

**CITY OF EDMONDS
PLANNING BOARD MINUTES
April 26, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Janice Freeman, Chair
Jim Crim
Jim Young
Virginia Cassutt
Cary Guenther

STAFF PRESENT

Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Dewhirst, Vice Chair
Judith Works
Don Henderson

Board Members Dewhirst, Works and Henderson were excused from the meeting.

READING/APPROVAL OF MINUTES

BOARD MEMBER CRIM MOVED THAT THE MINUTES OF JANUARY 25, 2006 BE APPROVED AS AMENDED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Chair Freeman announced that the City recently received a letter from the McNaughten Group requesting that their client's application (File Number R-2005-135) be withdrawn and resubmitted at a later date with additional supporting documentation. As a result of this request, the second public hearing on the agenda would be cancelled. The remainder of the agenda was approved as submitted.

AUDIENCE COMMENTS

Kevin Hanchett, McNaughten Group, said he arrived late to the meeting. He asked what action the Board took on File Number R-2005-135. Chair Freeman advised that the public hearing was removed from the agenda since the application was withdrawn.

PUBLIC HEARING ON AMENDING THE PROVISIONS OF EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) CHAPTER 20.45.020; CREATING A STREAMLINED PROCESS FOR LISTING IN THE

EDMONDS REGISTER OF HISTORIC PLACES PROPERTIES ALREADY LISTED ON THE NATIONAL OR STATE REGISTER OF HISTORIC PLACES (FILE NUMBER CDC-06-29)

Mr. Chave advised that on March 9th the Historic Preservation Commission approved a draft ordinance proposing an amendment to the Edmonds Community Development Code to expedite the registration of historic properties already on the state or federal registers. This would enable applicants to avoid the lengthy application process, but the applicant would still be required to designate what portion of the site would be designated as historic.

Board Member Young questioned what additional benefits a property owner would receive by having their property designated on the local register, as well as the state or federal register. Mr. Chave answered that the benefits would depend on whether the property was residential or commercial. Commercial property owners could be eligible for tax benefits when improvements are made, as well as the possibility of reducing their parking requirements or other kinds of development incentives. The Historic Preservation Commission is still working to put together a package of incentives, but some are already on the books as part of the Historic Building Code.

Board Member Guenther clarified that some incentives are already in place, and the Historic Preservation Commission is working to come up with more. Their intent is to develop a relationship between the local codes and the Edmonds Register of Historic Places to provide local incentives.

The Board questioned whether a property owner would be required to place his/her property on the local register if it is nominated and deemed eligible by the Historic Preservation Commission. Mr. Chave replied that a property owner would have veto rights even if his/her property was nominated. The property owner would have to agree to have the property placed on the register.

No one in the audience expressed a desire to participate in the public hearing. Therefore, the hearing was closed.

BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD THE PROPOSED AMENDMENT TO ECDC CHAPTER 20.45.020 (FILE NUMBER CDC-06-29) TO THE CITY COUNCIL AS PRESENTED, WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING TO RECONSIDER A REQUEST TO AMEND AN APPROVED CONTRACT REZONE, R-97-28 ADOPTED BY ORDINANCE 3217 (FILE NUMBER R-05-135)

This public hearing was cancelled.

REVIEW OF DRAFT “BD – DOWNTOWN BUSINESS” ZONES, INTENDED TO BE APPLIED TO THE DOWNTOWN AREA TO IMPLEMENT THE COMPREHENSIVE PLAN

Mr. Chave recalled that a very preliminary draft of the proposed Downtown Business (BD) zone was distributed to the Board at their April 12th retreat. Since that time, staff has done additional work on the document, and it has been reviewed by the City Attorney. The new draft document is substantially different and identifies the changes in underline/strikeout format.

Mr. Chave explained that the current Community Business (BC) zone covers all of the downtown area the same way, but the Comprehensive Plan calls out different districts. There are alternatives for accomplishing this goal such as using an overlay for the BC zone to highlight differences. However, this would be a difficult approach because there are so many differences. Staff believes it would make more sense to break the BC zone into sub districts, and the BD zone would be a new downtown business zone. Mr. Chave provided a map showing the location of the proposed BD zone. He said staff is not completely convinced that the Downtown Arts Corridor would fit into the BD zone scheme, and the Board could decide to treat it different than the other areas. It is currently identified on the map as BD-5.

APPROVED

Mr. Chave referred the Board to the document prepared by Council Member Wambolt to outline the City Council's recent discussions. He advised that because the proposed language for ECDC 16.43 (BD—Downtown Business) would require changes to the City's current parking requirements, staff has updated ECDC 17.50 (Off-Street Parking Regulations), as well. A copy of both documents was provided to the Board for review. He further advised that revisions to the City's sign code would likely be needed to implement the new BD zone, too.

Board Member Crim recalled that when this issue was reviewed a year ago, part of the problem was related to the concept of a 25 plus 5 foot height limit and what a developer would have to do to get the additional 5 feet in height. It appears that the proposed language has the potential for running into the same problem. He suggested that an alternative would be to set the maximum height at 30 feet and then identify the specific requirements that must be met by all development. Height could be measured the same way through the entire zone and new design guidelines could be created. Mr. Chave agreed that the Board could definitely consider this option, but he reminded them that the City Council already decided to discard the modulation concept and instead identify specific things a developer would have to do to get the additional 5 feet in height.

Board Member Young cautioned that Council Member Wambolt's summary of the City Council's actions should be considered an internal document, but should not be part of the official record because it could be interpreted in different ways that may not represent the City Council's intent. He summarized that the City Council appears to be in support of a 30-foot height limit if certain conditions could be met. An easy way to administer this concept would be to require that all development comply with the design guidelines.

Board Member Crim referred to the two figures on Page 9 of the draft ordinance, which discuss a slightly different option for measuring height depending on whether it is uphill or downhill property. Mr. Chave clarified that the rules for measuring height would be the same for both uphill and downhill properties but could result in different step back requirements depending on how a building is arranged on the property. The diagram indicates the maximum building envelope a building would be allowed, but there would be no requirement that the building fill the entire envelope.

Board Member Crim recalled that the intent of a step back requirement is to preserve the pedestrian scale at the street level. He questioned if a 15-foot step back requirement would be necessary or if 10 feet would be adequate. Mr. Chave said 15 feet is exactly where the line of site falls with a 25-foot building on a 60 foot right-of-way. In addition, when commercial development is located next to residential development, a 15-foot setback is required.

Board Member Guenther expressed his belief that step backs are a great way to break buildings up and add some variety to the roof lines and parapets. The provision in the draft ordinance that speaks about the types of things that can be located above the 30-foot height limit allows more space within the building envelope and also allows developers to be more creative in their building design.

Board Member Young recalled that when the issue of downtown zoning was first discussed more than a year ago, the intent was to stimulate development in the BC zone. He asked if the proposed language would accomplish this goal. Mr. Chave answered that the proposed language would probably not result in substantial redevelopment in the retail core. He said the City Council has also proposed a greater ceiling height for the first floor of each structure. In conjunction with a 30-foot height limit, only two-story developments would be allowed. Elsewhere, the number of floors would depend on the topography of a property. The only way to allow more than two stories in the retail core would be to substantially increase the height limit or have a different way to measure height.

Mr. Chave said one key provision the City Council considered was eliminating the parking requirement in the BC zone. He recalled that the Hartland Study indicated that three-story development would be necessary in order to provide adequate parking space to meet the City's current parking requirements. If parking were no longer an issue, the configuration of buildings could be very different.

Chair Freeman pointed out that no residential development would be allowed in the BD-1 zone. Mr. Chave clarified that residential development would be allowed on the upper floors in the BD-1 zone, but not on the ground floor. Chair Freeman inquired if parking space would still be required for residential development. Mr. Chave referred to Provision 1 on Page 11 of the draft ordinance, which states that no parking would be required for any permitted use located in the BD-1 zone.

Mr. Chave referred to Page 10 of the draft ordinance where there is a fair amount of new language regarding the height exceptions. Language was added to allow turrets, towers, etc. to extend beyond the 30-foot height limit. He noted that the elevator exception is driven by the code requirements. An elevator access to a roof deck must be a certain height in order to meet the code requirements.

Board Member Guenther asked how the proposed ordinance would dovetail into the design guidelines. Mr. Chave advised that staff met with the City Council and the Architectural Design Board to discuss the design guidelines. It appears that the downtown design guidelines would be general in nature, with the Architectural Design Board at the front of the process in a pre-application mode. He reviewed the proposed review process as follows:

- The applicant would attend a preliminary meeting with the Architectural Design Board where a checklist of key design issues would be reviewed.
- The public would be invited to come to a second Architectural Design Board meeting to talk about what is important to them.
- The applicant would use the checklist of important items and the public comments to complete the conceptual design work, but not code-specific designs.
- The conceptual designs would be reviewed by the Architectural Design Board, and they would issue a decision about whether the designs comply with the design guidelines. The applicant would have the ability to appeal the Architectural Design Board's conditions, but the appeal would occur before the applicant invests a significant amount of time and money into the process.
- After the conceptual design work has been completed, the applicant would submit a building permit application. Final design plans would be reviewed as part of the building permit process.

Mr. Chave said the City Council discussed the need for general design guidelines for the downtown, which could be used during the Architectural Design Board's preliminary review of an application. They have recommended that the Development Code include all of the critical things a developer must do such as height, step backs, etc.

Board Member Crim asked which meeting would be used to establish the public record. Mr. Chave said the applicant's first meeting with the Architectural Design Board would be conversational, but the second meeting would be more formal and include an opportunity for public comment. Any appeals would be based on the record from the second meeting.

Board Member Young said that if utilitarian items and decorations on the building are exempt from the 30-foot height limitation, the ordinance would get closer to the 33-foot height limit the Board recommended last year. Board Member Guenther agreed. He noted that the 30-foot height limit would limit the height of the roof, but parapets, towers, corner turrets, and other elements would be allowed to extend beyond 30 feet. These features add to the building design and provide variety.

Mr. Chave said that eliminating the parking requirement in the downtown area would be a significant change and offers the potential for two-story buildings to be more feasible. However, he emphasized that a three-story building would still offer a substantially better return.

Mr. Chave said the City Council has agreed that they want a certain character in the downtown, which includes two-story buildings related to the street. If step backs and topography could be used to do something different than a two-story building the City Council would be supportive of the concept, but they want the general character to be two-story buildings at the street level. Based on the numbers in the Hartland Study, this concept appears to be feasible.

Board Member Crim pointed out that changes would be made in the Five Corners and Westgate areas in the near future, and he hopes the citizens of Edmonds can be convinced that raising the height in these locations is not an attempt by the City Council to raise the height in the downtown. Mr. Chave said many of the citizens living in these areas have expressed support for increased height limits. However, Ms. Cassutt said there are opponents to the concept, as well.

APPROVED

Board Member Guenther suggested the Board consider including incentives for green roofs in the draft ordinance. Mr. Chave suggested that before a developer is allowed to extend an elevator structure above 30 feet, they must demonstrate that they would provide some type of rooftop development or garden. Chair Freeman cautioned that if the City wants to encourage green roofs, they must make sure they do not cut into the overall height limit of the building. Board Member Young said they must also determine whether the plants must meet the height limit, as well. Board Member Guenther agreed but said he would not want the draft language to exclude the option of developing a green rooftop, particularly because there is a current trend towards environmentally friendly development. He said evidence has shown that building environmentally sustainable buildings is not that much more expensive if included as part of the plans from the beginning. Chair Freeman agreed that the proposed language should encourage environmentally friendly development practices. Mr. Chave advised that the City recently received a grant to incorporate low-impact development features in their Development Code rewrite.

The Board discussed what changes should be made to the draft language before it is presented to the public at a hearing. The Board referred to Item 1.c on Page 11, which would require a development to include a certain amount of landscaping. Mr. Chave said the City Council expressed a desire to encourage smaller buildings in the downtown. However, if a developer wants to construct a large building, with parking located underneath, a certain amount of open space would be required. He said staff does not believe a 5% open space requirement would be adequate to meet the City Council's intent of discouraging larger buildings in the downtown. He suggested that a 10% open space requirement would be better.

Board Member Crim said he likes the general context of the proposed language and suggested the Board submit it for public hearing to find out what the various stakeholders have to say. Board Member Young agreed that he would like to move forward with a public hearing on the draft ordinance, but he would like the Board to identify issues to discuss further. Board Member Crim agreed that there are still important issues for the Board to consider, but these items could be discussed again after the public hearing. He expressed his belief that the faster they get the ordinance back to the City Council, the better. Mr. Chave advised that a public hearing on the draft ordinance has tentatively been scheduled for May 24th, and staff plans to advertise not only the creation of the new zone, but where it would be located.

Board Member Guenther suggested that another paragraph be added to Item 4 on Page 10 regarding the concept of rooftop or planter gardens. If an elevator is allowed to extend above the 30-foot height limit, a developer should be required to provide some type of garden, etc. The remainder of the Board concurred.

Chair Freeman referred to Section 16.50.030 – Operating Restrictions on Page 13. She suggested that “outdoor dining” be added to the list of exceptions. The remainder of the Board concurred.

Board Member Freeman referred to the property across from the Public Safety Building on the west side of Fifth Avenue, which backs up on the proposed Downtown Arts Corridor. She suggested that commercial uses on this property would be inappropriate and a better zoning designation would be multi-family residential. Board Member Cassutt agreed. Mr. Chave pointed out that the BD-4 zone would allow residential development, but it would require a setback. If the property were zoned as multi-family residential, office uses would only be allowed with a conditional use permit.

Board Member Crim said he would not support a zoning change for this property to multi-family residential. He pointed out that it is located directly across the street from a parking lot, and commercial development is located adjacent to the property, as well. Chair Freeman expressed her concern that residents who live in this area might not be supportive of a commercial zone for these properties. Mr. Chave pointed out that the Comprehensive Plan identifies this property as commercial, so changing the zoning to multi-family residential would require a Comprehensive Plan amendment, too. The Board agreed to present the concept of multi-family residential zoning on the property located on the west side of Fifth Avenue to the public and solicit their feedback.

Board Member Freeman referred to the diagram on Page 6 of the proposed ordinance. She suggested that since the Board is considering a 15-foot first floor height requirement, the height figure should be changed from “14” to “15.” Mr. Chave agreed to attempt to modify the diagram. However, he pointed out that the City Council considered both a 12-foot and 15-foot minimum ceiling height requirement. The Board agreed that “15” should be used for the diagram, since that represents the Board's preferred choice.

APPROVED

Board Member Guenther said it would be helpful to call out where the first floor ceiling plate would be measured from. Does the 15-foot height requirement include the structure members that support the ceiling above? Mr. Chave said he would seek advice from the Building Official on how this could be made clearer in the diagram.

The Board agreed to schedule a public hearing on the draft ordinance on May 24th. Mr. Chave advised that the City Council is interested in the Board getting through their review process as quickly as possible.

REVIEW OF EXTENDED AGENDA

Mr. Chave reported that a public hearing has been scheduled for May 10th regarding the interim setback ordinance. He explained that because the issue of setbacks would not be considered until the overall code rewrite is done, the City Council agreed to formalize the interim ordinance for the time being.

Mr. Chave announced that a neighborhood meeting is scheduled at Firdale Village on April 27th at 6:30 p.m. At the meeting the City's Economic Development Director would talk about the City's plans for Firdale Village. He advised that at the May 10th Planning Board Meeting, the Economic Development Director would review the City's plans for Highway 99, Five Corners and Firdale Village.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman reported that she attended the April 18th City Council Meeting, at which they considered the Planning Board's letter regarding the Capital Improvement Plan. The letter appeared to be well received, and the City Council agreed to address the budget shortfall in the 112 and 116 Funds during the 2007 budget process. Council President Dawson agreed that it is time to reexamine the REET policies and consider redirecting some of the money to the 112 and 116 Funds. In addition, the City Council expressed an interest in considering what sidewalk projects could qualify for funding from the 125 Fund.

PLANNING BOARD MEMBER COMMENTS

Board Member Guenther announced that he is in the process of changing jobs and would notify the staff and Planning Board of his change of address and phone number as soon as possible.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

APPROVED