

**CITY OF EDMONDS  
PLANNING BOARD MINUTES  
July 13, 2005**

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Chair Young called the regular meeting of the Planning Board to order at 7:02 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  
Cary Guenther

**BOARD MEMBERS ABSENT**

Virginia Cassutt  
John Dewhirst  
Jim Crim  
Judith Works  
Don Henderson

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Steve Bullock, Senior Planner  
Jennifer Gerend, Economic Development  
Director

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF JUNE 22, 2005 AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED, WITH BOARD MEMBER CRIM ABSTAINING.**

**ANNOUNCEMENT OF AGENDA**

No changes were made to the proposed agenda.

**AUDIENCE COMMENTS**

**Rowena Miller, 8711 – 182<sup>nd</sup> Place Southwest**, said she was somewhat overwhelmed after listening to the comments provided by the developers and out of town people at the work session on the Downtown Business District. She feels they are very good at putting down citizens like her because she is supposed to be political and a special interest group. She reminded the Board that they didn't answer Chair Young's question about what kind of better building they would construct if a greater height limit were allowed.

**Roger Hertrich, 1020 Puget Drive**, said he wished he had been able to participate in the Board's discussion at the end of their June 22<sup>nd</sup> minutes starting on Page 11 where Council Member Moore congratulated the Board for their work. He pointed out that because Council Member Moore was not a member of the Planning Board, she should not have been allowed to speak at that point in the meeting because the issue had not been opened to public discussion. If she spoke as a member of the public, then the remainder of the public should have been allowed to speak, as well. He suggested that something was left out in the minutes to indicate why she was invited to speak. He said he would have liked to have the same ability to participate.

Mr. Hertrich said he attended the last Community Development Committee Meeting of the City Council, at which there was a discussion about the MAKERS Report for Highway 99. He questioned if the Board has received the report and provided their comments. Chair Young answered that he has a copy of the original MAKERS Report. Mr. Hertrich pointed out that the City Council Committee also discussed the prohibition of storage facilities. He noted that the Edmonds Economic Development Director was driving this issue. He suggested that the Board obtain and review a copy of the information that was submitted to the City Council Committee. He said he thought the City's goal was to generate more sales tax. As he reviewed the types of uses listed either by MAKERS or the Economic Development Director, it includes the elimination of second hand stores. He suggested that if economics do not provide for higher rent or a better business, a second hand store would generate sales tax. Therefore, he questioned why the City would eliminate this type of use. The elimination of motels as a use on Highway 99 was also discussed. He pointed out that if they eliminate motels as a use, they would eliminate the ability to provide a place for people to stay while they visit Edmonds.

Mr. Hertrich said that just because there are a fairly large number of Asian businesses on Highway 99, the City is now trying to call it an International District. He asked if this would mean that uses in this area would be limited to international businesses. While it would be fine to provide a collection of businesses that denote an Asian influence on Highway 99, calling it an Asian International District would be going a bit too far. The area does not have to be classified as such because the businesses could change sometime in the future. Again, he urged the Board to review the reports that were presented to the City Council by Makers and in the Edmonds Economic Development Report. It is important to note all of the recommendations that are being considered without the review of the Planning Board.

**PUBLIC HEARING ON A REQUEST TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE TO INCLUDE A NEW SECTION 16.85 – MPOR – MASTER PLANNED OFFICE/RESIDENTIAL ZONE, AND TO MODIFY SECTION 21.40.030 – HEIGHT (FILE NUMBER CDC-2005-46)**

Mr. Bullock advised that he provided each of the Board Members with copies of four letters that were submitted over the last few days after the staff report was sent out. Another letter from Sandra McNarris was just received and would be circulated to each of the Board members for review. All five items should be entered into the record as exhibits.

A member of the audience came forward with another letter for the record from Laura Petso. Because the letter was short, Mr. Bullock read it into the record. In her letter, Ms. Petso questioned the need to create a transition that would have no transitional features such as setbacks, etc. She also questioned why they should create a zone with Citywide implications for a site-specific situation. She said that since this would appear to impact many more people than the original request, the entire City is entitled to notice. She asked what the State Law and Comprehensive Plan say about the proposal. She also asked if anyone spoke with the City Attorney about the request. Lastly, Ms. Petso questioned the need to change the way building heights are calculated. She said that given the recent controversy surrounding building heights, a site-specific situation is definitely not the way to handle this issue.

Mr. Bullock recalled that on June 8<sup>th</sup> the Planning Board held a public hearing to consider the creation of a new MPOR zone district. After hearing testimony and considering the proposal, the Board directed the staff and applicant to work together to modify the proposed language to be more general in nature. This would allow its potential application in other areas of the City, as well. The Board discussed the updated proposal again on June 22<sup>nd</sup> and provided additional feedback, and the new draft proposal is now the subject of the public hearing

Mr. Bullock emphasized that the items mentioned in the notice, specifically the section at the very end that talks about modifying 20.40.030—height, was part of the original proposal. But since staff has put together a new proposal for the Board to consider, this element is no longer being considered as an option. The Board would not review a potential code amendment related to the definition for height and how height would be calculated. However, there is some language in the proposed code amendment that says heights would be determined as part of a master plan approval for any project that happens in the proposed MPOR zone.

**APPROVED**

Mr. Bullock briefly reviewed the background of the current proposal. He recalled that towards the end of 2004, the City Council adopted an updated Comprehensive Plan that described a particular area and provided some fairly specific direction on what the characteristics should be for future development. In response to the City Council's decision, the City staff would have had to develop a proposal for the Board and City Council's consideration to implement the current version of the Comprehensive Plan. At the same time, an applicant has every right to make an application and proposal to obligate the City to consider the change in their time frame. In this particular situation, one of the potential property owners prepared a proposal for the City's consideration.

Mr. Bullock said that at the previous public hearing, the Board provided specific direction to both the staff and the applicant, and this direction resulted in new language that is now before the Board for review. The new language is definitely more generic and not so specifically pointed towards the properties on Sunset Avenue. The new zone designation could potentially be used in other places in the City to implement the land uses identified in the Comprehensive Plan.

Mr. Bullock pointed out that the purposes and uses identified in the new language are similar to those that were discussed before. The words "and/or" were added at the end of all of the permitted primary uses so that uses in the zone could include any combination of those listed. In addition, the reference to "home occupations" was eliminated as per the Board's request. For height, staff used the language described in the Comprehensive Plan, which is two-story buildings as seen from the street. They also eliminated any reference to a specific number for height. He concluded that, overall, the staff tried to address the feedback provided by the Board at the June 22<sup>nd</sup> meeting. He clarified that the Master Planned Office/Residential (MPOR) zone would require an applicant to propose a master plan for the property to address some of the specific issues associated with making a good transition from a higher intensity commercial area to a lower intensity residential area. These transitions could be accommodated any number of ways including setbacks, building height, massing, landscape features, etc.

Mr. Bullock reminded the Board that the prospective property owner was the initial applicant for the proposal. Therefore, they should be allowed an opportunity to present their proposal to the Board. He pointed out that any citizen has the ability to pay an application fee and propose a code amendment. While the applicant was the lead on the initial proposal, staff has worked with his representative to help prepare the draft that is before the Board now.

Board Member Dewhirst said his understanding is that height for the properties on Sunset Avenue would be treated equally and the same as other properties throughout the community. Mr. Bullock said guidance that would be given to an applicant who applies for the new MPOR zone district that they need to establish a height limit that would allow them to have 2-story building as viewed from the street. Board Member Dewhirst recalled that the original proposal included a technical process for calculating height that was different from other zones. Now the proposal states that the MPOR zoned properties would not be treated any different as far as how height is calculated. Mr. Bullock said an applicant would have to propose the height as part of the master plan. Mr. Chave clarified that there would be no change in the way height is calculated, but the zone district language would be silent on exactly what the height would be for a particular MPOR zoned property. The zone district language states that the end result would be 2-story buildings at the street level. Presumably, the height would still be calculated the same, but the exact number that would be applied to the property has not been specified.

**John Bissell, Higa Burkholder Associate, LLC, 1721 Hewitt Avenue, Suite 401, Everett, 98201**, advised that he is agent for the applicant, Ed Lee from The Hotel Group. He recalled that about four weeks ago they came before the Board with a fairly specific idea of what they thought the zone designation should be in compliance with the City's approved Comprehensive Plan. At that hearing, the Board expressed concerns that the proposed ordinance was too specific and did not allow for use throughout the City. Since the public hearing, the applicant has worked closely with staff to come up with a proposal to meet the Board's intent. He emphasized that the current proposal is not site-specific. They are not proposing or discussing the rezone at this hearing, only the code amendment. However, he pointed out that while the proposed code amendment is not site specific, it is designed to comply with the Comprehensive Plan section that was adopted by the City Council on March 8, 2005. He reminded the Board that the Growth Management Act requires compliance between the zoning map and the Comprehensive Plan. Because the City Council took action to adopt a new Comprehensive Plan designation for properties along the west side of Sunset Avenue, the current zoning is no longer in compliance with the Comprehensive Plan. The properties must now be rezoned, but there is no current zoning designation that would comply

with the Comprehensive Plan District that was created by the City Council. That is why the applicant proposed the new zone MPOR zone designation.

Mr. Bissell explained that the Comprehensive Plan designation requires a transition, and it implies that there would be master planning along with it. He noted that the Board previously raised a concern that the previous proposal was so specific about what the zone district should be that there was question as to whether there would truly be master planning. The Comprehensive Plan designation, through its name "Planned Residential Office," implies that there should be some type of master planning in order to implement the new zone. The new proposal would require master planning. While the code amendment and rezone application were originally going to be heard at the same time, now the rezone application would be heard as part of a master plan proposal where a complete design that is in compliance with the zoning code would be proposed for the Board's review at a future time. The Board would then be able to review the proposal and determine whether or not it meets the intent of the Comprehensive Plan and the zoning code. The Planned Residential Office land use designation also indicates that residential and limited commercial uses should be allowed, and the proposed new zoning code would accommodate these uses. .

Mr. Bissell said the City Council unanimously approved an amendment to the originally proposed Comprehensive Plan designation to add the following language, "Due to the steeply sloping nature of the properties, building heights shall generally be limited to two stories above Sunset Avenue." However, since that time, he said there has been debate about what "two stories" means. Does it mean 25 feet tall or 25 feet tall above the average curb? Or is it something they should figure out how to fit into a height calculation? If the City were to limit the height to 25 feet and use the City's standard for calculating height, it is certain that the properties that contain this Comprehensive Plan designation on Sunset Avenue could not achieve two stories above the street level because they slope down so substantially from the street. The applicant tried to achieve the two stories by proposing 25 feet above the curb, but there was concern expressed about this option, as well. The current proposed language would match the language in the Comprehensive Plan, which is "generally two stories above the street." He summarized that the applicant and staff have worked very hard to make the new zone designation comply with the Comprehensive Plan. But in some way, the zoning code must allow the Comprehensive Plan to be implemented by allowing two stories above the street.

Mr. Bissell reviewed that the proposed zoning code includes criteria as to how a transition would be achieved. It lists several items that should be used to evaluate how well the transition would work, such as height, setbacks, lot coverage, etc. While the height is not specifically designed in the proposed zone designation, when a master plan is submitted along with a rezone request for a particular piece of property, the Board would have the authority to deal with the height in the particular situation. He concluded that the proposed zoning code has been changed from being very specific to being very general, which requires a master plan. However, it would still be in compliance with the Comprehensive Plan as required by the Growth Management Act.

Mr. Bissell said testimony has been provided at previous hearings and in written format about people not wanting to see the zone change. People have argued that they don't want the City to allow two stories above the street, and they have even argued that a 25-foot height limit is too much. But it is important for the Board to remember that the Comprehensive Plan designation has been adopted by the City Council, and the zoning code must now be brought into compliance. It must at least give the opportunity for an applicant to construct two stories above the street. The height of any building would be determined at the master plan level.

Mr. Bissell reminded the Board that this is a legislative process, but the code does allow for applicants to propose code amendments. While they don't want to pressure the Board, they would appreciate a decision as soon as possible. As an applicant, he also asked that the Board reserve their right to provide rebuttal testimony at the end of the public hearing.

Chair Young pointed out the fact that there is a statement in the Comprehensive Plan, which says, "due to the steeply sloping nature of the properties, building heights shall generally be limited to two stories above Sunset Avenue." The proposed new language states, "the maximum height for structures in the MPOR zone shall result in buildings that are not more than two stories in height above the average street front. He noted that there is some incongruity between the two statements, which does not necessarily concern him. But in the staff report, staff indicates according to the proposed language, buildings in the MPOR zone would not be treated any differently than buildings in any other zone. He suggested that given the language in

the Comprehensive Plan, it appears that the design would start with 25 feet at Sunset Avenue and then work down towards the railroad. On the other hand, the existing BC zone, the building height would start at 30 feet measured from the smallest rectangle going around all four corners. He questioned which option would prevail.

Mr. Bissell explained that the existing BC zone would allow a 25-foot height limit, with a 5-foot bonus for a sloped roof. If the property were zoned to BC, the applicant would be required to show the downward projection of the smallest rectangle that fits around the exterior portion of the building and measure the existing grade at all four corners. This would allow him to identify an existing grade above sea level. In this situation, the height limit would allow the applicant to construct a building up to 50 feet plus an additional 5 feet for a sloped roof. Using this method of calculating height, the maximum building height would be 55 feet. If the property were rezoned to the proposed MPOR, the height would be limited to two stories above the sidewalk. The dilemma is how to make the new zone designation consistent with the Comprehensive Plan designation. One method would be to use the existing height calculation method to determine the height limit for any particular given lot that might have the zone designation, which would be impossible to do on sloped lots. The applicant's lot would require a standard calculation of 31 feet to accommodate two stories above the street. But if the next lot up were included in the proposal, the height calculation would be different in order to achieve two stories above the street. For properties that slope up from the street, the necessary average height calculation would be less in order to achieve the two stories at the street level. He said that instead of setting a 25-foot height calculation, the original proposal was to measure the height 25 feet from the sidewalk, which would be consistent with the Comprehensive Plan. Because this caused some consternation, the new proposal does not include a specific number for height. He emphasized that the proposed new height limits for the zones in the downtown would not be applied to the MPOR zone districts. He said that if the Board feels more comfortable with a set height limit, they might need to go back to the previous language, which would have allowed 25 feet above the average street level. However, measuring the height using the City's current four-corner method would probably not gain compliance with the Comprehensive Plan.

Chair Young asked how high above Sunset Avenue a BC zoning designation would allow a building to be constructed on Sunset Avenue. Mr. Bissell said the BC zone would allow a height of up to 30 feet, but this would not comply with the current Comprehensive Plan designation. On one hand, the BC zone would not necessarily allow two stories above Sunset Avenue. On the other hand, it would allow for more intensive commercial uses than what the Comprehensive Plan identifies. Therefore, the BC designation would not be an option for the properties on Sunset Avenue.

**Quinton Clark, 19423 – 86<sup>th</sup> Avenue West**, said he is the chair of the Economic Development Committee for the Chamber Board. He read the following statement that was just recently approved by the Chamber Board: "The Edmonds Chamber of Commerce supports the concept of creating a new MPOR zone that could be used as a transitional zone between commercial and residential properties. The Chamber notes that any such application of this zone must be consistent with the City's adopted Comprehensive Plan and supports the concept of a master plan approval process for development of these transitional properties."

**Jonathan Hatch, Attorney, 152 – 3<sup>rd</sup> Avenue South**, said he was present on behalf of several property owners who own properties on the east side of Sunset Avenue, across from the property that is involved to some degree in this particular discussion. He said he reviewed the initial proposed revised language that was a result of the last public hearing and felt the master plan approach had some merit to it. It seems to make general sense to address these problematic properties and others like them in the City with a master plan approach; especially as a general approach for dealing with height issues, which is one of the primary concerns of both developers and other parties in the proximity of any piece of property, it seemed to make a certain amount of sense. This language says there would be a fixed height limit of 25 feet, and that the mechanism for calculating the height would be no different than anywhere else in the City. However, as part of a master plan and applicant could come before the Board and City Council and propose an alternative mechanism for ascertaining height. This variance would be considered as part of the public hearing and Board and City Council deliberation. However, he emphasized that this concept is no longer clear in the new draft language.

Mr. Hatch recalled that several comments were made by Mr. Bullock and by the proposing party's representative that seem to take the general position that the designation for the property that is embodied by the Comprehensive Plan entitles an applicant to a two-story building. However, he pointed out that the actual language in the Comprehensive Plan limits structures to two stories, but it does not state that a property owner would be entitled to two stories. He said there seems to

be a struggle as to how to obtain the two stories. Even if there were an entitlement of two stories, the Comprehensive Plan language does not suggest this process would be automatic. He expressed his concern that the language that is currently before the Board completely unhinges the MPOR zone from any height restriction whatsoever. There would be no underlying assumption that would limit the height of a story for this particular zone. He said the Edmonds Community Development Code defines a “story” as “that part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.” He said he interprets this definition to mean that a 2-story building consists of a building with a floor, somewhere else another floor, somewhere else a ceiling, and somewhere else a roof but with no definition in the code as to how high any of those things could, should or ought to be.

Mr. Hatch assured the Board that if the proposed language were adopted by the City Council, there would be an enormous problem. It would not only present an invitation to litigation but would become a flashing green light to litigation. Not only would this be a problem for people opposing projects, but also for those who want to develop because there would be no standard. The language would be entirely arbitrary and capricious and up to a given Planning Board or City Council to interpret its meaning. Theoretically, a developer who submits an application before a fall election could get one outcome and a developer that files an application the following January might get an entirely different result. He said that as tempting as it might be for the Board to avoid the issue of height, this would not be good policy and would invite all kinds of problems. The Board must not side step the issue by simply deciding not to define height limitations or coming up with an approach for calculating heights. He suggested that the original language would have at least served as a working point because it says that two stories might be allowed if an applicant can present practical and compelling public policy reasons to the Board and City Council to support the variance. The new language would entitle a property owner to two stories without even requiring the applicant to state how tall the stories would be. He reminded the Board that the MPOR zone could be applied on other properties throughout the City, and the same problems would exist in these other locations, as well.

Mr. Hatch said he does not have a solution for the Board to consider, but he suggested that they go back to the drawing board. The proposed approach would create far more problems that it would solve.

**June Trapsy, 167 Sunset Avenue, #101**, said she is against amending the development code to include the new Section 16.85. She said she is also opposed to the proposal to rezone the four lots on Sunset Avenue. She asked the Board to carefully consider before adding the new zoning classification. She said if the new zone were enacted, it would open up every residential neighborhood in the City of Edmonds to rezone for commercial uses. This would totally change the face and character of Edmonds forevermore. She questioned the need for commercial development on Sunset Avenue. As she walks and drives through town she has noted many square feet of commercial or office space vacancies, including one large property on Railroad Avenue, which is approximately two blocks from the proposed site on Sunset Avenue. She noted that this particular building has advertised a vacancy for nearly two years.

**Rowena Miller, 8711 – 182<sup>nd</sup> Place Southwest**, inquired if the Board’s recommendation would be reviewed by the City Council as a closed record review. Chair Young pointed out that the code amendment proposal is a legislative matter. Should an application be filed for a rezone to the newly created MPOR zone designation, the Board would hold a public hearing and their recommendation would be considered by the City Council as a closed record review. Ms. Miller said she supports the comments that Mr. Hatch expressed. She urged the Planning Board to be aware that this proposal appears to be a situation of spot zoning and would have an impact on the entire City. The method for measuring heights would also impact the whole City. In addition, she questioned whether the Board considered the impacts the increased density would have on the City’s infrastructure and traffic. Sunset Avenue is a beautiful place that serves as an entry to the City, and she hoped the Board comes up with some type of zoning designation that would preserve its beauty. The development along this street does not have to be two-stories high.

**Bobbie Lukes, 137 Sunset Avenue, #201**, said she feels blessed to have had the opportunity to live in Edmonds for the past 25 years. She said she understands that progress will continue to take place, but she questioned if they really need to combine residential and commercial zones. She asked that the City respect the residential areas for residential uses only, and use the commercial areas for business uses. She said she does not want businesses to be integrated into the private home and family areas in the City. She suggested that the City just say no to the proposal that is currently on the table.

**Jack Jacobson, 128 Sunset Avenue,** said that originally, the applicant's representative approached the Board with the statement that the subject property on Sunset Avenue is not suitable for single-family residential development. Yet in the next breath, he said his client would like to live in a condo above the office space. When the applicant discussed view blockage and view corridors, they only talked about two lots, but there are actually four lots that would fall into the new MPOR zone.

Mr. Jacobson read the following letter that his neighbor, **Eric Sonett,** wrote to the Board: *"How much and what kind of growth? The question the Planning Board faces is what kind of progress? Growth at all cost advocates would have the City Council maximize commercial tax collections by converting Edmonds to another Lynnwood or Federal Way. Fortunately, the Council, in its adoption of the Comprehensive Plan, rejected such extremism. Their language states that buildings designed for this area should be sensitive to the surrounding commercial, multiple and single-family character. Such language is a clear limit to unfettered growth. The Council's sentences reinforce the concept's specific limits of development of parcels in question. This area is appropriate for master planned development for a mixed scale of small office and residential uses, which provide a transition from intensive commercial uses located to the south, the railroad to the west and multiple and single-family residents to the north. This area should act as a transition. The Planning Board has discussed the critical issues of height, bulk and setbacks. We commend the Board for recognizing these issues. The City Council's language in the Comprehensive Plan sets limits referencing existing uses and structures. This provides guidance to the Planning Board and simplifies their task—a transition from existing commercial, a setback of 20 feet. The City Council language clearly states that the development shall provide a transition from commercial development to the south. Therefore, development on the parcel should be no more intensive or intrusive than the existing commercial use. By referencing the existing multi-family development on the north parcel, the Council also placed a limit on the number of upper units. The City Council adopted both the Comprehensive Plan and Comprehensive Plan Map, which clearly labeled the parcels as residential office. The applicant proposes to have this be more office than residential in his one plan that was submitted. The Council adopted the language "small scale." When combined with other language "sensitive to surrounding character" the proposal does not appear to meet the Council's criteria. The Council was talking about homes with office space, not office space with a residence tacked on. Lastly, the Council language states the parcel should transition to existing single-family residential areas across the street and to the north. This suggests the north end of the parcels should be less commercial than the south. To implement the Council's language, the Planning Board should codify how parcels in question will each transition to the other with the end properties transitioned to adjoining zone."*

**John Marts, 805 Aloha Street,** said he represents the owner/occupant of Lot 4. This is the only existing residential home on the west side of Sunset Avenue. The owner of Lot 4 is in favor of adopting a standard that allows for development of the two lots adjacent to her property. She said she wishes that development would not happen at all, but she recognizes her limitation on telling property owners what they can or cannot do with their real property. She recognizes that some development is going to occur, and her fabulous view that she paid for and is still paying for through enhanced taxes will be obstructed in some fashion by the development that is being proposed to the south. He summarized that the Board has some difficult decisions to make, and he suggested that they bear in mind that they have entrusted the development of a plan to a group of experts that the taxpayers pay to make recommendations to the public. The City planners have been charged with the responsibility of protecting the code and the property owners from unfettered development. He said he shares some of Mr. Hatch's concern that the proposal does seem a little bit discretionary. However, he suggested that this is the nature of transition zones. They do require some careful handling, and a one-size-fits-all code does not address all of the issues associated with difficult lots in the City. The public must trust the Planning Department and the developer to come up with discretionary designs that would have input from the public and be reviewed by the Architectural Design Board. He urged the Board to either vote for or against the proposal and then send a recommendation to the City Council as soon as possible. He said Mr. Bissell has laid out a very comprehensive assessment of the Comprehensive Plan land use designation for the subject parcels on Sunset Avenue. Now the City must find a way to facilitate the Comprehensive Plan, and he feels that the current proposal as well as the previous proposal were fairly considered, well thought out, and remarkably workable.

**Bud Copp, 9792 Edmonds Way, #416,** said he has lived in the City since 1960. He referred to a comment he heard previously about the mixture of residential and office zoning. There are numerous mixed-use buildings being constructed in the City already. If the proposed zoning had been in place when these buildings were constructed, the end result would have been better. He said he is in favor of the proposed amendment. He said that while he understands that some neighbors do not want anything to be built on the subject properties, the City Council has already determined that it is in the greater public

interest to rezone the properties in a manner that enables them to be developed in a reasonable and sensitive manner. He said he believe the proposed code amendment should be generating no controversy because it is consistent with the Comprehensive Plan. Through the master plan process, when construction is proposed for this and other sites under the guidelines, the public would have adequate opportunity to speak for or against the specifics of each proposal, including building heights and how they are measured. He said that from the perspective of what makes sense and managing growth in Edmonds, the proposed amendment would create a transitional zone to mitigate the impact of developments that are near or adjacent to residential areas. He recommended the Board approve the proposal as submitted.

**Roger Hertrich, 1020 Puget Drive**, referred to the site standards for the proposed new MPOR zone, and he particularly noted the bottom paragraph that states “when designing a transition to this type of zoned site to adjoining properties, the techniques employed shall result in logical transition from the site to the bulk standards of the zone applied to the adjoining property.” He questioned how the City would define the term “logical.” He pointed out that commercial development that is adjacent to a residential zone is required to provide an additional setback from the property line to provide a transition. He said the simplest way to address the subject properties would be to take the present zoning and put in parenthesis “transition” afterwards. This would not require any changes to the setback, density, height, etc. He said he believes the applicant is trying to promote a zone that would guarantee two stories, but he does not see this in the wording provided in the Comprehensive Plan. There must be a maximum height limit set for the zone.

Mr. Hertrich said he has a piece of property that is located on a busy road. While he is surrounded by residential uses on three sides and commercial across the street, he could apply for the MPOR zone for just his property. This would allow him a number of uses that would not be compatible to the surrounding single-family residential uses. Once the City opens the door to allow the MPOR zoning, the results would be unknown. The original idea of an office/residential type development on the properties along Sunset Avenue was a reasonable thought, especially since they allowed mixed uses in the BC zone. But applying the MPOR zone Citywide, with unknown building heights, could be disastrous. At the very least, they should severely limit the types of uses allowed and identify some way for calculating height. While there may be a need to ask for a variance to the height limit because of the topography, but there must be some standard that an applicant must meet in order to obtain the greater height limit.

**Alan Young, 111 Main Street**, said he also owns a parcel directly across the street from the area that is being proposed for the new MPOR zone designation. He questioned how many other properties in Edmonds the MPOR zone could be applied to. He asked if the proposal is still really focused on the four properties of Sunset? Mr. Young said he recently received a notice in the mail from the Snohomish County Assessor telling him that the value of his property at 204 Sunset Avenue just went up 100 percent. One of the reasons he purchased the property was because of the view, and his understanding of the City’s current method for calculating height limits was that the building could only go up so high and his view would not be blocked. The proposed language would allow a structure up to 25 feet from the street level, and could change his view situation tremendously. While he understands that the developer has a right to make a profit, he is also confused that the applicant has indicated the property is not suitable for residential development yet he is proposing to construct living space above the commercial space. There are many conflicting opinions and interests associated with the proposal, but the Board should consider more views than just those of the developer. Using the current height limits, the property would probably not be suitable for the applicant’s use. Since most of the value on the four properties is associated with the view to the west, there is no need for the development to extend two stories above Sunset Avenue. A one-story building on the Sunset Avenue side of the property would be a compromise for the property owners on the east side of Sunset.

**Doug Drayer, 110 James Street, Suite 102**, said he is in favor of the proposed code amendment. While it is understandable that some neighbors do not want anything to be built on the subject properties, the fact of the matter is the City Council has already determined that it is in the greater public interest to rezone the properties in a manner that would enable them to be developed in a reasonable way. The proposed code language should be non-controversial because it is consistent with the Comprehensive Plan. Through the required master plan process, the public would have adequate opportunity to speak for or against the specifics of any future development on the site. Therefore, he recommended the Board approve the application as submitted.

**Randy Myer, 110 James Street**, said he is also in favor of the proposed code amendment because it would be consistent with both the letter and the intent of the Comprehensive Plan. As it is written, the proposed amendment is very general and

puts a significant burden on any future developer to design a project that fits in the neighborhood. Any project would have to go through the public hearing process, and this would ensure that the concerns of the neighborhood residents could be voiced. He recommended the Board support the application as written.

**Bernice Drayer, 234 – 2<sup>nd</sup> Avenue North**, referred to the 25-foot height designation contained in the proposed code amendment. She said it is generally accepted that 25 feet is a reasonable height limit for two-story mixed-use buildings. However, some two-story buildings are much higher. By specifying that the height shall be limited to no more than 25 feet above the average street front grade, the proposal would ensure that no applicant would be able to construct a two-story building that is more than 25 feet above the street. Otherwise, the City would never be sure what the maximum height would be. She said she lives very close to the proposed site, and she is concerned that without this limitation, a future developer might want to construct a two-story building that is even higher than 25 feet.

**Susan Stark, 805 Aloha Street**, said she represents her mother who lives at 133 Sunset Avenue North. She said both she and her mother support the proposed code amendment. They would like the Board to make a recommendation to the City Council as soon as possible. She said they have reviewed the applicant's development plan, and they feel he has been very sensitive to the area. She suggested that people should take a second look at the plan. She said she would rather the property be developed as proposed by the applicant than risk having someone else develop something with more of an impact.

**Don Drew, P.O. Box 57**, commended the Planning Staff for their diligence in attempting to meet the Planning Board's requirement that the new code satisfy the possibility of using the MPOR zone in other locations in the City. He noted that development in Edmonds is challenging because of the unique terrain. He said most cities have more level ground where the majority of the properties can be treated fairly and equally with standard zones. But in Edmonds there are substantial differences in elevation that often take place over very short distances. While this is part of the charm of Edmonds, applying the four-corner method, depending on the terrain, can give widely different maximum height results. He said that since the MPOR zone is intended to be a transition between commercial and residential uses, it would be reasonable to have the first floor level at the primary street for office use, with a second floor for residential uses. He expressed his belief that determining height from the average elevation of the primary street would ensure a much more uniform result wherever the new zone is applied in the City. It would also yield more attractive structures, rather than "four corner rule buildings" which have their first floor either way above or way below the street. He asked the Board to accept a new two-story rule for the MPOR zone based on the average elevation of the front street. This would result in buildings that are both more useful and more attractive. He said the argument that all zones in Edmonds should use the four-corner rule because it has always been that way does not recognize that change can be valid. In this instance, the argument is mute. In discussions about the properties along Sunset Avenue, the City Council already adopted a height limitation based on a maximum of two stories above the average elevation of the street. Therefore, he asked that the Board vote favorably on the MPOR code amendment as prepared by the Planning Staff. The proposed language would comply with the new Comprehensive Plan. He noted that a lot of time has been spent on this matter, and the Planning Staff has done a good job. He asked the Board to make a recommendation to the City Council as soon as possible.

**Tom Robinson, 1020 Spruce Street**, said he has lived in Edmonds for the past 38 years. As he mentioned at a previous Planning Board Meeting, he recently visited Chicago and noticed that it was a City that had great views of the lake. They filled in 200 to 300 yards all around a large portion of the lake. You can walk for miles and see nothing but parks and walkways and people enjoying the view. In Edmonds, they have a number of large buildings along the waterfront, and it is unfortunate that they can't turn back the clock and keep the waterfront clear. Now they have four vacant lots along the waterfront and it is up to the City to do something in this particular situation. He commended the City for purchasing waterfront property along Railroad Avenue since this leaves a legacy that people will remember in the future. He said he is sure that the residents of Edmonds do not want high-rise buildings in the downtown and along the waterfront. But single-family homes are quickly being replaced with condominiums. He said the City rules must be ironclad rather than relying on developers to be sensitive to the needs of the surrounding property owners. Mr. Robinson noted that the four lots in questions are located on Sunset Avenue, which was named appropriately because the sunset is visible from the street. If the new buildings are constructed as proposed, an applicable name for them could be "the total eclipse," since the buildings would totally block the view from the east side of the street.

Mr. Robinson cautioned that once the Planning Board and the City Council have determined what type of development should be allowed in the MPOR zone, it is not likely that they would change their mind as a result of comments provided by the citizens during a master plan review process. He urged the Board to make a good decision and not allow a huge building to block the view from the properties to the east. He said he believes it is important for the Board and City Council to cast their votes in favor of the citizens and not for the developers.

**John Bissell** pointed out that there has been an awful lot of testimony regarding the proposed rezone as opposed to the Comprehensive Plan amendment. But it is important to understand that the rezone is not a subject of the hearing. During the rezone hearing, the applicant would be able to discuss the merits of a proposed building. He noted that much of the testimony was related to the merits of the building, and the applicant has some good answers. But all of them have to do with how the building would be constructed on a particular site, and this would be the subject of the rezone hearing.

Mr. Bissell said the applicant's original application was for a very specific zone designation that identifies specific height and setback limits, as well as other clear design guidelines. There was a lot of testimony given at the last hearing that the zone designation should be more generic to allow for a master plan development. The Board agreed that the staff and applicant should work together to come up with language that was more general and would allow for master planning. Now a great deal of testimony has been provided that the proposal should be tighter and much more specific. His interpretation is that some people do not want the City to create a new zone of any type. Again, he reminded the Board that the City Council approved a Comprehensive Plan that designates the properties on the west side of Sunset as mixed use, with limited commercial uses. However, there is no existing zone designation that would comply with the Comprehensive Plan designation. The City must come up with a new zone designation, whether it is very general or more specific. But in the end, they must do something to bring the zoning into compliance with the Comprehensive Plan.

Mr. Bissell referred to Mr. Hertrich's concern that the proposed zoning designation would be applied Citywide. He pointed out that the original incarnation of the proposed ordinance was very specific and there was a lot of public testimony and Board discussion that this could be problematic. The applicant worked with the staff to come up with an ordinance that could also be applied elsewhere. Now they are receiving testimony that the ordinance should be more specific and that it would be dangerous to apply it elsewhere. He said Mr. Hertrich testified that the new MPOR zone could be applied to his property and he could develop any type of commercial use. Mr. Bissell asked that the Board keep in mind that zoning must comply with the Comprehensive Plan. This zoning code could not be adopted someplace where there is a single-family Comprehensive Plan designation. Mr. Hertrich's property is designated in the Comprehensive Plan as single-family residential, so he would have to go through a Comprehensive Plan amendment process followed by a rezone in order to apply the new MPOR zoning designation. This is extremely unlikely to occur. The idea is that if there are properties in Edmonds where the MPOR zone would be appropriate, one could apply for a Comprehensive Plan amendment and this application would go through the review process before the Planning Board and the City Council.

Mr. Bissell said Mr. Young asked if the proposed MPOR zone is intended to apply to just the four lots on Sunset Avenue or throughout the City. Mr. Bissell clarified that the applicant proposed a zoning code to deal with the fact that the four lots on Sunset Avenue are out of compliance with the Comprehensive Plan, so the application is about the four lots in that the MPOR zoning designation would be a zone that would comply with the Comprehensive Plan designation for that location. However, the code is written generally enough that it could be applied elsewhere in the City, but this would require a Comprehensive Plan amendment.

Mr. Bissell recalled that the applicant met with the Planning Board and staff for a work session on June 22<sup>nd</sup>. At that time, the draft contained an idea for a specified height limit, which would be acceptable to the applicant. The specified height was removed because the Board agreed that it would be better to make the language more closely reflect the language in the Comprehensive Plan. One way or another, Mr. Bissell stated that a zoning code that is consistent with Comprehensive Plan must be adopted. It does not matter to the applicant whether the language states that the height limit would be 25 feet above the curb or that generally two stories would be allowed and the height limitation would be addressed as part of the master plan. The merits could be debated both ways.

Mr. Bissell said the issue of "height as an entitlement" is an important topic. He emphasized that the Comprehensive Plan states that structures should be limited to two-stories along Sunset Avenue. While there has been a lot of public testimony

that this was not really the City Council's intent, the City Council minutes of February 22<sup>nd</sup> and March 8<sup>th</sup> make it clear that their intent was to allow two-stories in that location because the topography is very, very difficult. Their intent was clearly identified in the City Council's motion and in the Comprehensive Plan amendment, as well. Therefore, the City must now adopt a zoning code that implements the intent of the Comprehensive Plan for these four properties.

**Ed Lee, applicant**, said he is not a developer by trade, and he has made it clear that he wants to develop a structure that he could inhabit as an office and a home. He recalled that they originally started with a different direction in an attempt to get all of the questions answered in advance, but this approach did not work. The current proposal puts a lot of burden on the applicant or the developer when asking for approval of a project. They would be required to work with the staff to come up with a concept that meets the Comprehensive Plan goals. Then the proposal would be presented to the public at a hearing. The Board would be required to review the proposed site plans and decide whether or not to recommend approval to the City Council. He agreed that the Planning Board would have a lot of discretion during their review because the language is written in a generic way. Then the City Council would have to review the Board's recommendation and make a final decision. While this is not an easy process for the applicant, it is fair given the fact that there are competing interests. He urged the Board to recommend approval of the proposed code amendment to the City Council.

The public testimony portion of the hearing was closed and the issue was turned over to the Board for deliberation.

THE BOARD ADJOURNED FOR A TEN-MINUTE BREAK.

**BOARD MEMBER HENDERSON MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE REQUEST TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE TO INCLUDE A NEW SECTION, 16.85 – MPOR – MASTER PLANNED OFFICE/RESIDENTIAL ZONE (FILE NUMBER CDC-2005-46) WITH THE FOLLOWING CHANGES:**

- **IN ORDER TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN, THE FIRST SENTENCE IN SECTION 16.77.020.C SHOULD BE CHANGED TO READ “THE BUILDING HEIGHTS FOR STRUCTURES IN THE MPOR ZONE ARE GENERALLY LIMITED TO TWO STORIES IN HEIGHT ABOVE THE AVERAGE STREET FRONT.” IN ADDITION, A SECOND SENTENCE SHOULD BE ADDED TO THIS SECTION TO READ “BUILDING HEIGHT AND MASS ISSUES MUST BE ADDRESSED IN THE MASTER PLAN.”**
- **CHANGE THE SECOND SENTENCE IN SECTION 16.77.020.d BY ELIMINATING THE WORDS “AT LEAST THREE OF THE FOLLOWING.” THIS WOULD REQUIRE AN APPLICANT TO ADDRESS ALL OF THE FOUR ISSUES.**

**BOARD MEMBER CRIM SECONDED THE MOTION FOR THE PURPOSE OF DISCUSSION.**

Vice Chair Freeman referred to Section 16.77.020.B, which states that single-family dwelling units shall have a maximum density of not more than 7.3 units per acre. This would be equivalent to RS-6 zoning, which is the densest single-family zone. But the multi-family dwelling units would only be allowed a maximum density of not more than 14.6 units per acre. This equates to an RM-3 zoning designation, which is the least dense multi-family residential zoning designation. She questioned why they should limit the multi-family development to the least dense when they don't know what the adjacent properties would be developed as in the future. She suggested that the motion be amended to allow a density of RM-1.5.

**BOARDMEMBER CRIM WITHDREW HIS SECOND TO THE MOTION, SO THE MOTION DIED FOR LACK OF A SECOND.**

Board Member Dewhirst said he still has a feeling the proposal is an attempt to create a zone district for a specific development that has been proposed. He said all of the discussion he has heard from the applicant and staff is that the proposed zone district must be created so that the property could be zoned consistent with its Comprehensive Plan designation. He suggested that this actually hides some of the larger issues. He agreed that the Comprehensive Plan does bode in favor of a transitional zone for this area, but there are specific applications for a transitional zone throughout the whole City. He also agreed that a master plan requirement for the MPOR zone is a big step in the right direction. However,

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he said he still thinks there are too many ambiguous elements to the proposal, specifically related to height. He suggested that many issues have been ignored thus far. The proposal talks about providing a transition zone between the greater and lesser densities, yet it does not really go into specifics about the transition. He reminded the Board that the City Council has still not approved the Design Guidelines, and until they have been approved, the City would be open for trouble if they adopt a new MPOR zone as proposed.

Board Member Dewhirst expressed a need to further discuss the issue of transition in terms of scale, view corridors, massing, and other things that would make the designation a true transitional zone. He said he feels approval of the proposal would create a bad precedent because it is too open ended. He agreed that the master plan process would address many of the issues, but there could be trouble if people don't agree with the master plan that is proposed. Because the City does not have an adopted set of Design Guidelines, they could end up in arguments with developers and attorneys because the zone district is too arbitrary and not all of the criteria is set forward. While the language in the Comprehensive Plan sets forth parameters, these parameters have not met any court tests yet.

Board Member Dewhirst suggested that the Board could resolve some of the concerns, but a big part of the problem, particularly related to height, is something the City Council created by how they adopted the land use classification in the Comprehensive Plan. He said he would be in favor of sending the entire issue back to the City Council to deal with. Board Member Cassutt agreed. Board Member Dewhirst said the Board could certainly make some suggestions and provide some comments regarding the proposal, but they haven't heard anything new from the applicant for the past several meetings. They keep saying that the City must adopt the new zone designation in order for the zoning to be consistent with the Comprehensive Plan. While he agrees that zoning must be consistent with the Comprehensive Plan, he suggested that the applicant is using this as a smoke screen to avoid addressing the larger issues.

Board Member Dewhirst raised a concern about using the term "two-stories." He has worked in cities where "two stories" was the building height allowed. This creates a lot of problems because a story is not defined in the zoning code to identify what height would be allowed for each story. Board Member Cassutt suggested that the Board leave it up to the City Council to define the term "two stories." She recalled that at the last meeting the Board asked the staff to remove the reference to 25 feet to allow more flexibility. It was discussed that the actual height allowed would be determined as part of the master plan that would have to be reviewed by the Planning Board, the Architectural Design Board, and the City Council. Board Member Henderson agreed and said that is why he suggested that an additional sentence be added to Section 16.77.020.C to state that building height and mass must be addressed as part of the master plan.

If the proposal were approved, Board Member Dewhirst asked how the City would address a master plan proposal for a two-story, 45-foot high building. There are no criteria in the proposal that would allow the City to address this type of proposal. Board Member Crim said this could be addressed in the sense that a 45-foot structure would be inconsistent with the surrounding neighborhood. Board Member Dewhirst suggested that there are other options for dealing with height that should also be considered. For example, he noted that even though the Board has discussed view corridors, they are not even addressed in the proposal. There are many other issues that are not addressed in the proposal, either.

Mr. Chave explained that the problem with talking about view corridors within the context of a general code amendment is that there is no definition for the term. If the Board were dealing with specific properties only, it would be easy to define the view corridors. Board Member Crim suggested that language be added to the proposal that would allow the City to deny a master plan if, in the opinion of the Planning Board, it was found to be inconsistent. Mr. Chave answered that this would be a very vague standard that would be difficult to apply. In order to make a finding of denial, the Board would have to specifically identify reasons why the master plan is inconsistent. The Board's recommendation for denial would have to be based on findings of fact.

Board Member Guenther agreed with Board Member Dewhirst's concern about massing and scale, but he felt the master plan process would meet the threshold of requiring an applicant to follow the City's Design Guidelines. While he knows they are still waiting for Design Guidelines to be implemented by the City Council, he felt there could be a problem if the City were to address the massing and scale as part of the zoning ordinance, since it could end up being in conflict the Design Guidelines. There must be only one document to address massing and scale, and the proper location for this issue to be addressed is in the Design Guidelines and not in the zoning ordinance.

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Chair Young summarized that since issues related to the design guidelines have been included in the proposed ordinance, the City Council must make sure as they review the Design Guidelines to make sure the references in the MPOR zone are consistent. Even though the changes by Board Member Henderson would improve the proposal, he would like to pass it forward to the City Council with no recommendation since he doesn't know what the City Council was trying to accomplish by approve the Comprehensive Plan designation.

Board Member Cassutt pointed out that if the proposal goes before the City Council, the City Attorney could consider the document and let them know exactly what they can and cannot legally do. The Board does not have the luxury of having advice from the City Attorney before making a recommendation.

Chair Young said he is not opposed to the concept of using a master plan process for parcels that are topographically challenged. This type of option would help promote infill development. But he is not sure exactly what the City Council's intent was when they adopted the Comprehensive Plan designation for the four properties on the west side of Sunset Avenue. He said he does not see the connection between the fact that the property is steep and the need to allow development of two stories above Sunset Avenue. The remainder of the Board concurred. Vice Chair Freeman said she attended the meeting at which the City Council made a decision about the land use designation for the properties on the west side of Sunset Avenue. While the decision was unanimous, Chair Young said he still does not believe the City Council made their intent clear.

Mr. Chave said that if the Board decides to send the proposal to the City Council, they should indicate what their concerns are. Chair Young summarized that the Board wants to implement the Comprehensive Plan through the zoning ordinance and through the Community Development Code, but in this case, they are not exactly sure what they would be implementing with the creation of the MPOR zone. Mr. Chave reminded the Board that the applicant is looking for some type of zoning designation that would implement the direction provided in the Comprehensive Plan.

**VICE CHAIR FREEMAN MOVED THAT THE BOARD FORWARD THE PROPOSAL TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE TO INCLUDE A NEW SECTION, 16.85 – MPOR – MASTER PLANNED OFFICE/RESIDENTIAL ZONE (FILE NUMBER CDC-2005-46) TO THE CITY COUNCIL WITH THE FOLLOWING CHANGES:**

- **IN ORDER TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN, THE FIRST SENTENCE IN SECTION 16.77.020.C SHOULD BE CHANGED TO READ “THE BUILDING HEIGHT FOR STRUCTURES IN THE MPOR ZONE ARE GENERALLY LIMITED TO TWO STORIES IN HEIGHT ABOVE THE AVERAGE STREET FRONT.” IN ADDITION, A SECOND SENTENCE SHOULD BE ADDED TO THIS SECTION TO READ “BUILDING HEIGHT AND MASS ISSUES MUST BE ADDRESSED IN THE MASTER PLAN.”**
- **THE SECOND SENTENCE IN SECTION 16.77.020.B SHOULD BE CHANGED BY REPLACING “14.6 DWELLING UNITS” WITH “29.2 DWELLING UNITS.”**
- **THE SECOND SENTENCE IN SECTION 16.77.020.D SHOULD BE CHANGED BY REPLACING THE WORDS “A COMBINATION OF AT LEAST THREE OF THE FOLLOWING” WITH “ALL OF THE FOLLOWING.” THIS WOULD REQUIRE AN APPLICANT TO ADDRESS ALL OF THE FOUR ISSUES.**

**BOARD MEMBER CASSUTT SECONDED THE MOTION.**

**BOARD MEMBER DEWHIRST REQUESTED A FRIENDLY AMENDMENT TO THE MOTION TO CHANGE SECTION 16.77.020.G BY REPLACING THE WORD “PREPARED” WITH “APPROVED BY THE CITY COUNCIL.” BOTH VICE CHAIR FREEMAN AND BOARD MEMBER CASSUTT ACCEPTED THE AMENDMENT.**

**THE MOTION CARRIED 5-2, WITH BOARD MEMBER DEWHIRST AND CHAIR YOUNG VOTING IN OPPOSITION.**

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**CONTINUED PUBLIC HEARING ON A REQUEST TO REZONE FOUR LOTS NORTH OF MAIN STREET ON THE WEST SIDE OF SUNSET AVENUE FROM RS-6 TO MPOR (FILE NUMBER R-2005-54)**

Mr. Bullock reminded the Board that at their June 8<sup>th</sup> meeting, they took action to continue the rezone hearing to July 13<sup>th</sup>. In the meantime, the applicant has requested the rezone application be placed on hold until a new zone district is approved. Then they would come back with a rezone and master plan request at the same time.

**BOARD MEMBER CRIM MOVED THAT THE PUBLIC HEARING ON THE REZONE APPLICATION FOR FOUR LOTS NORTH OF MAIN STREET ON THE WEST SIDE OF SUNSET AVENUE (FILE NUMBER R-2005-54) BE CLOSED. BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Mr. Chave clarified that, at some point, the applicant would revive the rezone application, and new notification would be issued.

**UPDATE ON CITY COUNCIL DISCUSSION AND DELIBERATIONS ON IMPLEMENTATION OF THE DOWNTOWN WATERFRONT PLAN**

Mr. Chave said the Board received an update on the City Council's discussion and deliberations on implementation of the Downtown/Waterfront Plan during the work session they held with downtown property owners prior to the regular meeting. He briefly explained that the City Council called back their recommendations on the downtown business districts. They will conduct more discussion on the issue on July 26<sup>th</sup>.

**REVIEW OF EXTENDED AGENDA**

Board Member Freeman reminded staff that the Board agreed to cancel the August 24<sup>th</sup> meeting so it should be removed from the extended agenda.

Mr. Chave announced that the City's design consultant, Mark Hinshaw, would be present at the July 27<sup>th</sup> Planning Board meeting to provide an overview of his work with the City Council. He encouraged the Board Members to formulate their questions for Mr. Hinshaw prior to the meeting. They could also forward their questions to staff via the email, and staff would get to them to Mr. Hinshaw in advance of his presentation and be prepared to update the Board on the City Council's progress, as well.

Board Member Works pointed out that developers continually complain about the 25-foot height limit that is being proposed when the height limit used to be 30 feet. They have expressed that their property values are also being reduced. She said it would be interesting to hear Mr. Hinshaw's comments regarding this issue since he is the one who proposed the 25-foot height limit. Mr. Chave said staff would provide Mr. Hinshaw with a copy of the minutes from the workshop so that he could be prepared to address the comments that were made.

Chair Young said he would also like Mr. Hinshaw to address the issue of how the downtown district concept would really play out. The issue has gotten so emotional that it is almost impossible to have a rational discussion on either side. He would like a summary from Mr. Hinshaw regarding the impacts the changes would have over a period of five or ten years. He said he felt the Board did a good job of identifying how and why their recommendation would be good for the community, with no harm to the community. Somehow the Board's recommendation got run through the blender and emotions are running high. Chair Young said he sees the Board's recommendations as one tool in an economic development package that over the next five years could result in a few new developments, all of which would be good for the community.

Mr. Chave said one unfortunate thing about the whole discussion has been that the Heartland Study was much more subtle than it has been portrayed. A lot of people portrayed it as a rallying cry for raising the height limit in the downtown, but that

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is not really what the Heartland Study said. It talked about many things. In some instances, extra height and two stories of residential development are necessary, but in other instances it is not. Chair Young recalled that the Heartland Study indicated that there are many one and two-story buildings that are viable right now, and it is highly unlikely they would ever be redeveloped. The Board concluded that even if the changes were approved as they recommended, it was clear that the downtown would not change overnight. The changes would be much more subtle. Chair Young suggested that it would be up to the Board to inject some element of reason back into the discussion.

Board Member Crim agreed with Mr. Gregg's comment that the National Trust for Historic Preservation could provide useful information to the City. They have a program of holding community meetings, etc. They have gone through this problem many times, and the City should take advantage of their expertise. Mr. Chave recalled that Edmonds had a Main Street program through that group in the early 1980's. Most of the discussion was aimed at business improvement issues such as signage, good storefronts, etc.

Board Member Crim said Mr. Gregg provided him with a compact disc containing the Downtown Edmonds Revitalization Plan for a public/private partnership, which is a whole other issue that is being discussed. The problem is that this plan would not address the entire BC zone; it only addresses Main Street. Because many property owners would be left out, he is not sure the plan would ever be implemented. But the plan does provide some interesting thoughts. Board Member Works requested a copy of the plan. Mr. Bullock advised that staff could make copies of the document for each of the Board Members using Board Member Crim's CD.

Board Member Cassutt reported that all of the business people in downtown Olympia have gotten together to create a program to revitalize their downtown. They have identified that the way to do this is to get people to live there. They have three and four story buildings, which the City of Edmonds cannot have. They are working to obtain grants to help refurbish the outsides of the buildings and add condominiums on top of the one and two story buildings. They have created a model of what their plan would look like when fully implemented. She concluded that their plan is really nice.

Board Member Dewhirst asked what happened to the plan the City staff was working on with university students. Mr. Chave reported that the City was partially funding a program with the University of Washington, but they eventually stopped their work, and it was not something the City could pick up and finish on their own. Board Member Dewhirst said it would be helpful to have a tool that could illustrate before and after. Mr. Chave said technology is available to do this; it is more a matter of finding the time to work with it.

Board Member Dewhirst said that if the issue of downtown business districts is going to be reopened, an important issue to discuss is the level of increased tax revenues the City could expect by implementing the various concepts that were identified in the plan. It has been identified that the City needs more tax revenue, and a vital retail area would result in more tax revenue. He felt that more detailed information regarding tax revenue would be very helpful in future discussions.

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

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

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

Board Member Guenther reported that on July 18<sup>th</sup> the American Institute of Architects is sponsoring an Urban Design Forum at their office. They have invited the Mayor and head planner from the City of Bremerton to discuss how their city could be revitalized. Perhaps the Board should pay attention to the things they are doing.

#### **ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.

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