

**CITY OF EDMONDS
PLANNING BOARD MINUTES
May 10, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Rob Chave, Planning Division Manager
Jennifer Gerend, Economic Development Director
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Cary Guenther

READING/APPROVAL OF MINUTES

BOARD MEMBER CRIM MOVED THAT THE MINUTES OF APRIL 24, 2006 BE APPROVED AS AMENDED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Tony Shapiro recalled that the City is currently in the process of revising their zoning and revisiting the height limit for the downtown bowl area. He suggested that this discussion provides a good opportunity for the City to also consider relaxing building heights in other areas outside of the downtown. He noted that, historically, the height limits imposed elsewhere in the region are greater than the 25 to 30 feet allowed in the City of Edmonds. Even smaller communities in the region allow a building height of up to 35 feet. Mr. Shapiro expressed his frustration that architects who practice in the City of Edmonds are constrained by the 25-foot height limit, and this has a substantial impact on the basic appearance of buildings. While he does not advocate significant height increases, a 35-foot height limit would be a desirable change to allow good design.

ADULT ENTERTAINMENT ZONING REPORT

Mr. Chave recalled that several years ago the City adopted standards for adult entertainment uses. The ordinance that was approved required a periodic review of how the standards were being applied in the City and what the results were. He reminded the Board that, when adopting standards for adult entertainment businesses, the City attempted to be as restrictive as possible, recognizing that they could not outright prohibit the use. It was determined that areas in the high-density commercial zones would be the appropriate location, if all of the buffer standards could be met.

Mr. Chave advised that, periodically, staff conducts an assessment to make sure there are still properties in the City where adult entertainment businesses could locate. He referred the Board to the maps provided in the staff report. One map shows the zoning that existed when the ordinance was approved in 1986, and the other is an updated map showing the current state of affairs. He said that while the locations have shifted somewhat, there is still roughly the same number of sites available. Staff concluded that no change would be necessary at this time.

Board Member Young asked if an application for a business license for adult entertainment uses would have to be advertised to the public. Mr. Chave said that if a proposal could meet all of the criteria outlined in the code, no public notice would be required. However, if the City receives a business license application for an adult use, staff would carefully review the location to make sure all of the buffer standards could be met.

PUBLIC HEARING ON ORDINANCE FORMALIZING THE DEFINITION OF “SETBACK” IN THE EDMONDS COMMUNITY DEVELOPMNET CODE (ECDC) (FILE NUMBER CDC-05-5)

Mr. Chave advised that as a result of an appeal that was filed regarding a tree house located within a setback, the City Council adopted an interim ordinance that modified the definition of “setback” in the ECDC. The interim ordinance essentially reinstated the rule the City staff has consistently applied in its interpretation of the code over the years. He reminded the Board that they began examining the issue of setbacks during 2005. While reaching some general conclusions, they were unable to complete their work before the City Council approved a project to rewrite and reorganize the entire development code. With this in mind, the Board recognized it would be best to include the revised setback rules within the new development code. However, since the code rewrite project is not expected to be completed until 2007, staff does not believe it would not be desirable to keep an interim ordinance in place until that time. Mr. Chave said the proposal before the Board is that the interim ordinance be approved as a permanent ordinance, with the understanding that a final resolution on the various setback issues would be included in the code rewrite project.

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

Vice Chair Dewhirst pointed out that the proposed definition for “setback” would identify tree houses as structures and require that they be set back from the property line. He said he could not support the proposed language. Saying the City is family oriented and then prohibiting tree houses does not make sense to him. Mr. Chave recalled that the Planning Board had some elaborate discussions on setbacks and structures and they would like to recommend a new scheme to the City Council as part of the code rewrite process. However, it would be difficult to press this new scheme forward in isolation of when the entire code would be reviewed.

Again, Mr. Chave explained that the entire rewrite of the code would not be done until 2007, and setbacks and tree houses would not likely be priority items in this work. If the City keeps doing interim ordinances to address this situation, it could take three more before they get to the point of a permanent ordinance. He suggested it would be better to make the interim ordinance permanent, with the understanding that it would be changed in a year and a half anyway. If the Board chooses to continue their work on setbacks now, they would probably be able to come up with a consistent set of standards, but they might be inconsistent with the new code that is being rewritten. It would make more sense to include all of the code revisions in one package.

BOARD MEMBER WORKS MOVED THAT THE BOARD DIRECT THE CITY ATTORNEY TO DRAFT A PERMANENT ORDINANCE THAT IS CONSISTENT WITH THE INTERIM ORDINANCE (FILE NUMBER CDC-05-05) AND FORWARD IT TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL.

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BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED 4-3, WITH CHAIR FREEMAN, BOARD MEMBER WORKS, BOARD MEMBER CRIM AND BOARD MEMBER CASSUTT VOTING IN FAVOR AND BOARD MEMBER HENDERSON, BOARD MEMBER YOUNG AND VICE CHAIR DEWHIRST VOTING IN OPPOSITION.

REVIEW OF DRAFT “BD – DOWNTOWN BUSINESS” ZONE AND PUBLIC HEARING NOTICE FOR MAY 24, 2006 HEARING

Mr. Chave referred the Board to the information that was provided in the staff report to update the Board in advance of the public hearing scheduled for May 24th. He reminded the Board that they reviewed the draft document at their April 24th meeting, and the document was updated as per the Board’s comments. Mr. Chave also provided a copy of the hearing announcement and accompanying map that are being mailed to all downtown property owners and occupants.

Mr. Chave said that after the Board’s April 24th meeting, a property owner expressed a concern about the proposed requirement that all first floor commercial space provide a minimum 15-foot ceiling height in order to construct to the maximum height of 30 feet. Owners of existing one-story buildings with less than 15-foot ceiling heights would not be allowed to add a second story with a pitched roof up to the 30-foot height limit unless they add additional ceiling height on the first floor, too. Mr. Chave pointed out that, depending on the City’s ultimate goal, there are several options the Board could consider to address this concern. If the goal is to achieve 15-foot ceiling heights in the downtown, the proposed ordinance should not be changed to accommodate buildings with lower ceiling heights. However, if the goal is to maximize a property owner’s ability to add space to an existing structure, they could add a provision that would allow property owners to add on as long as certain conditions could be met.

Board Member Works asked Mr. Chave if staff has received any feedback from property owners in the downtown who are considering the option of remodeling their structures. Mr. Chave said he has only heard from one person regarding the issue of ceiling height. However, the proposed language has only been advertised for public information for a few days.

Board Member Works referred to Section E on Page 11 of the draft document. She asked if it would be possible to change the language to allow open space on the first floor to have a cover. She noted that restaurants that provide outdoor dining might want to provide a roof structure. Mr. Chave said the Board could definitely consider changing the language to allow flexibility for a roof over the outdoor dining area, but not a building over top of it. He explained that the City Council’s intent was that this be open space rather than a nook tucked into a first floor.

Vice Chair Dewhirst asked why high school and primary schools would be considered primary uses in the BD zones if the City’s goal is to conserve the area for commercial uses. He noted that these types of uses typically involve heavy traffic and would not contribute to the vitality of the downtown. He further noted that the proposed language does not provide a provision to allow colleges or local trade schools in the BD zones. Mr. Chave said these uses would fall under “local public facilities.”

Vice Chair Dewhirst questioned why auction houses would require a conditional use permit. He expressed his belief that an art auction in the downtown would not be detrimental to the other uses and should not require a conditional use permit. Mr. Chave said staff’s concern was that auction businesses can run the gambit in regards to size and activity. Staff feels large auction houses should require some type of review to make sure they fit in with the downtown business community. He pointed out that a conditional use permit would require that issues such as landscaping, parking, access, etc be considered. This would not be the case if the use were permitted outright.

Vice Chair Dewhirst expressed his belief that until the City Council adopts a set of design guidelines for the downtown, design guidelines should be included as part of the proposed BD zone language. Mr. Chave explained that the City Council’s intent is to adopt general design guidelines that could be used at the beginning of the design review process to guide applicants to do the right things, but specific design standards that a developer would be required to meet should be adopted as part of the code. Vice Chair Dewhirst asked when the City Council would provide more information to the Board regarding which items would be design guidelines and which would be design standards. Mr. Chave reported that the

Architectural Design Board is scheduled to provide a report to the City Council on May 23rd that supports the process he described. Staff would then ask the City Council to identify which things in the design guidelines should be design standards in the code and which should remain as design guidelines. Issues related to building design would likely remain as design guidelines, while setbacks, heights etc. would probably become design standards.

Vice Chair Dewhirst asked when the Board would be able to review the design guidelines and design standards and merge the design standards into the code language. He also asked if another public hearing on the BD zone language would be required once the design standards have been incorporated. Mr. Chave advised that once the City Council receives the Architectural Design Board's report, staff would request guidance on how they want to proceed. Design standards that would be included in the code must come before the Planning Board for a public hearing and recommendation.

Mr. Chave said the City Council would like the Board to expedite their recommendation regarding the BD zoning language so that the moratorium could be lifted. If the Board postpones their recommendation until the City Council provides direction on the design guidelines and design standards, the moratorium would have to be extended several months. Vice Chair Dewhirst suggested that if the Board were to hold up their recommendation on the BD zone, the City Council might be encouraged to speed up their consideration of the design guidelines and standards. Mr. Chave suggested that a better approach would be for the Board Chair and Vice Chair to share their concerns with the City Council President and Mayor Haakenson.

Chair Freeman advised that while the tables in the draft document are helpful, they take a great deal of time to sort through. She suggested that staff provide narrative to describe what would and would not be allowed in each of the five BD zones and how they are different from each other. Mr. Chave noted that the narrative would have to use the same language that is contained in the tables so that the document is consistent throughout. Therefore, additional narrative might not necessarily provide clarity.

Chair Freeman pointed out that the Board previously discussed that in the BD-1 zone no curb cuts would be allowed and all access to the parking would have to come from the alley. Buildings should be contiguous and constructed property line to property line. However, this does not appear to be adequately addressed in the proposed language. Mr. Chave advised that the engineering section of the code addresses alleys in the downtown zone. He said he would review the language to make sure it adequately addresses the Board's intent for the BD-1 zone.

Board Member Henderson requested that the X's that are used in the table be changed to N's to make it clear that these are non-permitted uses.

Chair Freeman referred to Item C.2 on Page 8 of the draft document. She asked if the Board ever discussed what would happen if someone wanted to use setbacks rather than step backs in order to obtain the 30-foot height limit. Mr. Chave pointed out that there would be no step back requirement in the BD-1 zone, but a property owner would be allowed to set back or step back a structure. Chair Freeman asked if the City would offer anything in exchange for a 3-foot setback in order to obtain extra space to widen the sidewalks in the future. Mr. Chave said this is definitely something the Board could consider. Board Member Cassutt recalled that one of the goals was to have all of the buildings constructed up to the sidewalk in the BD-1 zone. Mr. Chave advised that the economic consultants have indicated there would not be much redevelopment in the retail core of the downtown regardless of the changes that are made to the code, so wider sidewalks would probably not be a realistic goal. He expressed his belief that it would be difficult for the Board to come up with a meaningful incentive for a 3-foot setback.

The Board accepted the draft document for a public hearing on May 24th.

UPDATE AND WORK SESSION ON NEIGHBORHOOD PLANS FOR FIRDALE AND FIVE CORNERS

Mr. Gerend reviewed that last year, the Economic Development Department recommended that neighborhood commercial areas be reviewed for possible improvements to the existing Comprehensive Plan designation and zoning. Staff found that

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the current Comprehensive Plan designations and accompanying zoning regulations seemed to encourage more outdated “strip mall” development than the newer mixed-use “village-style” developments popular now in other communities.

Ms. Gerend advised that due to interest amongst property owners and the suitability for potential redevelopment, Five Corners and Firdale Village were selected as two business districts to undergo a community planning process. In January she organized an initial round of community planning meetings, where participants were asked to evaluate the current desirability of these areas. They worked in groups to suggest possible new goals for future development. In April, a second round of community meetings was held to review a draft of possible new Comprehensive Plan language. An extensive email list was established and people on the list are notified each time the topic is scheduled for discussion.

Ms. Gerend advised that, in general, the draft language was well received, and the majority of participants felt it responded to the comments noted from the first round of meetings. Some people have expressed that they don’t want to see any more than three stories, but there were also people on the other end of the spectrum that were pro density. She encouraged the Board to stay the course with this issue rather than end up with a marginal compromise that would not encourage redevelopment in the neighborhood business districts.

Ms. Gerend said that as part of the Comprehensive Plan language update, the Board should consider what zones would apply to these neighborhood business districts. It might be good to allow additional BN zones to be created such as BN-1, BN-2. Several districts might end up with the same zone potentially, depending on the goals of the neighborhood. She also recommended that the BN zone at Five Corners be expanded on the south side of 212th between 84th and 82nd Streets. She pointed out that there are very few places in the City where an existing business zone could be expanded with little or no impact on single-family residential areas, and this is a prime opportunity to create a larger developable site in the future at Five Corners. Expanding this business area would also create a better pedestrian linkage between the high school and Five Corners.

Ms. Gerend advised that it would also be important for the Board to consider the need for greater flexibility with first floor ceiling heights, even more so than in the downtown. “Small box” grocery stores and drug stores commonly found in neighborhood commercial areas prefer ceiling heights more than 18 to 22 feet high. When regulations are considered about building heights for these areas, the Board might want to include an exemption on building height if additional height is added to the first floor, within a certain limit.

Ms. Gerend emphasized that the draft language for the Comprehensive Plan would eliminate the 2-story height limit in the BN zones and would add a provision for neighborhoods to come up with their own goals and policies. In addition, the provision for a roundabout in the Five Corners area was crossed out to avoid confusion. Instead, the proposed language just identifies intersection improvements.

Ms. Gerend pointed out that the properties in Firdale Village are very deep. If the Board talks about a scenario that would require ground floor commercial across the front of the property, they could end up with some undesirable space in the rear. She said she eliminated the sentence that talked about residential uses being located above the commercial space. Instead, the language states that at least one quarter of the overall development would have to be commercial space oriented towards the street. This would allow flexibility to the developer.

Ms. Gerend expressed her belief that the neighborhood business districts are high priorities for the City to address. Property owners have expressed a desire to redevelop, and the City has an opportunity to do the right thing for these areas.

Board Member Works asked what the next step in the process should be. Ms. Gerend said she assumes the Board would want to review the draft language, make changes, and hold a public hearing. Mr. Chave said that because the proposal would require a Comprehensive Plan amendment, the Board would have to hold a public hearing before forwarding a recommendation to the City Council. The Board could then follow up with zoning changes. In addition, division and department heads will need to talk about the possibility of hiring a consultant to complete a study of the Five Corners area because a lot of future development potential depends on fixing the intersection. Improving the intersection would encourage redevelopment.

Vice Chair Dewhirst asked Ms. Gerend to explain the role that office space would have in the neighborhood business areas. He questioned if there is a market for small office space. If so, would the rear portions of the property be good locations for those kinds of uses. Ms. Gerend said that, theoretically, a developer could choose to have ground floor commercial space in the back for office uses. In addition, if the code merely requires that one quarter of the structure be for commercial uses, it would even be possible for a developer to stack the commercial uses in the front of the building with retail on the ground floor and office above. She summarized that the proposed language would give the developer choices about where to place the various uses.

Vice Chair Dewhirst asked if one quarter of the commercial space at Firdale Village would include the theatre space, or would the theatre space be in addition to the one quarter of commercial space. He suggested that the City might want to encourage the property owner to maintain the theater use. Ms. Gerend said this would all depend on what the property owners wants to do with the property. However, she anticipates the developer would propose a wholesale redevelopment of the site.

Board Member Crim pointed out that there is some redevelopment already occurring on 212th Street where Ms. Gerend is recommending the BN zone be expanded. Mr. Chave said that this residential redevelopment is taking place between 82nd and 84th Streets. Ms. Gerend pointed out that there is still a significant amount of property on 212th that could be redeveloped if the BN zone were expanded. The Board agreed that if they want to recommend expansion of the BN zone in the Five Corners area, they should start working on the proposal as soon as possible before more redevelopment takes place. Ms. Gerend recommended the Board contact the Church in the Five Corners area to make sure they know what is going on because they own a lot of the property in this area.

The Board thanked Ms. Gerend for all of her hard work on economic development efforts for the City. Ms. Gerend thanked the Board and said they do a tremendous job for the City.

Chair Freeman urged the Board and staff to make sure Ms. Gerend's work on the neighborhood business districts is not forgotten. The Board agreed to schedule a public hearing on the draft language for June 28th. Vice Chair Dewhirst pointed out that the citizens in these two areas are interested and want to see something happen.

REVIEW OF EXTENDED AGENDA

Mr. Chave reviewed the Board's extended agenda. He noted that the May 24th meeting agenda would include a public hearing on the Draft "BD – Downtown Business" Zones, a public hearing on the rezone of properties in downtown Edmonds to establish new "BD – Downtown Business" Zones, and a review of staff recommendations for the MPOR Zone.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

None of the Board Members provided comments during this portion of the meeting.

ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

APPROVED