

**CITY OF EDMONDS
PLANNING BOARD MINUTES
June 14, 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
Jim Crim
Cary Guenther
Jim Young
Virginia Cassutt
Don Henderson

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Senior Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Dewhirst, Vice Chair
Judith Works

Board Members Dewhirst and Works were excused from the meeting.

READING/APPROVAL OF MINUTES

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

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

No one in the audience expressed a desire to address the Board during this portion of the meeting.

PUBLIC HEARING ON APPLICATION TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION FOR A GROUP OF PROPERTIES LYING NORTH OF 231ST PLACE SOUTHWEST AND SOUTH OF EDMONDS WAY FROM SINGLE-URBAN 1 TO MULTI-FAMILY – MEDIUM DENSITY AND CONCURRENT REZONE TO RM-2.4 (FILE NUMBERS CDC-05-03 AND R-06-67)

Steve Bullock entered the following items into the record as exhibits:

- Exhibit 1 – Staff Report
- Exhibit 2 – A letter from Mary McCloskey expressing opposition to the proposal
- Exhibit 3 – A letter from Leo and Peggy Smyth expressing opposition to the proposal
- Exhibit 4 – A letter from Aaron Lindstrom expressing opposition to the proposal
- Exhibit 5 – A letter from Norbert and Carole Nowak expressing opposition to the proposal
- Exhibit 6 – A letter from Wilma Rougny expressing opposition to the proposal
- Exhibit 7 – A letter from Irving and Barbara Deeton expressing opposition to the proposal.

Mr. Bullock reviewed that the subject property was annexed into the City in 1997. While the area was still part of Snohomish County’s jurisdiction, some of the property owners took advantage of the ability to build duplexes on lots that were at least 150% of the required minimum lot size. Of the seven parcels that are part of the subject proposal, five of them have already been developed as duplexes. He noted that all the subject properties are currently zoned RS-8 and identified in the Comprehensive Plan as “Single Urban 1.” The proposal is to change the Comprehensive Plan designation to “Multi-Family – Medium Density” and the zoning to RM-2.4. Mr. Bullock reminded the Board that a similar application for the subject properties was considered by the Board in 2003. At that time the Board recommended denial to the City Council, and the City Council upheld the Board’s recommendation.

John Bissell, Higa Burkholder Associates, 1721 Hewitt Avenue, Suite 401, Everett, 98201, provided each of the Board Members with a hard copy of his PowerPoint presentation, which was identified in the record as Exhibit 8. He reminded the Board that, typically, cities use multi-family residential zones as a buffer between major arterials and single-family residential. They try to avoid placing single-family residential zoning on or adjacent to major arterials. It is also important that single-family uses not be directly adjacent to business type uses. This concept is consistent with the proposed application, in that some of the subject properties abut commercial properties that have frontage on a major arterial.

Mr. Bissell pointed out that while the City’s Comprehensive Plan and Zoning Map currently address the Highway 99 Corridor differently than the SR-104 Corridor, the applicant believes there are many similarities. Because SR-104 is narrower than Highway 99, the City’s Comprehensive Plan assumes there is substantially less traffic impact. However, 2004 and 2005 Washington Department of Transportation data indicates there were approximately 34,000 average daily trips on Highway 99 between SR-104 and 196th Street and 21,000 daily trips on SR-104 at 95th Place West. He reminded the Board that any street with more than 3,000 average daily trips is considered to be an arterial. He concluded that both Highway 99 and SR-104 are major regional highways and should be treated similarly.

Mr. Bissell pointed out the location of the subject properties and noted that the Comprehensive Plan designates property on the opposite side of the curve on SR-104 as multi-family. He pointed out that multi-family development actually suffers less impact from the highway in this location than would the subject property. The subject site has commercial uses across the street, and it is exposed directly to SR-104 at the intersection of the 97th Street. He asked the Board to consider the high number of average daily trips along this section of SR-104 and the high impact of traffic on the residential community. He also asked them to consider how the Comprehensive Plan and Zoning Map treat other properties that are within close proximity to Highway 99 and SR-104.

Mr. Bissell advised that staff has recommended denial of the proposed application due to the traffic impact on what they believe are already inadequate roads. Staff suggests that if the proposed Comprehensive Plan amendment and rezone were approved, the expected density on the subject properties could double, causing a substantial impact to surrounding properties. He pointed out that no data or study has been presented to support this claim. He shared that the real impact would be substantially less than indicated by staff. He said that according to the ITE Manual, the average daily trip generation for a single-family or duplex dwelling unit would be 9.57. In comparison, one apartment unit would generate an estimated 6.72 average daily trips and one condominium unit would generate about 5.86 average daily trips. He further pointed out the typical street classifications and volumes as follows:

- Local Access Street – Up to 250 Average Daily Trips
- Residential Street – Between 250 and 1,000 Average Daily Trips
- Collector Street – Between 1,000 and 3,000 Average Daily Trips
- Arterial Street – More than 3,000 Average Daily Trips.

Mr. Bissell noted that because of the inability to cut through local access streets to get from 100th Avenue to SR-104, the neighborhood streets in this area have relatively low volumes of traffic. Within the area of the subject property there are numerous collector streets. This means there are no more than 100 dwelling units in any one place, so none of the streets would get past the residential street standards and become collectors or arterials.

Mr. Bissell pointed out that five of the subject properties have been developed with duplex units, and another lot has been developed as a small office commercial use. Right now, there are 13 residential dwelling units on the subject properties, for a total average daily trip generation of 124.5. If the site were completely developed under the proposed new zoning, there could be up to 28 residential units that could generate about 164 average daily trips. On the other hand, 28 apartments would generate about 188 average daily trips, and 28 single-family homes would generate about 268 average daily trips. If the proposal were approved by the City, the increase in average daily trips would be between 63 and 143. The AM/PM peak trips would likely increase by no more than 15 trips per day. Mr. Bissell said that while staff has recommended denial of the application based on impact to the residential local street system, his data indicates that the impact would be negligible.

Mr. Bissell suggested that current planning practice shows the need to change the Comprehensive Plan designation along this area of the SR-104 Corridor to be similar to what has been identified for the Highway 99 Corridor as well as other places along SR-104. He emphasized that the impacts of the change would be negligible, but the public benefits would be great. The subject properties are already being utilized as multi-family residential, which was allowed when the properties were still part of Snohomish County's jurisdiction. When the properties were annexed into the City, they became legal, non-conforming uses. Not only does good planning practices indicate that the proposal should be approved, economics are also driving the properties in that direction.

Mr. Bissell emphasized that the City's Comprehensive Plan and Zoning Map principles support the proposed Comprehensive Plan amendment and concurrent rezone. He further emphasized that the traffic impacts would be minimal, and current development in the area already supports multi-family medium density development. In addition, market economics have already driven the properties in the area to develop in the way the application suggests. He urged the Board to recommend approval of the application as proposed.

Aaron Lindstrom said that he owns and lives in residential property on 231st Place Southwest. He referred to Attachment 3 of the Staff Report, which contains signatures of various individuals who have indicated support for the proposed change. He noted that only one person on the list actually resides full-time on property that is within close proximity of the subject proposal. The other three signatures were provided by people who rent property from the applicant. The applicant does not reside on any of the subject properties, either.

Mr. Lindstrom pointed out that there is no controlled access at the intersection of 97th Avenue and SR-104, and it is extremely difficult to turn off of 97th Avenue in either direction. In addition, 97th Avenue has an extremely steep grade that is difficult to manage during the winter months. He noted that a portion of the subject property only has access from 231st Place Southwest, which provides a natural boundary between the residential and commercial properties. The majority of the residents along 231st Place Southwest feel the proposal would change the character of the quiet, safe neighborhood that exists along the street.

Mr. Lindstrom recalled that the applicant made this same type of proposal a few years ago, but it was denied by both the Planning Board and the City Council. He emphasized that 231st Place Southwest is a residential neighborhood, and the residents who live along the cul-de-sac have a unique connection. Apartment complexes and duplexes on the subject properties would not support the residential character of the street. The residents paid a premium to own a home on a quiet street, and they are against the proposed change that would allow one property owner who doesn't even live in the area to make more money. He asked the Board to deny the proposal.

Norbert Nowak said the residents along 231st Place Southwest have had to fight changes on the subject properties for the past 10 years. In the past, the applicant has received permission from the City to construct a garage with a shop on top. However, after the structure was developed, the applicant provided space for people to live in the upper portion, even though the County and City indicated that residential use of the structure was prohibited. He further recalled that a few years ago,

the applicant sent letters to the property owners in the area indicating her desire to rezone the property because it is somewhat unique in that it is developed as duplexes, guest houses and artist studios. However, it is important for the Board to understand that these residential uses are all illegal.

Mr. Nowak pointed out that a portion of the subject properties is located in the middle of a quiet neighborhood cul-de-sac and is separated from Edmonds Way by about 100 feet and a steep slope. The neighborhood has no objection to the applicant's proposal to change the zoning for the properties that are located closer to Edmonds Way, but it would be inappropriate to include the properties that gain access from 231st Place Southwest. Rezoning the properties on 231st Place Southwest would disturb the character of the residential cul-de-sac, and the topography of these properties is not even close to that of the properties located along SR-104.

Jacqueline Barnes said she has lived on 231st Place Southwest for the past 15 years. She pointed out that 231st Street is developed as a cul-de-sac of lovely homes with children playing. A portion of the applicant's property is located in the middle of the cul-de-sac, and the proposal is an attempt to adjoin this property to the multi-family zoned property down below. She said that while she understands the concept of buffering, she suggested the correct location for a buffer in this area would be lower down and closer to SR-104. She also noted that the signatures collected by the applicant only included one individual who lived on 231st Place Southwest. The other 12 or 13 families living on the street are opposed to the proposal and do not want more traffic in the cul-de-sac. Ms. Barnes invited the Board Members to visit their cul-de-sac to carefully consider what the applicant is asking to do. She urged them to recommend denial of the application.

Mr. Bissell said he understands the neighbors' concerns; no one wants to be on the edge of the buffer and that will always be the case. He agreed with Mr. Lindstrom's comment about 231st Place Southwest being the natural boundary. He pointed out the location of 231st Place Southwest and the subject property and noted that a corner of the subject property would face onto 231st Place Southwest. However, he expressed his belief that the statement that the subject property is located in the middle of the cul-de-sac was somewhat misleading. It is true that a building on the subject property has access from 231st Place Southwest, but it is apparent that the use on the subject property is different than adjacent properties along the street.

Mr. Bissell recalled that Mr. Nowak spoke to the applicant's character and whether or not a violation had been committed on the site. While the situation is unfortunate, Mr. Bissell reminded the Board that it would be impertinent to the case about whether to change the zoning or the Comprehensive Plan and would not alter the information he provided in the application regarding trip generation, the need for buffering, etc. Mr. Bissell concluded by stating that while neighbors will never want to be on the edge of a buffer area, this would be the case with any zoning change that is proposed in the City. The facts and merits of the case have not been challenged by any of the testimony provided by the neighbors.

Mr. Lindstrom clarified that the neighbors do not object to the proposed rezone for the majority of the subject properties. However, because the application does not show any other possible access points for the property at 9601 – 231st Place Southwest other than 231st Place Southwest, the majority of residents living along the cul-de-sac are opposed to the rezone of this particular parcel.

The public hearing was closed.

BOARD MEMBER YOUNG MOVED THAT THE BOARD TAKE A 10-MINUTE BREAK TO REVIEW THE WRITTEN COMMENTS THAT WERE RECEIVED JUST PRIOR TO THE START OF THE MEETING. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Board took a 10-minute break at 7:40 p.m. They reconvened the meeting at 7:50 p.m.

Board Member Freeman inquired if any of the Board Members had received ex-parte communications regarding the subject proposal outside of the hearing. None of the Board Members indicated a concern. No one in the audience voiced a concern about the participation of any of the Board Members.

Mr. Bullock recalled that the applicant's representative attempted to draw some comparisons between the Highway 99 and SR-104 Corridors. He said that, although both corridors have very high volumes of traffic, staff believes they are different

Approved

and serve different purposes. The Highway 99 Corridor is supposed to be the commercial artery of the City and is bound by a lot of commercially zoned properties with much more intense uses than what is projected for the SR-104 Corridor. In addition, the topography on SR-104 is steep and the roadway is much narrower. The City does not anticipate big commercial tracts associated with the transportation corridor because the topography goes up quick enough that we can have single-family areas fairly close to the corridor without significantly impacted them.

In reviewing both the Comprehensive Plan and Zoning Map, Mr. Bullock said it is clear that most of the properties included in the SR-104 Corridor designation have direct access onto Edmonds Way. However, none of the subject properties gain access from Edmonds Way. They gain secondary access to Edmonds Way via 97th Avenue West or 231st Place Southwest and then 97th Avenue West. He referred to Page 5 of the Staff Report, which outlines the Comprehensive Plan's goals for the Edmonds Way Corridor. He specifically noted Goal 3, which states that site access should not be provided from residential streets unless there is no available alternative. He pointed out that the goal is to make sure the properties with higher densities are limited to access from SR-104 so that impact to residential properties would be minimal.

Mr. Bullock noted that the neighbors along 231st Place Southwest have indicated they would not oppose a rezone of those properties that gain direct access from 97th Avenue West. They are most concerned about the property in the northeast corner that gains access from 231st Place Southwest. They don't want this property included in the proposed Comprehensive Plan and rezone proposal. He said staff would be willing to consider that approach, but they would still have some concerns based on access, the curve of SR-104 in this location, and the steep grade on 97th Avenue West.

Board Member Henderson agreed with Mr. Bullock's concerns. However, he disagreed with Mr. Lindstrom that the natural boundary for the buffer would be along 231st Place Southwest. Instead, the buffer boundary really runs along the top of the ravine. He said he would support a proposal to change the Comprehensive Plan and zoning for the three lots furthest to the north, and possibly even the five northern most lots. But he would not support the proposal as it pertains to the two lots located closest to 231st Place Southwest.

Board Member Crim said the point has been well taken that access onto 231st Place Southwest is a critical issue, and it is clear to him that the southern most properties do not fit within the rezone and should not be included as part of the proposal. However, he said he would be more open to consider the proposal as it pertains to the other five properties. He asked if the Board would be required to act on the proposal as presented, or if it could be modified. The Board agreed that their only option would be accept or deny the proposed application as presented.

Board Member Young agreed with the applicant that the proposed change would not result in significantly more traffic than currently exists, and no comments were provided by any City Departments to indicate that the infrastructure in the area could not handle the increased traffic. However, the Board is required to consider four criteria (ECDC Section 20.00.050) when reviewing proposed changes to the Comprehensive Plan. He reviewed each of the criteria as follows:

- **The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest:** While he believes it would be good idea, in general, to have more affordable housing in the City, this could be said about any parcel in Edmonds so he is not persuaded that the application could meet this criteria based on that one observation.
- **The proposed amendment would not be detrimental to the public interest, health, safety or welfare of the City:** The applicant addressed the issue of traffic. He agreed that, if designed right, the proposed change would not be detrimental to the public or the City, and issues of concern could likely be worked out with the Engineering Department. However, he cannot guess what the site plan for the subject properties would be and how they would function in the future. The applicant has not provided any information to support these criteria.
- **The proposed amendment would maintain the appropriate balance of land uses within the City:** Planning literature recommends that certain percentages of a city's zoning be multi-family residential. However, the applicant's proposal does not provide any information to support the need for more affordable housing or multi-family residential housing in this area.
- **The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints:** While a case could be made that the subject parcels could be physically suitable for the

requested land use designation, the applicant's representative did not provide any data or information to support this claim.

Board Member Young concluded that the proposed Comprehensive Plan amendment application does not provide enough evidence to show whether the proposal would work or not.

Board Member Cassutt agreed with Mr. Bullock that the Highway 99 Corridor is very different from the SR-104 Corridor. She agreed that 97th Avenue West is a dangerous street, particularly at the bottom of the hill where it intersects with SR-104. She said she would be opposed to any change that would allow the property along 231st Place Southwest to be rezoned to something other than single-family residential. She also agreed that perhaps the lots that are further south would be more appropriate for the proposed Comprehensive Plan and rezone changes.

Board Member Guenther agreed with Board Member Young that the application provided a lot of general information, but not a lot of specific data that would enable the Board to judge the merits of the application. He said it would be difficult for him to make a favorable recommendation to the City Council with out more specific information.

Chair Freeman agreed with Board Member Cassutt that the lots on 231st Place Southwest should remain as single-family residential zoning, and she would not support a Comprehensive Plan change for these lots, either. However, the steep topography of the slope could justify a buffer between the lower properties and the higher single-family residential properties.

BOARD MEMBER YOUNG MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF DENIAL TO THE CITY COUNCIL FOR FILE NUMBER CDC-05-3 BASED ON THE FINDING THAT THE APPLICATION DOES NOT MEET THE FOUR COMPREHENSIVE PLAN REVIEW CRITERIA IDENTIFIED IN ECDC 20.00.050. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mr. Chave explained that because the Board does not know how the City Council would decide on the proposed Comprehensive Plan amendment, it would be appropriate for them to also make a recommendation regarding the proposed rezone application.

Board Member Crim reviewed the following rezone criteria found in ECDC 20.40.010 as follows:

- **Is the proposal consistent with the Comprehensive Plan:** If the City Council upholds the Board's recommendation to deny the proposed Comprehensive Plan amendment, the proposed rezone would not be consistent with the current Comprehensive Plan.
- **Is the proposal consistent with the purposes of the zoning ordinance and the proposed zone district:** The Board has discussed that the proposed rezone would not be consistent with the purposes of the zoning ordinance.
- **The relationship of the proposed rezone to the existing land uses and zoning of the surrounding or nearby properties:** The subject properties are not contiguous to any zone of the type proposed, so the rezone application would be inconsistent.
- **Has there been sufficient change in the character of the immediate area or in the City policy to justify the rezone:** There has been no change in the character of the immediate area to justify the rezone request.
- **Whether the property is economically and physically suitable for the uses allowed under the existing zoning and under the proposed zoning:** Right now, the uses on the subject property are considered non-conforming, and he doesn't see a great need to change the current situation.
- **The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property:** A number of residents living in the area of the subject property have expressed their concern that the proposed rezone would not be in the public's best interest.

BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF DENIAL TO THE CITY COUNCIL FOR FILE NUMBER CDC-05-3 BASED ON THE FINDING THAT THE APPLICATION DOES NOT MEET THE SIX REZONE REVIEW CRITERIA IDENTIFIED IN ECDC 20.40.010. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Approved

PUBLIC HEARING ON AN APPLICATION TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION FOR A PROPERTY AT 24310 – 76TH AVENUE WEST FROM NEIGHBORHOOD COMMERCIAL TO HIGHWAY 99 CORRIDOR AND A CONCURRENT REZONE FROM NEIGHBORHOOD BUSINESS (BN) TO COMMUNITY BUSINESS (BC) (FILE NUMBERS CDC-05-96 AND R-05-97)

Mr. Bullock explained that the applicant owns a roughly 12,000 square foot parcel that has both split zoning and split Comprehensive Plan designations. Currently, the north half of the property is identified on the Comprehensive Plan as “Neighborhood Commercial,” and the only zoning classification that would be consistent with that designation is BN. That is what the northern half of the property is currently zoned. The southern half of the property is identified as part of the “Highway 99 Corridor”, which is consistent with a number of commercial and multi-family zoning classifications. Therefore, the current BC zoning on the southern portion of the property is also consistent with the Comprehensive Plan. He further explained that this area has been zoned BC and BN for a number of years. Because of the inexact method of drawing zone boundaries in the past, properties sometimes ended up being bisected by zoning designations. Also, as the City moved from a more general Comprehensive Plan to a parcel specific one, they chose to locate Comprehensive Plan boundaries where zone boundaries already existed. In the case of the subject property, this process resulted in a less than ideal situation.

Mr. Bullock advised that although the zoning of the property is consistent with the Comprehensive Plan, plans to redevelop the site have become problematic due to the disparate zoning (BC and BN) and the different development regulations that apply to the two zones. Unfortunately, the more preferable zoning classification (BC) to the owner is not something that is compatible with the BN designation of the northern half of the property. Therefore, a simple rezone cannot be processed. The applicant is requesting that the northern half of the property be identified on the Comprehensive Plan the same as the southern half, that being Highway 99 Corridor. His concurrent rezone request would also be to rezone the northern half of the property to BC, consistent with the southern half.

Mr. Bullock said that while staff sees some justification for having the same Comprehensive Plan and Zoning Map designation for all of the property, they have some concerns about extending the Highway 99 Corridor to include all of the subject property. He pointed out that the scale and intensity of the traffic along SR-104 is very different from what occurs along 76th Avenue West. In addition, the topography creates a very distinct separation between those properties along SR-104 and those along 76th Avenue. He noted that the Highway 99 Corridor Comprehensive Plan designation was designed to accommodate a lot more intense use than what they want to see on 76th Avenue West.

Mr. Bullock said there are several other alternatives the Board could consider to address the problem. For example, they could change the text of the Comprehensive Plan as it relates to Neighborhood Commercial Areas so that additional zoning designations (BC or BR for example) could also be implementing zones. Another option would be to designate the entire property as Neighborhood Commercial, but change the development standards for the NB zone.

Tony Shapiro, the applicant’s representative, used a map to point out the location of the subject property. He said that while he is present to represent the applicant, Ron Knowles, he has also had contact with owners of the adjacent properties that are currently occupied by the Seattle Baptist Church and Planning Design. Both have expressed a desire to consider possible development options for their properties, but they are in the same situation of a split zoning and Comprehensive Plan designation.

Mr. Shapiro said the applicant has requested a Comprehensive Plan change to Highway 99 Corridor because that is what a portion of the property is already identified as. He said the applicant was surprised to learn that the Highway 99 Corridor designation had crept up to his property. He pointed out that the SR-104 Corridor was established after the Highway 99 Corridor. Had it already been in existence, the subject property might have been identified as part of the SR-104 Corridor, instead.

Mr. Shapiro expressed his belief that the proposed amendment would be consistent with the Comprehensive Plan provisions set forth by the City. The current Comprehensive Plan encourages construction of mixed-use projects as a productive use of property. Opening this property to mixed-use development options would enhance the nature of business in the area, yet still maintain the quiet neighborhood character. The mixed-use development could serve as a transition between the residential and commercial uses in the area.

Mr. Shapiro referred to the Comprehensive Plan review criteria found in ECDC Section 20.00.050 and provided the following comments:

- **The proposed amendment is consistent with the provisions of the Edmonds Comprehensive Plan and is in the public interest:** The Neighborhood Commercial land use designation would only allow for a NB zoning, and NB zoning does not support the concept of mixed-use development because it limits the development to only one residential unit. In keeping with the spirit of the Comprehensive Plan and the Highway 99 Corridor designation, more mixed-use development would be a desirable addition to this part of the street. In addition, the proposed amendment would not be a detriment to the public interest.
- **The proposed amendment would not be detrimental to the public interest, health, safety or welfare of the City:** There is a fair amount of commercial activity and traffic in this area of 76th Avenue West as one travels north. He provided some context picture to illustrate adjacent properties and the significant grade change on 76th Avenue West, which is subject to high traffic loads from SR-104 and Highway 99. There is both commercial and residential development on 76th Avenue West, and the southern end is more conducive to a commercial setting than further north. The applicant was concerned that some of the adjacent property owners would be opposed to the proposed change, but no one submitted any written comments prior to the meeting, and no one was present in the audience to voice a concern, either.
- **The proposed amendment would maintain the appropriate balance of land uses within the City:** The southern portion of 76th Avenue West would support more commercial development than the northern portion would. While the City has suggested other options for the applicant to consider, the applicant has expressed the need to move forward to address the problem as soon as possible. The property owner has been reluctant to sign another lease for the property in anticipation of being able to redevelop in the near future.
- **The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints:** The applicant feels the topography of the site flattens out enough that it would support a commercial development. In fact, commercial development has been maintained on the subject property for quite some time.

Mr. Shapiro again stated that the applicant has asked for a Highway 99 Corridor land use designation since that is what the rest of the property is identified as. However, he would also consider some of the other alternatives recommended by Mr. Bullock. He noted that any redevelopment project on the sight would be of a smaller scale than what currently exists, and parking would be located underground. Residential units would be located on the upper stories. The new development would not be out of character with the historical use on the property.

Next, Mr. Shapiro reviewed the six rezone criteria found in ECDC Section 20.40.010 as follows:

- **Is the proposal consistent with the Comprehensive Plan:** Mixed-use development is encouraged within the neighborhood commercial areas according to the Comprehensive Plan. However, the BN zone would only allow one unit of residential space. Since a section of the property has already been identified as Highway 99 Corridor, which would accommodate a higher density zone, the applicant is requesting the remainder of the property be rezoned to a higher commercial density that would better accommodate a mixed-use development.
- **Is the proposal consistent with the purposes of the zoning ordinance and the proposed zone district:** The current BN zoning designation is outdated and needs to be redefined. At this time, the Five Corners and Firdale Village neighborhoods are currently considering possible changes that would accommodate redevelopment. While the subject property is much smaller in size, it is also subject to the outdated BN zoning designation.
- **The relationship of the proposed rezone to the existing land uses and zoning of the surrounding or nearby properties:** There are some challenges with the single-family residential nature of 76th Avenue West as a minor arterial. However, the 35 mph speed limit would support commercial types of development, and the transitional nature of a smaller mixed-use project would lend to the surrounding single-family residential properties.
- **Has there been sufficient change in the character of the immediate area or in the City policy to justify the rezone:** The NB zone is becoming outdated. Some multi-family residential projects have been developed on 76th Avenue West recently, and the subject property has been run down and the owner is less inclined to enhance the existing building for

reuse as a retail facility. The church that is located on adjacent property is growing and has expressed an interest in expanding their operations. A mixed-use development on the subject property would not have a detrimental impact on the church use. The old gas station to the north of the subject property has been converted to accommodate Planning Design, a viable business that is not a detriment to the surrounding properties, either.

- **Whether the property is economically and physically suitable for the uses allowed under the existing zoning and under the proposed zoning:** The current zoning is not a viable option and needs to be changed in order for the property to be redeveloped as a viable commercial use.
- **The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property:** Another zoning option for the subject property is single-family residential, but the site is not really suitable or desirable for this type of use. The subject property is a convenient location that promotes mixed-use development and would act as a transition zone. Because of the site's small size, it would be necessary to provide underground parking as part of the mixed-use building proposal. The existing structure decreases the value of the surrounding properties, and a change would be desirable.

Mr. Shapiro shared some imposed site plans to illustrate how the property might be utilized. He said it would be a challenge to fit any type of mixed-use building on the property given its small size and the City's current height restrictions.

Board Member Crim asked if the proposed changes would make it easier to construct a thriving commercial structure. He noted that this corner has always been a problem because of visibility issues. Mr. Shapiro explained that the commercial component of a mixed-use building does not generally make money. The commercial spaces are constructed with the hope that the business community or neighborhood would need smaller businesses that could locate in the structure. The residential units on the upper stories make mixed-use development economically viable. However, even if the commercial space is not immediately viable, it would not render a mixed-use project inappropriate for the subject property.

Board Member Cassutt pointed out that there are a variety of uses along 76th Avenue West. Changing the zoning and land use designation to make redevelopment of the property more viable would provide a public benefit, as well. Right now, the existing structure is old and run down.

Mr. Chave reminded the Board that significant changes are being proposed for the BN zone, and public hearings have been scheduled to further this work along. He recalled that property owners in the Five Corners and Firdale Village neighborhoods are going through a neighborhood business planning process to deal specifically with the character of their neighborhoods. He suggested that perhaps it would be appropriate to utilize this same concept to address the specific needs of the subject property, along with the two adjacent properties.

Board Member Cassutt asked how the Five Corners and Firdale Village neighborhoods plan to address the issue of height. Mr. Chave reported that these neighborhoods have discussed options for a height limit of between three and five stories. This would require changes to the BN zoning language. Mr. Shapiro said the applicant would not be opposed to utilizing changes in the BN zone to resolve his situation, but he would want these changes to occur fairly quickly. The Baptist Church and Planning Design are also interested in doing something with their property, so a joint exercise between the three property owners and the neighborhood would be helpful.

Mr. Chave pointed out that a public hearing has been scheduled for June 28th regarding the Comprehensive Plan amendments proposed for neighborhood business areas, and some specific language would also be considered to address the unique situations that exist at Five Corners and Firdale Village. The Comprehensive Plan process would have to be followed up with a hearing to address the zoning issues. He said he would not anticipate the entire process being completed until the end of the year.

Board Member Young said he would not necessarily be opposed to changing the land use designation for the entire property to Highway 99 Corridor. The intent of this land use designation was to do what is best to encourage commercial development along that corridor. Mr. Chave agreed, but noted that the other properties to the west of the subject property are not identified as either Highway 99 Corridor or SR-104 Corridor. He said the Comprehensive Plan speaks extensively about the Highway 99 Corridor land use designation being related specifically to Highway 99. If the City were to apply this designation to properties away from Highway 99, it would be difficult to make a case that it was consistent with the

Comprehensive Plan and the intent of the designation would be diluted. He emphasized that topography changes separate this property from both Highway 99 and SR-104

Mr. Chave suggested that the most appropriate approach to resolve the problem would be for the property owners to initiate a small scale neighborhood business planning process. They could probably accomplish this within one or two months if all of the neighbors are supportive. This would allow them to come back before the Board with some suggested amendments in time for them to be considered in this round of Comprehensive Plan amendments. Mr. Shapiro indicated that the applicant and the two adjacent property owners would likely be able to reach a consensus in a fairly short period of time.

Mr. Chave indicated that staff would be willing to help the property owners get started with the neighborhood business planning process. In addition, they could share the work that is being done by the Five Corners and Firdale Village neighborhoods. He pointed out that if the applicant were to withdraw the current application and then submit a new application for a Comprehensive Plan amendment, a new fee would be required. Another option would be for the Board to continue the item and allow the property owners to complete the neighborhood business planning process and submit a revised application. In this type of situation, no additional fee would be charged, but the applicant would have to specifically ask that the application be continued. Mr. Shapiro requested that the Board continue the application so the applicant could work with adjacent property owners to present a revised proposal for the Board's future consideration.

AT THE REQUEST OF THE APPLICANT, BOARD MEMBER YOUNG MOVED THAT THE BOARD CONTINUE FILE NUMBERS CDC-05-96 AND R-05-97 TO ALLOW THE APPLICANT TO PREPARE A REVISED APPLICATION THAT RESPONDS TO THE ISSUES RAISED BY THE BOARD. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Board took a 10-minute break at 9:00 p.m. The meeting was reconvened at 9:10 p.m.

CONTINUED DELIBERATION/DISCUSSION ON DRAFT "DOWNTOWN BUSINESS" (BD) ZONES INTENDED TO BE APPLIED TO THE DOWNTOWN AREA TO IMPLEMENT THE COMPREHENSIVE PLAN (FILE NUMBERS CDC-06-37 AND R-06-50)

Mr. Chave recalled that on May 24th the Board held a public hearing regarding the draft Downtown Business Zones intended to be applied to the downtown area to implement the Comprehensive Plan. He recalled that at the public hearing it was noted that the proposed boundary between the BD2 and BD3 zones (on 5th Avenue between Walnut and Holly Streets) runs through an existing building. It was suggested that this line be adjusted. While staff is not sure this would be a problem, it would probably be wise to recognize the reality of a single building by having a single Comprehensive Plan and zoning designation. However, he noted that this change may require a Comprehensive Plan amendment.

Mr. Chave pointed out that auto-oriented uses would be allowed in a BD3 zone, but not in a BD2 zone. The BD3 zone would also allow parking lots in front of buildings, which would not be acceptable for the properties within the downtown core. Because the uses allowed in the BD3 zone are more liberal, development in this zone could be quite different from what would be allowed in a BD2 zone. Chair Freeman noted that the new building's use is not auto oriented so it would be appropriate to identify the entire property as BD2. The other Board Members concurred.

Board Member Crim expressed his concern that the map is too confusing. He questioned the need for five different BD zones, or if some of them could be combined. Mr. Chave replied that the adopted Comprehensive Plan specifically describes different areas. Either the zoning code must include regulations that differentiate the areas or the Comprehensive Plan must be changed. As an example, it would not be appropriate to combine the BD1 and BD2 zones, since auto-oriented uses would be allowed in a BD2 zone as a conditional use, but would definitely not be appropriate for the BD1 zone.

Mr. Chave referred to Chair Freeman's comment at the last meeting that Special Area 1 should be designated as RM-1.5 zoning rather than as a downtown business zone. The majority of the Board agreed that would be appropriate. Mr. Chave indicated that he would advertise the change as part of the Comprehensive Plan amendments and then follow up with a rezoning request.

Mr. Chave explained that the City's Streetscape Plan identifies public improvements for 4th Avenue. However, at the public hearing, concern was expressed that the BD5 zone did not extend all the way to Main Street. He pointed out that the original zoning proposal showed the BD5 zoning stopping a block short of Main Street because the buildings in the block north of Main Street are significantly different than those further north past Bell Street. The intent was to allow the streetscape improvements identified in the Streetscape Plan to help define the character of the corridor rather than just the zoning.

Mr. Chave recalled that the Board also heard testimony from the property owners along 4th Avenue that they did not like the proposed idea of requiring greater setbacks and other more restrictive code requirements than elsewhere in the downtown. Another approach would be to zone 4th Avenue as BD2, and then craft an overlay zone that would not change the underlying uses and height/bulk requirements, but would somehow identify design standards or other mechanisms that could help support the arts corridor concept. He pointed out that the properties at the north end of 4th Avenue are currently developed as multi-family residential, and the property owners would like to retain this use. Board Member Crim suggested that the underlying zoning for these properties could remain multi-family residential, but an overlay could also be provided to address specific design standards to promote the arts corridor concept.

Board Member Crim said the testimony provided by property owners on 4th Avenue regarding the amount of land that would be lost as a result of the proposed new setbacks was convincing. Mr. Chave pointed out that while the properties on 4th Avenue south of Bell Street are part of the arts corridor, they are more commercially focused than the properties north of Bell Street where there is a mixture of uses. A BD5 zoning designation would permit a mixture of residential and small scale commercial uses. One option would be to change the setback requirements to address the concern raised by the property owners. Another option would be to create an overlay on top of the appropriate zoning. He emphasized that 4th Avenue is not uniform in terms of character so it would be difficult to craft one zone to deal with the entire street. On the other hand, an overlay would allow the specific situations to be addressed.

Mr. Chave said it is important for the Board to remember that while the BD5 zoning designation would not extend all the way to Main Street, the Streetscape Plan would cover the entire 4th Avenue from the Center for the Performing Arts to Dayton Street. This would not change as a result of the BD zoning designations. Chair Freeman pointed out that the Streetscape Plan deals with the public right-of-way and does not change the zoning on either side of the street.

Mr. Chave suggested the Board could extend the BD5 zone to the first tier of lots north of Main Street, and then give a few options for development in this area. One option would be allow properties to develop as per the BD2 zone, with some tweaks to allow more residential uses if artwork, live/work situations, etc. are incorporated into the design. This option would allow different parts of the arts corridor to develop without specifying how or when it should happen. The Board agreed they would like to pursue this concept for 4th Avenue. They also agreed that the BD5 zone should be extended along 4th Avenue until it meets the proposed BD1 zone.

Mr. Chave suggested the Board advertise a public hearing on the proposed zoning language and map for July 12th. This would allow the Board one more meeting to review the proposed map and draft language and make additional comments and suggestions prior to the public hearing. The Board agreed that would be appropriate.

Board Member Crim referred to a letter the Board received from Tyler Eckelbarger, a representative of the Bank of Washington. Mr. Eckelbarger advised that the bank is considering an opportunity to purchase the old AM/PM Gas Station site on Dayton. However, the proposed BD1 zone would not allow them to provide drive-through service. Mr. Chave noted that this property is located within the downtown retail core area. He said it would be a challenge to make a drive-through business compatible with the downtown retail core and the City's desire to make it more pedestrian friendly. An auto-oriented business would create a gap in the streetscape. Mr. Eckelbarger has suggested that auto-oriented businesses be allowed in the BD1 zone as a conditional use. However, the Board must remember that if they allow one business in the BD1 zone to have a drive-through business, they must allow other businesses the same opportunity. The majority of the Board agreed they did not want to allow auto-oriented businesses in the BD1 zone. However, Board Member Young expressed his concern about not allowing an auto-oriented business to locate on the old AM/PM site since the curb cuts are already established. Board Member Crim said that if the Board agrees that no drive-through businesses should be allowed in the downtown core, staff should notify the Bank of Washington that this is the direction the Board intends to go. The Board

agreed that no drive-through businesses should be allowed in the BD1 zone. Mr. Chave noted that auto-oriented businesses would be allowed outright in the BD3 zone and in the BD2 and BD4 zones with a conditional use permit. Neither the BD1 nor BD5 zones would permit drive-through businesses.

Mr. Chave advised that concern was also raised at the public hearing regarding the open space requirements and their relationship to building or lot size. It was suggested that a 5% ratio would be more reasonable than 10%, and should be related to building size and existing lot patterns. He said that the points on open space were well taken, but need to be reexamined in the context of building massing discussions related to the design guidelines and possible design standards that would need to be incorporated into the downtown zoning discussion.

Mr. Chave recalled that an issue was also raised at the public hearing regarding roof decks and possible height exceptions that could be granted. He said staff questions the need for a height exception to accommodate an elevator shaft to the rooftop if no rooftop garden or deck is provided. If the City is going to offer an exception to the height limit, there must be some public purpose. He suggested that in order to obtain a height variance of this type, a developer must provide a certain percentage of rooftop garden or deck.

Board Member Guenther agreed that unless a garden or some other public use is provided on the rooftop, there would be no need to extend the elevator shaft beyond the allowed height limit. He pointed out that for larger buildings, it is often necessary to have an elevator extend to the rooftop to provide access to the mechanical equipment that is located there. However, this would not likely be the case for buildings in downtown Edmonds.

Mr. Chave encouraged the Board Members to review the draft design guidelines material that was provided in their packets. He reported that the City Council has forwarded the design guidelines issue back to the Board for review. He referred the Board to the one-page outline of the new review process, which places Architectural Design Board review at the front of the process. The Architectural Design Board would no longer be the quasi-judicial body. Instead, they would work with applicants to influence the design of a building as per the design guidelines. They would hold public hearings and make findings that are based on code criteria. Once the initial parameters for a project have been defined, the applicant would be able to proceed to the building permit phase.

Mr. Chave emphasized that the guidelines put together by the Architectural Design Board are general. If there are parts of the old draft design guidelines the Board would like to make requirements, they need to be incorporated into the code. He said staff has some thoughts as to what items should be extracted and put into the code, such as the landscaping and massing standards. He noted that the Downtown Plan does not address massing to a great extent, but parts of the design guidelines could be applied to the BD zones, particularly the BD1 zone.

Chair Freeman questioned whether standards for massing should be codified or not. Board Member Guenther explained there are two ways to handle design issues. One is to codify all of the standards and the other is to leave the standards very general to allow flexibility. Contractors tend to like codified design standards, while architects feel they are too restrictive. Architects usually want more flexibility to improve design. Mr. Chave said the list of design standards included in the code would likely be short and include only the very important issues. Board Member Guenther concluded that it is very difficult for cities to legislate aesthetics because tastes change over time.

REVIEW OF EXTENDED AGENDA

No additional comments were provided regarding the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman announced that the Center for the Performing Arts would have its official opening in January and an unofficial opening on October 23rd when the Cascade Symphony is scheduled to perform. She recalled that the Board has

previously expressed their desire to have at least some of the Streetscape Plan implemented prior to the grand opening of the Center, which is now only a few months away.

Mr. Chave reported that there are no funds available in the City's budget to begin implementation of the Streetscape Plan. While there is not a lot that could be done within the short time frame, they could consider opportunities for short-term art installations. He suggested the Board invite Ms. White Chapin to their next meeting to have a brainstorm session on ideas to identify the arts corridor before the Center opens.

Chair Freeman referred to the written comments and suggestions prepared by Vice Chair Dewhirst regarding changes to the pedestrian facilities policies. She encouraged the Board Members to forward their comments to him as soon as possible.

PLANNING BOARD MEMBER COMMENTS

Board Member Henderson reported that the Director for the Center for the Performing Arts recently spoke to the Rotary Club. He addressed the issue of tying the Center into the downtown and arts corridor. He said the Public Facilities District has indicated support for placing some type of café within the Center. He questioned what type of permits or modifications would be required to implement this concept. Mr. Chave said he would have to research this option to see if it would even be allowed. He suggested that perhaps it would be appropriate for the Board to invite the Director of the Public Facilities District to their brainstorming session with Ms. White-Chapin.

Board Member Cassutt encouraged the Board Members to read the article regarding streetscape design that was in the newest edition of the Planning Magazine.

ADJOURNMENT

The meeting was adjourned at 9:59 p.m.