to replicate with their new town centers. She emphasized that the traditional mall is dead and lifestyle centers are in. So is getting fresh air while shopping and dining. She suggested that this shift goes right along with people's return to living in downtowns as an alternative to the suburbs, and this is a swing in pendulum that Edmonds would be foolish not to take full advantage of.

Ms. Gerend explained that because most people like the historic downtown the way it is, it is sometimes difficult to remember that these buildings might exist today, but they were not built under today's codes. It is important to dissect what makes great retail and downtown space in order to design policies that will ensure a lively retail environment for decades to come. She asked that the Board think not only about the businesses that are in the downtown today, but what the City wants in the future. It is up to the City to draft policy that would create space where future businesses want to establish themselves. These policies include desirable ceiling heights, individual entrances right off the sidewalk level, retail space clustered around a concentration of other retailers, etc. She noted that a solid retail core helps keep shoppers moving from store to store, rather than stopping when they hit a string of professional ground floor office uses.

Ms. Gerend said it is also important for the Board to heed the findings from the Heartland Study, and to balance aesthetics and economics to ensure that redevelopment occurs in the future when it is needed, before buildings fall into a state of disrepair. She reported that the demand for quality retail space is quite healthy, and retail is expanding geographically in the downtown such as further south along 5th Avenue. This type of expansion goes along with the proposed retail core mapping in the working documents for the Downtown Waterfront Plan.

PUBLIC HEARING ON FILE NUMBERS CDC-03-194/R-03-195: A REQUEST BY SHAUN LEISER, GASTON ENTERPRISES, LLC, TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION AT 9510, 9512, 9520, 9524, 9530 AND 9614 EDMONDS WAY FROM SINGLE-FAMILY – SMALL LOT TO MULTI-FAMILY – HIGH DENSITY AND A CONCURRENT REZONE REQUEST TO REZONE THE SAME SITE FROM SINGLE-FAMILY RESIDENTIAL (RS-8) TO MULTI-FAMILY (RM-1.5)

Meg Gruwell reviewed the staff report for File Numbers CDC-03-194 and R-03-195. She explained that the request is to change the land use designation in the Comprehensive Plan from single-family – small lot to multi-family – high density. In addition, the applicant is requesting a concurrent rezone from RS-8 to RM-1.5. She provided a map to illustrate the subject properties. The current uses on the properties include a duplex, four single-family residences, a vacant lot, a PUD substation and cell tower, and a pocket park. The entire site is currently zoned RS-8. Next, she briefly reviewed the surrounding development and zoning. She stated that north of the PUD substation are two undeveloped lots that are zoned Neighborhood Business (BN) and Multiple Family Residential (RM-1.5). North of the rest of the area is property that is zoned and

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developed as RS-8. The lots at the corner of 95th Place West are also zoned RS-8, but they are undeveloped at this time. The property to the west is zoned BN. On the south side of Edmonds Way the adjacent property is developed with some mini malls, which include several retail and service uses. The property to the north of Edmonds Way is developed with a gas station and car wash, a bank and a bowling alley. All of the lots to the south are zoned RS-8, and the primary uses are single-family residences with some duplexes and the Fowler Portraits business on 97th Avenue West, adjacent to the PUD substation. The property to the east is zoned RM-1.5 and is developed with several apartment units and scattered single-family residences.

Ms. Gruwell referred the Board to the four criteria that must be met in order for a Comprehensive Plan change to be approved. She reviewed each as follows:

- **The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest.**

Ms. Gruwell indicated that staff believes the proposed change would be consistent with the Comprehensive Plan. While there are a number of elements in the Comprehensive Plan that speak about protecting single-family residential homes from traffic and other infringements on privacy, this is difficult to do on properties located along the SR-104 corridor. The subject property is located in close proximity to a major arterial (SR-104), and the bank along the property would provide screening between the higher density uses and the single-family residential uses. In a number of places, the Comprehensive Plan speaks about the desirability of multi-family uses along major arterials.

- **The proposed amendment would not be detrimental to the public interest, health safety or welfare of the City.**

Mr. Gruwell advised that traffic is a significant concern along the SR-104 Corridor. Letters that were submitted by citizens regarding this issue were mostly related to traffic concerns. She advised that the City's Traffic engineer has reviewed the proposed change (Attachment 7 of the Staff Report), and he has concluded that this area could accommodate a lot of growth, and the capacity is available on the existing street. In addition, she noted that the Washington State Department of Transportation (WSDOT) looks carefully at any new access along SR-104 to make sure it is safe.

Ms. Gruwell reported that some concerns were raised by citizens regarding privacy and loss of vegetation. She explained that the Architectural Design Board (ADB) would review any proposed development for this property to make sure there would be adequate buffer between the two uses. She noted that in single-family residential zones, the City is lenient about what trees can be cut down, so there is nothing to ensure the neighbors that the trees would be retained even if the property were to remain as single-family residential.

- **The proposed amendment would maintain the appropriate balance of land uses within the City.**

Ms. Gruwell advised that in 1994 the City conducted a survey showing 2,773 acres of single-family residential land use designation and only 202 acres of multi-family residential land use designation. The study indicated that there was only about 8.5 acres of multi-family residential land available for development, and she said she does not anticipate that the situation would have changed significantly since 1994. The proposed change would help the City maintain the appropriate balance of lands.

- **The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints.**

Ms. Gruwell reported that staff finds the proposal would be physically suitable for the requested land use designation and anticipated development. The property is served by a principal arterial, and there are sufficient utilities available in the area to serve the site. The bank would help buffer the subject property from the existing single-family residential development. While the slope on the property is steep, City engineers have indicated that they do not anticipate a problem if the change is granted.

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Ms. Gruwell recommended the Planning Board support the proposed amendment to the Comprehensive Plan as outlined in the staff report.

Next, Ms. Gruwell reminded the Board of the factors that must be considered when reviewing an application. She reviewed each as follows:

- **Whether the proposal is consistent with the Comprehensive Plan.**

Ms. Gruwell pointed out that consistency with the Comprehensive Plan was already covered earlier in her presentation.

- **Whether the proposal is consistent with the purposes of the Zoning Ordinance and the proposed zone district.**

Ms. Gruwell pointed out that there would not be a significant difference in setbacks, height limit, etc. between RS-8 and RM-1.5 zoning, but the RM-1.5 zoning would provide more options to a developer related to use.

- **The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property.**

Ms. Gruwell stated that much of the surrounding properties are already zoned multi-family or are currently being used as such. Therefore, staff believes the surrounding area would be compatible with the proposed RM-1.5 zoning designation.

- **Whether there has been sufficient change in the character of the immediate or surrounding area or in City policy to justify the rezone.**

Ms. Gruwell explained that there has been a lot of demand for multi-family development in the downtown bowl area, and some multi-family development has also occurred along Edmonds Way. But there seems to be a strong demand for multi-family residential development that is conveniently located near businesses and services. With the Albertsons and QFC stores located on the corner near the subject property, they will likely become a draw for more multi-family residential units.

- **Whether the property is economically and physically suitable for the uses allowed under the existing zoning, and under the proposed zoning.**

Ms. Gruwell pointed out that she discussed this issue earlier in her presentation, and she believes the property would be economically and physically suitable for the uses allowed under the proposed zoning.

- **The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property owner.**

Ms. Gruwell indicated that there would be some gain for the property owners if the rezone were approved. In addition, it would provide more land in the City for multi-family residential units. This would improve the City's ability to meet the population projections identified by the Growth Management Act.

Ms. Gruwell asked that the Board recommend approval of the proposed rezone as outlined in the staff report. In addition, Mr. Chave entered letters from the following citizens into the record: Jennifer Mantoath, Gary Gibson, and John Lewis.

Chair Young inquired when the Washington State Department of Transportation (WSDOT) would issue a decision on whether or not additional access points from SR-104 would be allowed to accommodate development of the subject property. Ms. Gruwell explained that the SEPA notice was forwarded to WSDOT, and sometime after the SEPA comment period has expired, WSDOT will provide their comments back to the City. Mr. Christman, Engineering Program Manager, added that during the City's review of a building application for the subject property, staff would ask WSDOT to provide input as to what they will and will not allow for ingress and egress. In addition, staff typically notifies the developer of the need to

contact WSDOT again about the issue of access. He pointed out that WSDOT has control of the amount and location of any access along SR-104.

Chair Young pointed out that WSDOT has stringent rules related to access along state routes, and the proposed change could generate significantly more traffic than what exists today. He said he is reluctant to engage in a discussion of the merits of the proposal without knowing that access would be a realistic option. Mr. Christman explained that the State created access management rules in 1995 that identify the minimum requirements for access along state routes. The City follows these guidelines, and if there is any question about whether or not an access would be allowed, they contact WSDOT for further direction. Chair Young inquired if WSDOT has issued any formal finding regarding the proposed change. Mr. Christman answered that WSDOT has not provided comments on the proposed change yet. Mr. Chave added that, typically, WSDOT responds to access uses that are raised when there is a specific design to review.

Board Member Freeman inquired regarding the steep slope and the boundary for the proposed change. Ms. Gruwell responded that the slope starts in the middle of the southern edge of the subject property.

Shaun Leiser, 17921 Linden Avenue North, Shoreline, said he was present to represent Gaston Enterprises, LLC. He commented that Ms. Gruwell addressed most of the issues in her staff report. He referred to a written report he provided outlining his explanations and points. In addition to his written comments, he pointed out that the proposed zoning would be appropriate because of the location and pattern of development that exists in the area. The properties are situated on Edmonds Way, which is an arterial road. This makes it difficult to support single-family residential development. He pointed out that not too many people are looking for single-family residential property that is located on a major roadway that accommodates mass traffic and high density uses. He noted that almost all of the properties in this area have already been rezoned, but the subject property was left out even though it is located in close proximity to the QFC and Albertsons and RM-1.5 development to the south. He added that the topography of the land would act as a natural buffer for the single-family homes located above. The property has excellent street access, and any access issues can be worked out through the joint efforts of the State, the City and adjoining property owners.

Chair Young inquired if any of the Board members received ex parte communications regarding the subject of the hearing prior to the hearing. None of the Board members indicated an ex parte communication. No one in the audience expressed a concern about any of the Board Members participating in the hearing, either.

Matthew Weston, Fowler Portraits, 23003 - 97th Avenue, said he is in favor of the proposed Comprehensive Plan change and rezone request. However, he questioned why some properties are being left out of the proposal. He said his property is located to the southwest of the subject property and he owns a business that has been grandfathered in. His property is surrounded by RM-1.5 zoning, and ingress and egress is from 97th Avenue rather than Edmonds Way. He said his business is often used to justify the Comprehensive Plan, so he asked that his property, as well as Ms. Mantooth's property be part of the proposed change. He pointed out if he were to close his business, he would not be able to sell the property as a single-family residential lot. He suggested that this is a good opportunity for the City to make the Comprehensive Plan and zoning designation consistent with what the properties are currently developed as. He said he is glad to see the proposed change since single-family uses are not appropriate in this location. But, again, he asked that his property be included, as well.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

BOARD MEMBER DEWHIRST MOVED THAT THE PLANNING BOARD RECOMMEND APPROVAL OF FILE NUMBER CDC-03-194 AS PROPOSED BASED ON THE FINDING THAT THE APPLICATION MEETS THE FOUR POINTS OF THE TEST FOR A COMPREHENSIVE PLAN CHANGE AS OUTLINED ON PAGE FOUR OF THE STAFF REPORT. BOARD MEMBER CRIM SECONDED THE MOTION.

Board Member Crim reminded the Board that the question of including some of the properties further south has been raised previously. He suggested that the Board would be remiss if they did not at least consider the opportunity to include these additional properties. He recalled that the Board denied a request to change a significant portion of property to the south, but perhaps this is a more appropriate time to consider the change. He questioned if staff has a position, one way or another, regarding the inclusion of additional properties. Mr. Chave said the staff report responds to a specific application submitted

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by the applicant. They didn't have time to look at a larger area, particularly when the City Council had just recently ruled on the change for the larger area. If the Board wants to consider a change for a larger area, they would have to readvertise the hearing for a later date or they could decide to study the additional property early next year. Board Member Crim suggested that it would be appropriate to postpone the issue of changing the additional properties until early next year, but he believes there is some merit to their being rezoned. Board Member Cassutt agreed. The Board agreed to act on the proposed application now, and then review changes to the additional properties early in 2005.

THE MOTION CARRIED 7-1, WITH CHAIR YOUNG VOTING IN OPPOSITION.

BOARD MEMBER DEWHIRST MOVED THAT THE PLANNING BOARD RECOMMEND APPROVAL OF FILE NUMBER R-03-195 AS PROPOSED BASED ON THE FINDINGS AND CONCLUSIONS STATED IN THE STAFF REPORT. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED 7-1, WITH CHAIR YOUNG VOTING IN OPPOSITION.

Chair Young expressed that he is opposed to this method of doing Comprehensive Planning, and that it why he voted in opposition to the applications.

PUBLIC HEARING ON FILE NUMBER CDC-03-193: AN APPLICATION BY A.D. SHAPIRO ARCHITECTS FOR HANS LAMMERSDORF TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION ON THE AREA NORTH AND SOUTH OF EDMONDS WAY FROM 232ND STREET SOUTHWEST WEST TO 97TH AVENUE WEST FROM SINGLE-FAMILY – SMALL LOT, MULTI-FAMILY – HIGH DENSITY AND NEIGHBORHOOD COMMERCIAL TO EDMONDS WAY CORRIDOR

Ms. Gruwell reviewed the staff report for CDC-03-193. She advised that the subject parcels are located north and south of Edmonds Way from 232nd Street Southwest to 97th Avenue West. The proposal is to change the Comprehensive Plan designation for all of the parcels to the Edmonds Way Corridor designation. She noted that the subject property is approximately 22.5 acres in size. It fronts on Edmonds Way, but also has access from 228th Street Southwest from 92nd Avenue West to 96th Avenue West. To the west, the site borders on 97th Avenue West, but can take no practical access from there due to topography and limited frontage. The site borders on 232nd Street Southwest to the south.

Mr. Gruwell advised that current land use on the subject properties includes single-family detached housing, duplex and triplex housing, multi-family housing, a PUD substation, commercial uses and vacant lots. The site is currently zoned single-family residential RS-8, multiple residential RM-1.5 and planned business. She explained that to the north of the subject properties the lots are zoned RS-8 and developed primarily as established single-family detached residences. To the west, the primary zone is neighborhood business. On the south side of Edmonds Way the adjacent property is developed with some mini malls which include several retail and service uses. To the north of Edmonds Way is developed with a gas station, a car wash, a bank, and a bowling alley. Almost all of the lots to the south are zoned RS-8, and the primary uses are single-family residences with some duplexes and the Fowler Portraits business on 97th Avenue West adjacent to the PUD substation. In addition, the intersection at 232nd Street Southwest and Edmonds Way is zoned neighborhood business and developed with a veterinarian clinic and a medical clinic. The properties to the east are located in unincorporated Snohomish County. The smaller lots to the north are developed with single-family residences, except for two lots used by the Westgate Chapel for parking. The Northwood Apartments are located on the northernmost large lot, then there is a trailer park.

Ms. Gruwell referred the Board to the four criteria that must be met in order for a Comprehensive Plan change to be approved. She reviewed each as follows:

- **The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest.**

Ms. Gruwell explained that the Edmonds Way Corridor designation is different from the multi-family designation in that it is designed specifically for the SR-104 corridor. It is considered to be compatible with multi-family and business uses.

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However, single-family uses are not considered compatible with this zone. If the proposed change is approved, it would appear that the City is trying to move away from single-family residential uses along the corridor.

- **The proposed amendment would not be detrimental to the public interest, health safety or welfare of the City.**

Ms. Gruwell advised that staff does not believe the proposed change would be detrimental to the public's health, safety or welfare, although traffic is a major concern. The corner at 95th Avenue West has very limited site distance, but the City's traffic engineer feels there are no significant problems that would prohibit the change from occurring. She said that while a business use would generate more traffic, the change would also afford more opportunities for developers to combine lots and consolidate access points. It is also anticipated that the number of trips associated with the residential uses would be less since people would be able to access the businesses and services by foot or public transportation.

Ms. Gruwell pointed out that a BC zone, which would be compatible with the Edmonds Way Corridor designation, would allow a zero front setback, which is great for the downtown area, but might not be appropriate considering the amount and speed of traffic along SR-104. WSDOT would probably not allow this to occur, anyway. She cautioned that the current proposal does not look at any particular zoning change at this time, so there will be an opportunity to address these issues in the future when a rezone application is submitted.

- **The proposed amendment would maintain the appropriate balance of land uses within the City.**

Ms. Gruwell referred to a 1994 study that was conducted by the City showing that there was not as much land available for business uses as for single-family residential uses. The entire area between 97th Avenue West and 232nd Street Southwest was probably not included as part of the study area since it was annexed into the City after the study had already been completed.

- **The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints.**

Ms. Gruwell advised that the entire area has the same bank running along it, and this helps to provide a buffer for the single-family uses located to the south. The bank is stable enough that staff does not anticipate any concerns. The access to the subject properties would be from the corridor, and the land and physical features of the site are suitable to the types of uses being proposed.

Ms. Gruwell concluded her presentation by recommending the Planning Board support the application to change the land use for the subject parcels to an Edmonds Way Corridor designation. She noted that no rezone is being proposed for the subject properties at this time. Approval of the Comprehensive Plan change would allow a rezone application to go forward in the future. She noted that the parcel that was previously discussed by the Board would be included in this proposed change, and this should not be an issue since the Edmonds Way Corridor land use designation would allow an RM-1.5 zoning classification. She noted that no public comment letters were received regarding the proposed change.

Tony Shapiro, AD Shapiro Architects, advised that he is representing Hans Lammersdorf. He said he first contacted the City in December of 2003 regarding their interest in changing the Comprehensive Plan designation for the subject property to something that would be more amenable to mixed-use or multi-family residential development. He used a map to point out the properties that Mr. Lammersdorf currently owns. He pointed out that, last December, the City staff suggested that they expand their application to include the entire strip because they felt the new Edmonds Way Corridor land use designation might be more applicable for the entire area.

Mr. Shapiro emphasized that the property owner has not applied for a rezone of the properties yet, but this application would be made very soon if the Comprehensive Plan change is approved by the City. He referred to preliminary drawings that were prepared for Mr. Lammersdorf's property in order to address some of the concerns that have been raised pertaining to traffic, grade separation, etc. He said he met with the City's traffic engineer, representatives from WSDOT and adjacent property owners to consider possible options for consolidating access points.

Mr. Shapiro provided photographs of the subject property. He explained that the property near the gas station is relatively flat. In addition, they have considered options for stabilizing the slope. He explained that the applicant is proposing to provide parking on the street side of the project, with the building being stacked up against the bank. They are proposing retail development on the ground floor with parking and then two levels of housing above. Preliminary discussions with the City's Building Department staff regarding height restrictions have indicated that this concept could be accommodated. He said the project would provide 12 to 13-foot high ceilings for the retail space that is located on the ground floor.

Mr. Shapiro reported that City staff has stipulated that the developer must provide access for the adjacent parcels in the event that they are developed as multi-family residential in the future. In addition, WSDOT is interested in the concept of combining curb cuts along SR-104, and that is what the project would propose, as well. The four existing curb cuts that serve the homes that are located on Mr. Lammersdorf's property would be combined into just two access points. He said the applicant is currently discussing the issue of curb cuts with WSDOT and the City to determine if it would be possible to allow both ingress and egress at both of the proposed access points for the project.

Mr. Shapiro said the applicant's design would attempt to create a buffer of landscaping between the busy Edmonds Way and the proposed development. In addition, soil nailings would be done to stabilize the slope so that the project could be built up against it.

Mr. Shapiro briefly reviewed some concepts that could be considered for development of the properties that are part of the proposed Comprehensive Plan amendment, but are not owned by Mr. Lammersdorf. He noted that because these lots are fairly shallow, they would be relatively difficult to develop. The thought was that the corner lot against 232nd Street could be developed as a mixed-use project, with multi-family residential uses on the remainder of the properties. The goal would be to reduce the number of curb cuts from six to two so that the impact to Edmonds Way would be minimized. He pointed out that the grade change is substantial on one lot, which would enable access to a parking deck above any retail office space that is developed on 232nd Street. The intent is to have any residential units that are built on the site face towards Edmonds Way.

Mr. Shapiro said he agrees with the staff's recommendation to approve the proposed Comprehensive Plan land use change. He felt the change would enhance the uniformity of the City, and he applauded the Board for creating the Edmonds Way Corridor designation because it allows flexibility to create commercial zones. He felt that flexibility is the key to successful urban redevelopment. He said the current single-family uses that are located on the subject properties have become somewhat run down and the prospect of putting money into a home that is located so close to a state highway would not be rewarding. Therefore, these properties have naturally declined over the years. Applying the Edmonds Way Corridor land use designation to these properties would enhance a property owners' ability to develop in a creative fashion.

Board Member Dewhirst inquired why the church property was included as part of the application. Mr. Shapiro answered that changing the land use designation for the church property would not hinder their ability to use it. He said he spoke with the facilities manager for the church, and he felt that as long as the change would not hinder their flexibility to develop, they would be open to the change. He pointed out that the church is struggling to provide sufficient parking at this time, and they have considered the option of constructing a parking garage to meet their needs. The land use change would accommodate this type of use. Board Member Dewhirst inquired why the small section of church property along 228th was left out. Mr. Shapiro said this is an error. All of the church property up to 228th Street should be included as part of the application. Ms. Gruwell agreed that the boundary of the proposal runs parallel to 228th Street.

Chair Young inquired if any of the Board members received ex parte communications regarding the subject of the hearing prior to the hearing. None of the Board members indicated an ex parte communication. No one in the audience expressed a concern about any of the Board Members participating in the hearing, either.

Jennifer Mantooth, P.O. Box 462, Edmonds, said she was under the impression that RM-1.5 zoning runs all the way to 95th Avenue. Mr. Chave explained that the map displayed by staff is a zoning map. While the zoning has not been changed yet on these properties, the Comprehensive Plan identifies RM-1.5 zoning for this area.

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Ms. Mantooth requested that the properties she referred to earlier in the meeting also be considered as part of the proposed Comprehensive Plan change. She said she was under the impression by staff that anyone could bring Comprehensive Plan issues to the Board this year because the entire plan was open for review. Her understanding was that she did not have to go through the regular application process. She asked that staff provide clarification as to the process she should follow to have her property considered for change, as well.

Joel Patience, P.O. Box 72, Edmonds, said he has lived at 600 Edmonds Way since 1962, and he is currently president of the Landlord's Association for Snohomish County. He said there appears to be one reoccurring issue raised by both the public and the staff about the high volumes of traffic, the excessive speed and the resulting pollution that comes from SR-104. However, no testimony was provided regarding any plans to protect pedestrians along the highway. If the properties along Edmonds Way were developed as multi-family residential units, then the number of pedestrians along the corridor would increase tremendously. This would result in a lot more opportunity for potential accidents. He recommended that the City consider installing a digital camera in two locations along the highway to identify speeders. The City should provide some mechanism by which tickets could be issued to people who exceed the speed limit. He said that it is not uncommon to see people coming down Edmonds Way at speeds in excess of 60 miles per hour, even though the posted speed is only 35 miles per hour. One camera could be located at the confluence of SR-104 and Fifth Avenue and another could be located in the Westgate area.

Matthew Fowler, 23003 – 97th Avenue West, said he is the current owner of Fowler Portraits. He asked that the Board keep his property in mind and consider including it in the Edmonds Way Corridor land use designation in the future since it is one of the two remaining single-family lots located on the corridor.

Don Krieman, 24006 – 95th Place, said that the subject property is located close to his home. He expressed his concern that changing the subject property to an Edmonds Way Corridor land use designation would allow a rezone to BC. He pointed out that the BC zone allows development up to the front property line, with no setback. He felt this would present a significant danger for pedestrians and bicyclists. Otherwise, he said he is in support of the proposed Comprehensive Plan change.

In answer to Ms. Mantooth's question, Mr. Chave explained that the City received specific applications from private property owners to change the Comprehensive Plan designation. The Board is obligated to consider these requests this year. He said it is true that the Comprehensive Plan is being reviewed by the Board at this time, but if a property owner wants to have their property considered for change, they would need to either submit an application or come and make a specific request to the Board. However, it is up to the Board to decide whether they want to take verbal requests under consideration at this time or wait until a later date. If the Board were to decide to include a larger area in the proposed application, they would have to readvertise the issue to the public or consider the additional area at a later date.

Regarding Mr. Krieman's issue about setback requirements in a BC zone, Mr. Chave emphasized that no zoning application has been submitted for any of the properties that are part of the proposal. However, if the Comprehensive Plan were changed as proposed, the Edmonds Way Corridor land use designation would allow a number of different zones, including a BC zoning designation that would not require a front setback. Beyond the change in zoning, however, any project proposal would have to go through ADB review, and it is unlikely that the ADB and WSDOT would allow development to occur right up to the right-of-way in this location.

Regarding the issue of installing cameras to check traffic speed and ticket individuals, Mr. Chave said he would pass the comment on to the City's traffic engineer.

Board Member Dewhirst agreed with citizen concerns about pedestrian safety along SR-104. The existing sidewalks along SR-104 are in poor shape. They are narrow, and there is no separation from the traffic. He questioned if new development on the subject properties would afford the City an opportunity to get wider sidewalks. Mr. Chave answered that frontage improvements would be considered during the design review phase of any project that is proposed for the properties. If the land use designation for these properties is not changed and the properties remain as they are currently developed, there would be no requirement for the property owner to do frontage improvements and sidewalks. Redevelopment of the properties would provide an opportunity for the sidewalks to be upgraded to an acceptable level.

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Mr. Christman advised that the City does not have a standard requirement that sidewalks be separated from the traffic lanes. However, there is a sidewalk width standard that allows flexibility in the actual placement of sidewalks in the City. In some areas, the City might allow a grass strip between the curb and the sidewalk to separate the sidewalk from the street. However, these decisions will depend upon what is being proposed for the site. He noted that the City's standard for minimum sidewalk width is five feet, but in some areas the requirement could be greater. This would not prohibit a developer from building a sidewalk that is greater than the standard width as long as there is sufficient right-of-way. If there is not sufficient right-of-way width, the property owner would have the ability to designate a portion of his/her property for additional right-of-way to accommodate the sidewalk.

Joel Patience inquired if the City has standards for signage along sidewalks. He said that there are already signs placed along the sidewalks on SR-104 that impede traffic and make dangerous situations for pedestrians. If there were a standard requirement, then perhaps the neighbors would be able to file a complaint so the City staff could resolve the situation. Chair Young encouraged Mr. Patience to bring this issue to the attention of the City staff.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Board Member Henderson referred to Mr. Shapiro's comment that the City made the request that the application be expanded to include additional properties. Mr. Chave explained that the Edmonds Way Corridor land use designation came about in the 1995 Comprehensive Plan process, and included the area further to the east along SR-104. The subject properties were annexed into the City shortly after the Comprehensive Plan was adopted in 1995. He further explained that when the City annexes property, it is typical to give them the nearest equivalent zoning and land use designation that the County had in place before the properties were annexed. That is why the subject properties were not considered for the Edmonds Way Corridor land use designation in 1995. If the land use designation for the subject property were changed as proposed, the property owners would have more flexibility in terms of development options. However, whether the land use is multi-family residential, commercial or Edmonds Way Corridor, all would recognize Edmonds Way as a high volume corridor that is not suitable for single-family residential development. That is why staff is supporting the proposed change.

Board Member Henderson inquired if staff would recommend further extension of the Edmonds Way Corridor land use designation. Mr. Chave answered that the staff did not study the extension as part of the current application before the Board. If the Board wants to take on additional area, they would need to readvertise for a new hearing. Board Member Henderson inquired if staff felt it would be appropriate for the Board to direct them to review the possibility of including additional properties in the change at this time. Mr. Chave said this type of action would be appropriate, but it would have to be postponed until 2005 since the Board already has a full agenda for the remainder of 2004.

Chair Young inquired if the staff has any specific plans for the Board to review the Edmonds Way Corridor designation as part of the 2004 Comprehensive Plan review and identify areas along SR-104 that are appropriate for this land use designation. Mr. Chave answered that a review of the Edmonds Way Corridor designation is not scheduled as part of the 2004 Comprehensive Plan update. If the Board wants to consider other areas along the corridor for this land use designation, they could do so next year. However, he did not feel it would be necessary to postpone a decision on this particular application, too.

Mr. Shapiro advised that Rob Michel, a local developer, submitted a proposal to the Architectural Design Board for a multi-family residential development on the subject properties. However, this project never came to fruition. He noted that the property is currently zoned multi-family.

BOARD MEMBER CASSUTT MOVED THAT THE PLANNING BOARD RECOMMEND APPROVAL OF FILE NUMBER CDC-03-193 AS PROPOSED BASED ON THE FINDING THAT THE APPLICATION MEETS THE FOUR POINTS OF THE TEST FOR A COMPREHENSIVE PLAN CHANGE AS OUTLINED IN THE STAFF REPORT. BOARD MEMBER CRIM SECONDED THE MOTION.

Board Member Freeman clarified that the proposal would include all of the property owned by the Westgate Chapel. Mr. Chave said the intent was to include the church property up to the 228th Street right-of-way.

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THE MOTION CARRIED UNANIMOUSLY.

THE BOARD TOOK A TEN-MINUTE BREAK AT 8:55 P.M. THEY RECONVENED AT 9:07 P.M.

PUBLIC HEARING ON FILE NUMBER CDC-04-23: PROPOSED CHANGES TO THE COMPREHENSIVE PLAN MAP AND TEXT MODIFYING SINGLE-FAMILY PLAN DESIGNATIONS AND COMPATIBLE ZONING DESCRIPTIONS

Mr. Chave reviewed that the current Comprehensive Plan Map shows two classes of single-family uses, “Large Lot” and “Small Lot” designations. Large Lot designations are consistent with RS-12 and RS-20 zoning, and Small Lot designations are consistent with RS-6 and RS-8 zoning. He explained that when the City adopted its first Comprehensive Plan in 1995, they adopted land use designations for single-family areas that were based on historical development patterns, which often recognized development limitations due to environmentally sensitive areas. However, in the years since the first Growth Management Act (GMA) Comprehensive Plans were approved by local jurisdictions, there have been a number of cases brought before the State’s GMA Hearings Board. The direction provided by the GMA and subsequent “elaborations” via the Hearings Board challenges make it clear that the City must consider some changes in some of their large lot zoning designations.

Mr. Chave explained that the GMA has identified a clear requirement that the minimum residential density in urban areas such as Edmonds is four dwelling units per acre. Any larger zoned lots would be subject to increased scrutiny to determine if the rationale for the larger lots complies with the goals and requirements of GMA. The Growth Hearings Board has stated that it is a jurisdiction’s responsibility to meet their obligations to accept their share of the increased population growth. However, they have identified exceptions to the urban density requirement of four dwelling units per acre. Larger zoned lots could still be allowed in order to avoid excessive development pressures on or near environmentally sensitive areas. However, the Hearings Board emphasized that this type of circumstance is expected to be infrequent within an urban growth area and must not constitute a pattern over large areas.

Mr. Chave summarized that Edmonds is obligated to allow urban densities in their single-family residential areas unless there are sensitive environmental areas that would support a larger zone. As a result of this obligation, Mr. Chave said the Board and staff has been assessing the large lot zoning in the City in conjunction with the City’s update of the 2004 Comprehensive Plan and Critical Areas Ordinance updates. He reviewed the maps that were previously provided to the Board showing an overlay of the 2004 critical areas inventory with currently designated large lot single-family areas. The City staff has analyzed the pattern of critical areas with the land use designations to identify areas that could and could not be justified for continuing to be designated for large lot single-family development.

Mr. Chave explained that staff used the City’s GIS system to overlay the preliminary critical areas inventory with existing zoning to compare the coincidence of large lot designations to patterns of critical areas. Areas where combinations of critical areas were present were considered sufficient justification to continue large lot single-family designations. He pointed out that larger lots provide more opportunity to avoid disturbance of existing natural features and maintain linkage between critical areas and habitat. Larger lot sizes in areas subject to landslide hazard also helps reduce the need to disturb existing vegetation and slopes. He emphasized that small, isolated critical areas were not considered sufficient to justify continued large lot single-family designations.

Mr. Chave advised that the lots that were identified for change were grouped by subdivision or neighborhood segment so that streets or changes in lot pattern define the boundaries. In at least a couple of situations, areas were included for redesignation when the development pattern indicated that a substantial number of lots that were smaller than 12,000 square feet in area already existed in the area. He further advised that where patterns of critical areas exist, at least a tier of lots was maintained bordering the critical areas. He referred to the map that was provided by the staff to illustrate the areas that are being proposed for change. He identified the following three areas that are being specifically considered for change:

- An RS-12 zoned area northwest of Sherwood Elementary lying along SR-104.

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- An extensive RS-12 zoned area lying generally to the south of Southwest County Park and east of 94th Avenue West extending south to 196th Street Southwest.
- An RS-12 zoned area lying generally between 8th Avenue South and 98th Avenue West from Pine Street to 220th Street Southwest.

Mr. Chave advised that as part of the Comprehensive Plan Update the Planning Board has also considered renaming the existing single-family plan designations. The “Single-Family – Small Lot” designation would be changed to “Single-Family – Urban 1” and “Single-Family – Urban 2.” The corresponding zoning for the Single-Family – Urban 1 designation would be RS-6 and RS-8. The corresponding zoning for the “Single-Family – Urban 2 designation would be RS-8 and RS-10. He pointed out that RS-10 would be a new zoning classification, providing for a minimum lot size of 10,000 square feet. He pointed out that an RS-10 zone would be the minimum density allowed in order to meet the GMA requirement of four dwelling units per acre.

In addition, Mr. Chave said the “Single-Family – Large Lot” designation would be changed to “Single-Family – Resource. The corresponding zoning for this designation would include RS-12, RSW-12 and RS-20. He advised that the Board is also considering the creation of a new “Single-Family – Urban Master Plan” designation that would only be applied to the area lying along the south side of SR-104 North of 228th Street Southwest. He explained that properties seeking the higher density lot pattern in this area would need to be developed according to a master plan that clearly indicates access and lot configuration that would not result in traffic problems for SR-104.

Mr. Chave emphasized that while the land use and zoning are being proposed for change, the citizens should be aware that because most lots are already developed, the proposed changes in plan designation would most likely not result in substantial changes in the existing lot development pattern. The most likely impact would be felt in large, undeveloped parcels where the change in zoning might result in a marginal increase in the number of lots obtained through a subdivision of property. He said it is important for property owners to pay attention to the process so that they can express their comments and concerns if and when their properties are considered for rezone to RS-8 or RS-10. He clarified that a change in the Comprehensive Plan would set the stage for a future rezone, but the proposal does not identify whether the properties would be rezoned to RS-8 or RS-10. This decision would be made in 2005.

Mr. Chave reported that in preparation for the public hearing, letters were sent to residents in areas that are being considered for the change from large lot single-family designations to the urban designations in an attempt to alert them to the proposed changes.

Board Member Dewhirst asked Mr. Chave to briefly explain what would happen with the proposal once the Board makes a recommendation. Mr. Chave explained that after the Board has forwarded a recommendation to the City Council, the City Council would hold a public hearing. Anyone would be allowed to provide testimony before the City Council, and anyone whose name is on the City’s mailing list would be sent an announcement of the City Council Hearing.

Kristin Kelly, Snohomish County Field Organizer, 1000 Friends of Washington, explained that 1000 Friends of Washington is a statewide public interest group that works to keep over development from destroying farms, forests and open space while making cities and towns great places to live. She said the group works with cities and counties to effectively implement the Growth Management Act (GMA) and stop sprawl. Their members live in Edmonds and throughout Washington State. She suggested that the 2004 Comprehensive Plan Update that is required by GMA is an excellent opportunity for cities to evaluate their plans to make sure they are getting the kind of community they want. It is also a great opportunity to incorporate the new knowledge of how to make communities better and to make sure the plan is in compliance with GMA.

Ms. Kelly said 1000 Friends of Washington applauds the City for proposing to change much of their zoning and Comprehensive Plan designations that had land at less than four dwelling units per acre as mandated by GMA. She said this change is extremely important to provide for development intensities that wisely and efficiently use land to avoid the negative impacts of sprawl. Ms. Kelly referred to the Edmonds’ Buildable Lands Report, which accounts for the buildable land available for the next twenty years, accounting for and removing land affected by critical areas. This report shows that Edmonds has a considerable amount of land that is zoned at less than four dwelling units per acre. She said she recognizes

that changing zoning densities is very controversial, and 1,000 Friends of Washington stands ready to publicly support the City of Edmonds in making these decisions.

Berry Martinez, 8323 – 187th Street Southwest, said she lives in the Seaview Neighborhood, which is known for its density and variety of trees and birds. She said that those who live in Seaview do not think of themselves as living in an urban environment. She invited the Board members to visit their neighborhood before making a final recommendation. She pointed out that the map provided by the staff identifies 84th Street as going through to Olympic View Drive, but it does not. Ms. Martinez stated her belief that if the properties in this area are rezoned, the neighborhood character could be changed drastically. 84th Street is a pedestrian path and greenbelt. Mr. Chave said the map that is being used by the Board for their review came from County documents, and they frequently show rights-of-way but do not indicate whether they are used for access or not.

Ms. Martinez pointed out that the road located further north does not go through to Olympic View Drive either. She suggested that the properties in the Seaview Neighborhood should not be changed because they are part of an erosion area. She also expressed her disagreement with Mr. Chave that there would be little impact to the existing developments because the properties are already built out. She said there are developers looking for opportunities to redevelop properties, especially those that can be subdivided into two lots. Additional development could result in 84th Street being pushed through to Olympic View Drive, which would not be acceptable to the existing neighborhood.

Carellen Wallem, 18516 – 84th Avenue West, said she lives right next door to Seaview Elementary School. She advised that the Washington State Department of Fish and Wildlife has designated her back yard as habitat and she uses the school's edge of forest to support the birds and wildlife that live in her backyard. She suggested that her property should be identified as critical area.

Joel Patience, 600 Edmonds Way, said the dangerous nature of SR-104 is more than common knowledge. He said he moved to 600 Edmonds Way in 1965. Since that time, the State Highway Department took out a major share of the property to accommodate the expansion of SR-104. When he stands in his front yard, he can look at the transmissions of logging trucks that pass through the area. He said he is opposed to any higher density on properties in his area since there is not sufficient access available. He said the Highway Department has admitted that there is a problem, but they have not done anything about it yet.

Chuck Karczewski, 18621 – 84th Avenue West, said he is Ms. Martinez' neighbor, and he is very concerned about the proposal to rezone his property. He questioned if the rezone would be to RS-8 or RS-10. Mr. Chave clarified that if the Comprehensive Plan were changed this year, the City would have to consider a rezone of the properties to either RS-8 or RS-10. The City would decide in 2005 which zoning type would be the most appropriate for each area. Mr. Karczewski pointed out that if his property is rezoned and he decides to sell it, a developer could divide the lot and put more than one unit on it. Mr. Chave explained that if a lot were 13,000 square feet, neither the RS-8 or the RS-10 zoning designation would allow it to be subdivided. But a developer could possibly purchase and combine lots and subdivide the lots to accommodate a few more units.

Mr. Karczewski expressed his belief that the increased density would destroy the area, since they already have a traffic problem on 84th Avenue. He expressed that he is unclear as to the reason for the proposed change. Mr. Chave explained that the Growth Management Act (GMA) came about because the Puget Sound Region was concerned about losing the rural, natural areas. One of the basic tenets of GMA is that urban areas should have urban densities to focus growth into the urban areas and maintain the rural lands. Also, developing in urban areas is less costly because the services and infrastructure are already available. He went on to explain that the challenge for cities like Edmonds is that they are largely developed and historic development patterns are not consistent with the development patterns mandated by GMA. He advised that case law has identified a threshold of four units per acre and requires cities to find a way to justify their larger lots. Historical development pattern would not justify the preclusion of urban development in the future. However, he emphasized that because the City is mostly built out, the impact of the zoning change should not be that great. If the zoning were changed from RS-12 to RS-10, a property owner would still not be able to get an additional unit on their site even if they were to combine two or three lots. He concluded that the impact of the change would not be significant in areas that are already

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subdivided and developed. He pointed out that the Growth Management Act believes the density requirement is for the greater public good.

Mr. Karczewski again said he believes the proposed change would destroy the character of the neighborhood and present a safety concern because of the increased traffic. Once they start filling the area with more people and cars, many of the safety features that currently exist would be lost.

Mr. Chave explained that there is not a lot the City can do from a Comprehensive Plan standpoint, but there is a lot at stake when the City begins talking about the actual rezone of properties. Public input is important to guide the City when determining if properties should be rezoned to RS-8 or RS-10. Assuming that some kind of change would occur to the Comprehensive Plan this year, he encouraged the citizens to carefully track the issue and provide their comments during the rezone process in 2005.

Laurie Howe, 8006 – 181st Place Southwest, said she lives south of Southwest County Park. She questioned why the large lot zones that are located closer to Southwest County Park are not being considered for change. Mr. Chave explained that the critical areas inventory map is general at this time, and the Planning Board expressed some concern that more detail might reveal that the critical areas were more expansive than indicated on the map. They felt it would be appropriate to leave some buffer around the most extensive critical areas until more detailed information is available. He said the maps do not identify critical area buffers, and it is important to understand that these buffers exist. Ms. Howe said she hopes that traffic flow issues are a major part of the Board's decision. She said huge improvements would be required if lots that currently have one home on them were redeveloped with two. These types of changes would change the dynamics of this lovely area.

Richard Senderoff, 18828 – 81st Avenue West, said he appreciates the comments that have already been provided by the Seaview neighbors, especially the comment that they don't think of themselves as living in an urban area. He said he was not happy to receive the notice in the mail that the City was considering a change in the land use designation for his property. He said he takes exception to the City staff's suggestion that the proposed changes would not have a large overall impact on the area. He pointed out that the map that accompanied the notice identified his property and the surrounding properties as changing to RS-8. He noted that some of the properties in this area are between 16,000 and 17,000 square feet in size, and an RS-8 designation would allow a property owner to subdivide a single lot into two individual lots. He said the houses in his neighborhood are well-maintained, but they were built in the early 1970's. From a developer's perspective, there would clearly be a financial advantage to replacing the existing house with two new homes. This would result in a significant change to the character of the neighborhood.

Mr. Senderoff recalled that about ten years ago, Council Member Marin proposed a petition to change the zoning on his property so that he could subdivide. While this request was not approved, Mr. Senderoff suggested that it is naïve for the City to think that the proposed change would not result in numerous subdivisions in the future. He said that none of his neighbors were able to attend the public hearing, but everyone he talked with shares his same perspective. They also expressed concern about the way the proposed change was presented to the citizens as a done deal. He suggested that this could have had an impact on their decision about whether to attend the hearing or not.

Mr. Senderoff advised that he purchased his property nine years ago because of the size and location of the lot, and for the privacy that was present. He pointed out that, right now, people use 81st Avenue West to get between the two parks that are located in the area on foot. They use this street even though there are no sidewalks along it because there is not a lot of traffic. He concluded his comments by stating that he and his neighbors bought their large lots because they enjoy gardening. It is clear that if the proposed change is approved, particularly if the properties are rezoned to RS-8, many of the properties would be subdivided. If the rezone were limited to RS-10, then perhaps the subdivision opportunities would be more limited because a person would have to have two properties in order to subdivide into three lots. He said it is clear to him that the unique character of their neighborhood would change if the proposed change is approved by the City.

Brian Jansen, 19420 – 84th Avenue West, said he understands that the Growth Management Act makes the proposed action pretty much a done deal. Like it or not, it appears that the zoning in the area will be changed and growth will happen. He said that he, too, is concerned about the quality of life in the area. He suggested that perhaps a better option than rezoning would be come up with other options for doing quality infill within the City, such as cottage housing. He pointed out that the

City of Redmond recently added a policy that allows cottage housing development, and residents of that city have found that this is a good option for providing a variety of housing types. It also allows the City to provide more affordable housing opportunities because the small lots and smaller units are, typically, more affordable. He noted that many cities have discussed concerns about where their school teachers can live, and cottage housing could provide an opportunity for them, as well. He said it appears that the City is pushing the mandates of the Growth Management Act down the citizens' throats. He suggested that a better method of addressing the mandates would be to form a study group of citizens to research other quality infill options that would enable the City to accommodate the mandated growth. Chair Young advised that the Board would take Mr. Jansen's suggestion under advisement.

Nora Murphy, 19310 – 84th Avenue West, said that she is probably one of the minority speakers at the hearing. She applauded the Planning Board and City staff for proposing this change. She emphasized that reclassifying the land use of these properties is the first step, but no decisions have been made regarding whether the new zoning would be RS-8 or RS-10. She suggested that the citizens are considering the worst-case scenario that could possibly occur. But if the properties are changed to RS-10, the impact to the neighborhoods would be minimal.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Chave explained that, although the Board would be forwarding a recommendation on the overall Comprehensive Plan changes as a whole, they are in the process of holding a hearing for each of the specific issues that are being considered. He said that while the Board might not make a decision on this issue tonight, they would be formulating a recommendation for the City Council within the next month or so. The recommendation would go before the City Council, who would hold an additional public hearing before making a final decision. He noted that interested citizens could keep up to date of the process via the City's website. In addition, anyone who signs up on the list by the entrance would receive a written notice of the Board's recommendation and the future public hearing before the City Council. He emphasized that all citizens would have an opportunity to address the City Council regarding this issue, as well. He also emphasized that the Board has not made a decision about what the appropriate zoning for these properties might be. They would have to consider the impacts beyond setting the Comprehensive Plan designation, but this review would not take place until next year.

Board Member Dewhirst pointed out that 84th Avenue flows into an area on the map that is designated in brown. He questioned if this denotes an erosion area, as well. He questioned why this area is not being considered a sensitive area, too. Mr. Chave said the intent of the overlay was to identify areas where complex patterns of critical areas exist. He noted that there are also isolated erosion hazard areas throughout the City, but these generally do not require a buffer and development can occur on these properties with typical erosion control engineering. However, steep slope hazard areas, and particularly those that coincide with streams and wetlands, require buffer areas for protection. He reminded the Board that in order to justify large lot zoning, the Growth Management Act has indicated that there must be a complex pattern of critical areas. Isolated critical areas would not provide sufficient justification.

Board Member Dewhirst explained that before the Board would make a recommendation regarding the zoning district that should be assigned to each of the properties, staff would conduct a thorough analysis of the impacts for the Board to review. He questioned if this analysis would identify the additional public improvements that would be necessary if the density were increased and where the funds for the improvements would come from. Mr. Chave said the Engineering Department would have to look at the existing road system to make sure it would be adequate, but he would not anticipate a problem with water and sewer facilities. He pointed out that the City must make adequate provisions for any increased density. The staff's analysis would look at the lot size to determine the different impacts associated with the RS-8 versus RS-10 zoning. He reminded the Board that an RS-10 zoning designation would meet the GMA's requirement. Beyond that, it would be a local choice as to what density is appropriate.

Mr. Chave referred to the change in nomenclature for the land use designations that were recommended by staff. He explained that the purpose of the proposed change is to clearly show the relationship of the large lot zoning to critical areas. This will enable the City to better justify their remaining large lot zoning as a necessity because of critical areas.

PUBLIC HEARING ON FILE NUMBER CDC-04-23: PROPOSED AMENDMENTS INTENDED TO INCORPORATE THE FINDINGS OF THE HIGHWAY 99 ENHANCEMENT PROJECT REPORT AND MARKET ASSESSMENT INTO THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

Mr. Chave reminded the Board that staff is in the process of putting together the general goals and policies that were identified by the Highway 99 Task Force so that they can be worked into the Comprehensive Plan update. In addition, they are trying to incorporate the goals for the new mixed-use zoning that is proposed for the properties that are located around the hospital and high school into the Comprehensive Plan.

Stan Piha, 2101 – 4th Avenue, Suite 250, said he is present to represent an owner of property within the Highway 99 corridor that has been overlooked with regard to the Makers and Burke Reports. He provided a colored drawing to identify the subject property located at the southeast corner of Southwest 236th Street and 84th Avenue. He noted that the property is 1.8 acres in size and is currently zoned RM-1.5. He recalled that a year ago, the property owner failed to develop the site under the current zoning regulations. Permits had been obtained from the City for a garden style complex, but the overall cost of the project was hampered by zoning restrictions, making the prospects for the development challenging and unfeasible. The property remains vacant and non-revenue producing. He said that, hopefully, the changes contemplated under the Highway 99 Plan would change this situation. He described the zoning that surrounds the subject property, which includes general commercial and multi-family zoning. In addition, there is single-family residential zoning across the street on 84th Avenue. To the north is the Lutheran Church. He noted that the Comprehensive Plan includes this district as part of the Highway 99 Corridor, and they are in agreement with this designation.

Mr. Piha reviewed that in April of 2004 Makers presented their Highway 99 Report, and although it did not specifically identify their site, it is situated between the residential/retail center and the hotel area. In May of 2004 the Highway 99 Task Force issued their review of the report and this parcel was one of the areas that was identified for consideration as commercial zoning to enhance the corridor. This would allow commercial uses to develop on the site to serve the neighborhoods in the area. The property was contemplated for the new BR zoning, and the Planning Department has developed well laid out plans for this zone. He noted that the purpose of the proposed BR zone is to provide a vehicle to encourage mixed-use development and expand the economic base. The zone would have a 50-foot height allowance except within 25 feet of a residential zone. It was also intended to encourage cohesive development along the corridor. The proposed zone would permit a variety of uses.

Mr. Piha recalled that the City hired the services of Burke Associates to review the Makers Report. The Burke Associates Report indicated that there is sufficient demand for multi-family housing that could potentially result in substantial private investment along the corridor. This would result in increased taxes for the City. The Burke Report also concluded that mixed uses would provide more vibrancy and increased activity along the corridor. He concluded that mixed-use zoning would benefit the entire City. He especially referred to the mixed use zoning designation that is being contemplated for the area surrounding Stevens Hospital.

Mr. Piha pointed out that both reports identified a potential for bus rapid transit facilities along the corridor, which would be located within a block of the subject property. He asked that the Board consider the creation of a new BR2 zoning designation and apply it to the subject property. The BR2 zoning designation could be used for properties that are outside of the hospital/medical area, and could have a height restriction of 42 feet instead of 50. The BR2 zoning would not allow additional height through the conditional use permit process. He concluded by stating that given the proximity of the subject property to the shopping areas and public transit opportunities, a BR2 zoning designation would be more beneficial to the property owners and to the City. The property would then be able to develop consistent with the neighborhood and with the City, itself.

Mr. Piha introduced Scott Thompson, an architect who was present to review their proposed project.

Scott Thompson, Thompson Architects, 425 Bowdoin Avenue North, Suite 200, Seattle, said there are two options being considered for this site, either high density mixed use development or high density single purpose residential with tuck under parking. While his firm has not done any kind of land use planning for this site, it appears to make sense to extend the commercial along 236th to the corner. Live/work or townhouse units could be constructed on the properties located next to

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the single-family zone. The parking could be located to the rear. The strategy would be to provide at grade parking or a combination of below grade and at grade parking to the rear. Another option would be to construct a single-purpose residential development with under ground parking using the planned development approach. There could be up to 18 units developed on the site, and it is important that the buildings face the street. He concluded that this is a great site with a lot of potential, and a BR2 zoning designation would be appropriate.

Board Member Dewhirst referred to the Burke Report and noted that the consultant cast a lot of doubt on the City's ability to attract hotels to the Highway 99 Corridor at this time. He suggested that identifying a specific area along the corridor as hotel is misleading. He recommended that perhaps the name of this area should be changed to "retail/hotel," instead. This would communicate that more than hotel uses would be appropriate for this area. Mr. Chave said the description that he provided for the hotel area was intended to make this clear. However, he said he was concerned about dropping the word "hotel" from the name because that is how the area is identified in all of the reports. He agreed, however, that the name could be modified as suggested by Board Member Dewhirst. The Board agreed this would be appropriate.

Board Member Dewhirst pointed out that nowhere in the report does it talk about automobile dealership uses along the corridor. He said that, apparently, during the deliberations of the various groups, the issue became a very hot topic. Some groups felt that auto dealerships were good uses to allow along the corridor because they generate revenue for the City, but other groups did not feel they were aesthetically pleasing. He suggested that since auto dealerships are already located along the corridor, the plan should make some type of reference to this use. He proposed that another policy B-11 be added to the effect that the City should retain the existing auto dealerships and encourage more good dealerships in the areas outside of the four focus areas. Mr. Chave suggested that auto dealership uses could also be allowed in the four focus areas as long as they are compatible with the surrounding development.

Board Member Dewhirst concluded that the Highway 99 Enhancement Report is good and will provide the City with much needed direction for development along the corridor. The report breaks the corridor into identifiable areas and provides ideas for the City to start implementing.

Board Member Cassutt inquired if Mr. Piha's concept for the BR2 zone would limit the height to 42 feet. Mr. Piha answered affirmatively.

Mr. Chave said Mr. Piha's property is located in the former "hotel" focus area. Mr. Piha clarified that it is actually between two focus areas. Mr. Chave suggested that Mr. Piha follow up his comments with a letter to staff indicating whether or not he believes the proposed policies for the Highway 99 Corridor would address his particular situation.

CONTINUED FOLLOW-UP DISCUSSION ON ECONOMIC ANALYSIS OF DOWNTOWN WATERFRONT PLAN AND ALTERNATIVES TO BE INCLUDED IN THE DOWNTOWN WATERFRONT PLAN UPDATE

Mr. Chave reminded the Board that a public hearing has been scheduled on October 27 for the draft Downtown Waterfront Plan. He recalled that at the last meeting the Board commented on the draft map and the staff has made the recommended changes. He questioned if the Board feels the new draft map is ready to be released to the public in preparation for the public hearing.

Board Member Crim said that as he reviewed the latest draft of the map, it occurred to him that the Board might be making the issue much too complicated. However, he said he is not sure, at this point, how to simplify it. Board Member Works agreed, but suggested that perhaps the Board could refine the document after they have received public comment. Chair Young concurred. He added that the staff and Board should clearly explain the concepts they have discussed as part of the introduction to the public hearing, then they could accept public comment and move forward with a final draft. Mr. Chave said the map and draft plan certainly provide sufficient detail to solicit public comments.

Board Member Henderson referred to the map and said he is bothered that the land use designation goes directly from Fountain Square to Retail Core and then back to a more restrictive area. He suggested that the order should be changed so there is a gradual change from most to least restrictive.

Board Member Dewhirst questioned why the retail core area is not continued further down Main Street to the waterfront. He recalled that one of the big issues discussed was the need to fill the gap between the downtown and the waterfront. However, if they take away storefronts along the major retail street, they could be "shooting themselves in the foot." Board Member Cassutt recalled Board discussion from the last meeting that they did not feel this entire area between the fountain and the waterfront should be part of the retail core. However, Mr. Chave recalled the Board's discussion of changing Main Street into a pedestrian friendly center that would connect the downtown area to the waterfront and the future multi-modal facility that is planned. He agreed that this idea should be identified for public input. The Board concurred.

Don Krieman, 24006 - 95th Place, suggested that it is important that the owners of property within the proposed preservation area be notified of the hearing since the Board is proposing further limitations on the height limit in this area that would restrict the number of floors allowed to two. Mr. Chave explained that the current draft document would retain the 30-foot height limit that requires a setback for the upper floor with a 12-foot minimum ceiling height on the first floor. The height limit in this area would not be reduced. Board Member Crim added that this would not change from what currently is allowed on these properties. Mr. Chave clarified that public notice would be sent out by staff over the next week through various channels.

Board Member Freeman suggested that anywhere a minimum ceiling height for the first floor and a 30-foot overall building height is in place, development would be limited to two stories. Mr. Chave agreed. He pointed out that at least a 33-foot height must be allowed in order to accommodate three floors.

Mr. Chave said he would update the draft map to extend the retail core down to the base of Main Street. In addition, he would switch the Retail Core 1 and Retail Core 2 areas so there is a logical progression out from the fountain. He said that after the changes have been made, the document would be released to the public for comment. He reminded the Board that a hearing on the proposed map and Downtown Waterfront Plan is scheduled for October 27th.

REVIEW OF EXTENDED AGENDA

No additional comments were provided regarding the agenda for the next meeting.

PLANNING BOARD CHAIR COMMENTS

Chair Young did not provide additional comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

None of the Planning Board Members provided additional comments.

ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

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