

**CITY OF EDMONDS
PLANNING BOARD MINUTES
January 24, 2007**

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

Cary Guenther, Chair
John Dewhirst, Vice Chair
Janice Freeman
Jim Young
Don Henderson
Judith Works
Michael Bowman
John Reed

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Brian McIntosh, Parks, Recreation and Cultural Services Director
Scott Snyder, City Attorney

READING/APPROVAL OF MINUTES

BOARD MEMBER YOUNG MOVED THAT THE MINUTES OF DECEMBER 13, 2006 BE APPROVED AS AMENDED. BOARD MEMBER HENDERSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBERS DEWHIRST, WORKS AND BOWMAN ABSTAINING.

ANNOUNCEMENT OF AGENDA

The agenda was changed by placing “new business” before “unfinished business.”

AUDIENCE COMMENTS

Nancy Carroll said that Mr. Bowman has spoken with her several times since 1975 about issues pertaining to her property, which has increased to become a quite active transient area at 7927 – 196th Place Southwest. She said she has been quite involved in family and community affairs, as well as being a watchdog for the community. There are only three permanent residents in the whole cul-de-sac, and the rest are transient, vacant or rental properties. She said her goal is to be able to rezone her property to multi-family residential, and she would appreciate her property being considered for this change in the future. She said developers have indicated their desire to purchase her property for duplex or other multi-family residential development, but it is currently zoned single-family.

Mr. Chave advised that, typically, property owners who want to have an area considered for change must submit an application to the City. The Planning Board also has the option to take up land use map amendments. The Board agreed to discuss whether or not it would be appropriate to consider Ms. Carroll’s request at a future meeting.

ELECTION OF PLANNING BOARD OFFICERS

BOARD MEMBER WORKS NOMINATED CARY GUENTHER AS CHAIR OF THE PLANNING BOARD FOR 2007. BOARD MEMBER DEWHIRST SECONDED THE NOMINATION. BOARD MEMBER YOUNG MOVED THAT NOMINATIONS BE CLOSED. BOARD MEMBER REED SECONDED THE MOTION. THE NOMINATION WAS APPROVED UNANIMOUSLY.

Board Member Guenther assumed the role of Chair for the remainder of the meeting.

BOARD MEMBER FREEMAN NOMINATED BOARD MEMBER DEWHIRST AS THE VICE CHAIR OF THE PLANNING BOARD FOR 2007. BOARD MEMBER YOUNG SECONDED THE MOTION. BOARD MEMBER BOWMAN MOVED THAT NOMINATIONS BE CLOSED. BOARD MEMBER FREEMAN SECONDED THE MOTION. THE NOMINATION WAS APPROVED UNANIMOUSLY.

OVERVIEW OF CODE REWRITE PROJECT

Mr. Bowman explained the process for accomplishing the code rewrite project. He recalled that the City Council indicated their desire for the code amendments to be presented to them section by section. He advised that the code rewrite project would start with the non-conforming regulations found in Chapter 17, and the City Attorney has prepared a draft ordinance for the Board's consideration. He said staff's goal is to obtain feedback from the Board regarding the non-conforming regulations, and then the entire Chapter 17 would be brought before the Board for review, public hearing and a recommendation to the City Council on March 14th. After the Board has forwarded a recommendation to the City Council for Chapter 17, they could begin their review of the process and procedures section, and then the definitions and nuisance sections.

Mr. Bowman explained that staff intends to bring one code section per month to the Board for review so that a public hearing could be scheduled the next month. While staff does not anticipate the City Council would adopt the code amendments by the end of the year, they would like the Board to get through their review by the end of December. The City Council could adopt all of the amendments sometime in early 2008.

CODE REWRITE PROJECT: REVIEW OF NON-CONFORMING REGULATIONS (ECDC 17.40) (FILE NUMBER CDC-06-5)

Mr. Snyder advised that, with the exception of the non-conforming regulations, most of the amendments to the code provisions would be minor changes. He noted there have been significant changes in the law in the community, which highlight the need to review the City's current non-conforming use provisions and identify what the City wants to accomplish and what changes could be made.

Mr. Snyder explained that in 1980 the City enacted its last major re-codification of its zoning ordinances. This involved an extensive community process and the product reflected the philosophy of the time. The City's non-conforming use provisions were extremely narrow and restrictive, and this philosophy has also been reflected in the way the City deals with variances. In both cases, non-conforming uses were intended to be phased out or abated over time, and specific abatement provisions were established for annexation areas. A variance provision was created to deal with deviations to the zoning ordinance. However, if the City's variance ordinance was strictly applied, there would be no variances issued.

Mr. Snyder advised that changes have occurred since 1980 that warrant amendments to the City's non-conforming use regulations. First, the annexation climate has changed entirely. People are not anxious to be annexed into the City of Edmonds, and those areas within the City's urban growth area contain pockets of people who are very opposed to being part of Edmonds. Unlike times in the past when neighborhoods sought to annex into the City, current districts contain people who have uses they want to continue.

APPROVED

Mr. Snyder explained that since the Growth Management Act was enacted, the City has been pressured to accept or make provisions over time to accommodate more density. The Growth Management Act also emphasizes mixed-use development. There is also interest within the City to preserve affordable housing in an increasingly difficult market and to preserve historic and near historic buildings and neighborhoods. To encourage historic reuse or preserve existing neighborhoods, he suggested the City review their non-conforming use provisions to avoid unintended consequences. He noted that many citizens feel it would be better to preserve the existing housing stock and charm of the neighborhoods by finding ways to permit the homes to be reused and rebuilt overtime instead of providing economic incentives that encourage their replacement with structures that utilized the entire lot coverage permitted.

Vice Chair Dewhirst referred to Mr. Snyder's memorandum that mentions the provisions of the Federally Religious Land Uses and Institutionalized Person Act of 2000. He said he had no idea that cities no longer had the ability to enforce health and safety provisions of the building code on existing church facilities. Mr. Snyder explained that an existing case in the State of Washington involves a church school that had a preschool in the basement of a building with no viable fire exits. The City of Renton was prohibited from closing the school down based on this act. However, the act only applies to existing facilities, and new facilities would have to comply with the State building codes. Vice Chair Dewhirst asked if a city would be liable if a fire were to occur in such a facility. Mr. Snyder said a City would probably not be held liable assuming they actively pursues remedies and inspections. A city's failure to attempt to deal with a violation could lead to liability.

Mr. Snyder cautioned that as the Board considers policies and what they want to encourage and what they want to end, they should remember that once a policy has been established, the rules would be applicable to all building in Edmonds. He also cautioned that there is really no way to inject aesthetic sense into the non-conforming use provisions. He suggested the Board work with the staff to come up with examples of how the provisions would apply to certain structures they want to preserve or that should be abated to test how it would work.

Mr. Snyder and the Board Members reviewed the following proposed changes:

- **Section 17.40.000:** Mr. Snyder explained that the intent of the existing code is to prohibit further non-conformity. Rather than permit non-conformity, this section was changed in order to establish greater flexibility in the preservation of non-conforming buildings. Limiting the continuation of certain aspects of non-conformity, such as historic reuse or encouraging existing housing stock, may be appropriate.
- **Section 17.40.010.C.1:** Mr. Snyder explained that Washington State Law provides for an agricultural exemption for certain seasonal uses such as Christmas tree lots and pumpkin farms. A provision was added to Subparagraph C to acknowledge that there are certain uses that fall outside the "six months of continuous use" rule.
- **Section 17.40.010.C.2:** Mr. Snyder explained that, currently, this non-conforming use provision states that if a residential use ceases because it is damaged in excess of 50% of the value, the use may be reestablished. The proposed ordinance would change the threshold for damage from 50% to 75%. Chair Guenther questioned how this change would impact the thresholds in other City regulations. For example, the Building Code has sections with a 50% threshold. Mr. Snyder pointed out that there is no grandfathering of life safety provisions under the Building Code. Section 17.40.010.C deals with issues such as use, setback requirements, etc. Mr. Chave pointed out that the Comprehensive Plan talks about preservation of residential development, and a 75% threshold would be a little more lenient. He cautioned that this section would only apply to non-conforming residential uses. Mr. Snyder explained that, with many properties in Edmonds, the structure has little value in relation to the value of the land.

Board Member Reed noted that Section 17.40.010.F includes a statement that determination of replacement costs and the level of destruction shall be made by the building official. He asked if this same language should be included in Section 17.40.010.C, as well. Mr. Snyder agreed that is something to consider. He explained that the International Building Code contains tables of value and a more standard way of applying value to structures.

Vice Chair Dewhirst recalled that he has worked in jurisdictions where a non-conforming building that was destroyed could be reconstructed using the building code at the time it was constructed rather than the current code. He pointed out that, particularly with historic structures, there are requirements of a building code, other than life safety concerns, that

could make or break a property owner's ability to rebuild a structure. Mr. Snyder agreed. He suggested they invite the Building Official to attend a future meeting to talk about the building codes, but there are certain life safety provisions that the Board will probably not want to lighten up on. Mr. Chave suggested a representative from the Historic Preservation Commission be invited to meet with the Board, as well, since they have a keen interest in the non-conforming provisions relative to the building codes and historic buildings. In addition to provisions in the building codes, Mr. Snyder said the Board might also want to consider the State Energy Code requirements.

Board Member Works noted that some sections of the proposed language use the term "building and/or structure" and other sections only use the term "structure." Mr. Snyder answered that a structure is defined as any combination of materials attached to the ground, and a building is a structure with a roof. He said he had intended to use the term "building and/or structure" consistently throughout the document. Chair Guenther pointed out that the International Building Code defines a structure as anything that is built and attached to the ground, and a building is defined as any structure used or intended for supporting or sheltering any use or occupancy.

- **Section 17.40.010.C:** Mr. Snyder explained that, currently, the City has no buildings to abate. This section was aimed at a series of annexations that occurred in the early 1980's, and all of these structures have been abated. He recommended that this section of the code be eliminated. A new abatement process would have to be adopted if an annexation occurred or the Board and/or City Council decided there were uses they wanted abate. Board Member Reed asked if problems could arise if the City were to annex property in the future without having an abatement process in place. Mr. Snyder answered negatively. He explained that whether or not the City decides to abate or continue non-conforming uses is going to be a large part of the sales pitch to the audience in the annexation area. If the annexation area had a use they wanted to abate, the City could design and enact zoning as a part of the annexation process to address their problem. Rather than have an out-of-date abatement process, a new abatement process could be crafted as part of pre-annexation zoning.
- **Section 17.40.010.D:** Mr. Snyder explained that the expansion provisions in this section were tweaked slightly. The goal was to tie this section back to the continuation provisions so that the terms are better defined.
- **Section 17.40.020.C:** Mr. Snyder suggested that because the Historic Preservation Commission is becoming more active, it might be appropriate for the Board to craft a provision in conjunction with their recommendations. He attempted to list the two issues: compliance with the building code and consistency with the Register of Historic Places. He noted that while the ordinance, as drafted, would require full compliance and consistency with the Register of Historic Places, the Board may want to provide greater flexibility.

Board Member Reed asked which section would be modified to deal with near historic buildings and structures, as discussed earlier by Mr. Snyder. Mr. Snyder answered that this issue would be dealt with in the reuse section starting on Page 5. The goal would be to provide more flexibility for existing structures.

Board Member Freeman asked if this section would distinguish between buildings that are on the Register and those that are candidates for the Register. She noted that there are not many buildings on the Register to date, but quite a few have been designated as candidates. Mr. Snyder advised that placing a property on the Register is a voluntary process, and the requirements are very specific. Mr. Snyder suggested the Board work with the Historic Preservation Commission to consider how best to handle historic buildings that are not yet on the Register. Offering non-conforming use rights might encourage people to add their properties to the Register. Mr. Chave said that if the City were to offer all of the benefits to historic properties that are not on the Register, there would be no incentive for people to place their properties on the Register.

- **Section 17.40.020.E:** Board Member Freeman requested clarification about the proposed provision related to moving a non-conforming building horizontally any distance. Mr. Snyder explained that, currently, the provision is very onerous and would prevent someone from jacking up a building to put a new foundation under it. When moving buildings from one location to another, the building would have to come into compliance with lot coverage and setback requirements. The proposed language in this section would allow buildings to be jacked up for new foundations. In addition, it would permit a building to be moved if it would improve the degree of non-conformity.

- **Section 17.40.020.F:** Mr. Snyder noted that two alternatives were proposed for this section. Alternative 1 would increase the amount of loss that a structure must sustain before coming into full compliance from 50% to 75%. Alternative 2 would allow full reconstruction if a casualty occurs without the unlawful action of the owner. These options are intended to encourage reuse of existing housing and commercial stock. Board Member Works asked if the term “75% replacement costs” in Section 17.40.020.F would be different than the term “75% of its value” in Section 17.40.010.C.2. Mr. Snyder agreed that these two sections should be made consistent. Board Member Freeman pointed out that if the theater were destroyed, the owners would be unable to rebuild it if they had to meet the City’s current parking requirement. She said she would support an alternative that would enable the City to protect historic structures such as the movie theater. Mr. Snyder said this section was aimed at addressing bulk requirements, but addressing the parking requirement would also be appropriate. Mr. Chave noted that the new zoning the City Council recently approved for the downtown does not include any commercial parking requirement. Board Member Freeman agreed, but she noted that the parking requirements change from time to time. Mr. Bowman summarized that Alternative 2 would allow the theater building to be reconstructed using the same footprint and square footage, regardless of the parking requirement. Mr. Snyder pointed out that the non-conforming provisions refer to legal non-conformity, or uses that complied with all codes in effect at the time it was established.

Mr. Snyder advised that the non-conforming use provisions do not have to be uniform throughout the City. For example, the Board may want to hear from residents who live along Highway 99. If they like the current look and feel in downtown Edmonds, they might want to encourage reuse. But that might not be the case for other neighborhoods in the City. Particularly along Highway 99, the City might want to encourage redevelopment. He suggested that they may want to retain the current 50% threshold for areas where they want to encourage change.

- **Section 17.40.020.G:** Mr. Snyder explained that this section has to do with residential structures in the downtown area and allows buildings in commercial zones that are used for residential purposes to be remodeled or reconstructed, ignoring the requirement that they be brought into conformity. This issue was raised by the City Council, so the Board should consider on an area-by-area basis whether or not this policy would maximize the use of the City’s limited commercial areas. Mr. Bowman explained that the City Council was very concerned about the residential uses that were scattered throughout the downtown BD-1 zone.
- **Section 17.40.025:** Mr. Snyder explained that this current code provision was designed to establish a registration period for non-conforming or illegal accessory dwelling units. Given that the period has passed, this section could be greatly reduced. The draft language recognizes that registered accessory dwelling units, whether detached or attached, may be continued.
- **Section 17.40.030:** Mr. Snyder advised that this section was changed about 10 years ago and has been a resounding success. Rather than having a rigid structure that prevented the reuse of existing lots, this section used a sliding scale that allowed lots that were non-conforming to be developed rather than combined. It allowed properties to be developed to look like the rest of the neighborhood. The provisions in this section encouraged infill development, encouraged the retention of the look and feel of existing neighborhoods, and allowed people to get value out of property they had owned and held for many years.

Board Member Works noted that in this section the terms “dwelling units” and “residence” are both used. Mr. Snyder agreed that the terms should be made consistent. Board Member Reed referred to Item 3 on Page 12 and noted that the term 50% should be changed to 75% to be consistent with changes made earlier in the document.

Mr. Chave referred to Section D.1.c at the bottom of Page 11. He explained that the intent of this provision was to avoid situations where the character of an existing neighborhood would be altered. However, it could create some interesting situations. For example, one individual owned two, platted lots, with a house straddling the center lot line. He wanted to tear the house down and sell the property as two lots, but this particular provision that prohibits existing housing stock from being destroyed would not allow the change to occur. The Board must consider whether or not this is a policy they want to retain, and if so, is the language constructed the right way. Mr. Chave said that if the Board is happy with the sliding scale table, then the provision related to preserving the existing housing stock might become moot. Mr. Snyder

recalled that the current language comes from an era where the City Council was taking a bold initiative by creating the sliding scale, and they weren't sure how it would be used.

- **Section 17.40.040:** Mr. Snyder explained that the proposed changes to this section would allow greater flexibility in the reuse of existing signs. Mr. Bowman said the existing language is problematic for business owners who want to do tenant improvements inside the building. Board Member Reed noted that while the last sentence in this section refers to Subparagraph D, there is actually no Subparagraph D in the existing language. Mr. Snyder agreed to clear up this typographical error. He noted that the numbering on Page 13 should also be corrected.

Mr. Chave said the proposed new language is intended to allow a property owner to change a non-conforming sign to reflect new information without changing the sign's structure. Mr. Snyder agreed but noted that a property owner would not be allowed to expand a non-conforming sign. Mr. Chave suggested the language in Subparagraph A be changed because it says a non-conforming sign shall not be altered in any way. Perhaps it would be appropriate to provide a few examples to indicate what is included in this section. Mr. Snyder agreed.

- **Section 17.40.050.A:** Because of changes in the law, Mr. Snyder advised that this provision is virtually unenforceable and should be removed from the code.
- **Section 17.40.050.B:** The Board may get some public feedback in terms of schools and uses in neighborhoods. While the City may regulate certain aspects by zoning and the building code, the school district is vested with the right to determine what programs are offered at their schools. He suggested that this provision would add little to the discussion.
- **Section 17.40.050.C:** Mr. Snyder explained that the City Council has a lot of discretion over whether to reuse, change or remodel City facilities. Therefore, rather than have a specific provision relating to the expansion of existing legal non-conforming public uses, Mr. Snyder suggested the issue be handled under the City's essential public facilities ordinance.
- **Section 17.40.050.D:** Mr. Snyder noted that the City Council adopts annual changes to the City's Comprehensive Park, Recreation and Open Space Plan, and the facilities that are constructed or maintained must be in compliance. Because the City Council has the full authority to end, continue or expand any use, this provision is redundant and unnecessary.

Board Member Henderson referred to Alternative 2 on Page 7, which states that if an old, architecturally interesting building that didn't have sufficient setbacks for the current zone was destroyed by fire, the owner would be able to reconstruct the building using the same footprint and the same degree of non-conformity, but it does not say it must be the same style of building. If the City allows this flexibility to restore with the same footprint, perhaps the new building should be of similar architecture. Mr. Snyder explained that non-conforming uses typically relate to bulk requirements such as setback, height, etc., and that is the current focus of this section. He suggested that Board Member Henderson's point be considered zoning district by zoning district. Perhaps the Board could work with the Architectural Design Board to create design guidelines to make sure any new buildings would look the same. Mr. Bowman and Mr. Chave both emphasized the importance of having clear code language to indicate whether or not a building design could be changed when a non-conforming building is reconstructed, particularly if the new design would increase the building's non-conformance.

Mr. Snyder commented that when people come to the City with hard questions, it is often because they want to spend the least amount of money. He cautioned that the City should not go overboard in order to give people an economic break. Because of the high value of properties, the hardships are often not as great as they are presented.

Vice Chair Dewhirst said that while working in other jurisdictions, a few situations have come up where fire has destroyed a home. During this traumatic time, property owners come to the City to find their structure is non-conforming. It has been his experience that cities try to do everything possible to allow the house to be rebuilt.

Vice Chair Dewhirst inquired how the non-conforming use regulations would apply to animals. Mr. Bowman said that when the entire chapter is presented to the Board, they will find there is already language to deal with the regulation of animals.

Board Member Works requested that staff provide some picture of some of the non-conforming situations that already exist in the City. Mr. Bowman said he would provide some examples. He agreed this would make it easier for the public to understand what is being proposed. Mr. Chave pointed out that non-conforming situations exist throughout the City, but most people do not recognize them as such. Mr. Bowman referred to the properties that were annexed in the southern portion of the City. He explained that when the properties were annexed, the County's setback requirement was 5 feet for an 8,400 zone, and the City's set back requirement is 7½ feet for an RS-8 zone.

Mr. Chave reminded the Board of the interaction between the non-conforming provisions, bulk provisions, and the rules for variances. The tighter the City makes one, the more pressure it places on the others. For example, if the setback rules and non-conforming provisions are very tight, it would place a tremendous amount of pressure on the variance rules. He urged the Board to review all of these provisions in relation to each other to understand how they interact and achieve the overall goals. Mr. Snyder agreed and emphasized that in discussions with the City Council, he has detected very little interest in lightening up on the variance rules. This makes sense because the City of Edmonds is an infill community that is nearly built out. If the City wants to preserve the current look and feel of Edmonds, they should lighten up on the non-conformance regulations to allow the existing housing stock and uses to be retained. He noted that some areas of the City are underutilized, such as the Highway 99 area where they might want to encourage change. Mr. Chave agreed that the City Council is interested in clamping down tough on variances. Therefore, the only opportunity to provide flexibility in the code would come via the non-conforming provisions, setbacks, etc.

Board Member Young asked if the documents presented to the Board for review represent the City Council's entire policy guidance, or would the City Council be open to suggestions. He pointed out that the purpose of revising the non-conformance regulations is to encourage annexations into the City and to allow greater flexibility regarding the reuse of non-conforming sites. Mr. Snyder said that, up to this point, the City Council has not participated in drafting the document currently before the Board for consideration. The document was created by the staff and City Attorney to identify policy concerns that have come up over the years. However, the Board and the City Council are ultimately responsible for directing policy.

Mr. Snyder suggested that staff work with the City Attorney to clean up the document based on the comments provided by the Board. Once a new draft has been created, the Board could meet with the Historic Preservation Commission to discuss whether the provisions would be better or more applicable to certain areas of the City than others. Board Member Reed asked if the meeting with the Historic Preservation Commission should take place before the public hearing. Mr. Snyder answered that would be up to the Board. However, he suggested it is usually better to provide concrete language for the public to comment on. Hearing policy input from the Planning Board and Historic Preservation Commission would allow the staff to do a better job of drafting language. Mr. Bowman suggested the draft document be presented to the Historic Preservation Commission soon so that their comments could be incorporated into a new draft for the public hearing.

Board Member Young said that rather than just asking the Historic Preservation Commission to propose changes to the draft language, he would be more interested in learning what their specific issues and concerns are. They must identify the problems before they can come up with appropriate solutions. Mr. Bowman said the draft document was presented to the Board to illustrate some of the issues staff is struggling with and to solicit feedback from the Board. He suggested the same document could be presented to the Historical Preservation Commission, and their comments and concerns could be incorporated into the next draft prior to the public hearing. The Historic Preservation Commission could also send a representative to the hearing to state their views. Mr. Snyder pointed out that many of the changes the Board has discussed represent ways to preserve buildings long enough to become historic. He said that when drafting the document, he tried to focus on areas in the City that have patina. The goal should be to preserve these areas long enough for them to be historic.

Again, Board Member Young said he would like the Historic Preservation Commission to first identify the issues they would like to resolve by changing the non-conforming regulations. Mr. Snyder explained that, unlike other recent issues that have come before the Board, the City Council did not provide specific direction regarding the non-conforming. However, because of the Board's recent work with the design guidelines, historic reuse, and preservation of the downtown area, staff believes the Board could play a significant role in the rewrite process.

The Board discussed that age is not the only criteria used to identify structures of historic significance. Mr. Snyder explained that in order to encourage the preservation of truly historic structures, the City must offer incentives to owners who place their properties on the Edmonds Register of Historic Places. Rather than just addressing the preservation of historic structures, most of the staff's comments have been about the reuse of structures in a way that preserves the existing fabric of the community, such as the size of homes, the scale, and the way neighborhoods are put together. He advised that the 1980 code changed a variety of zoning and setback standards by using a cookie-cutter approach. It was assumed that through abatement and very strict non-conforming provisions, things would be get homogenized to look like the conceptual plan. However, because the City is fully built out, the philosophy must be different. They must now consider opportunities for preserving the look, texture and feel of the City as opposed to achieving specific setback requirements.

Chair Guenther said they must also consider opportunities to replace existing uses within residential areas with other uses that are vital to the neighborhood. Mr. Snyder said he lives in the central district of Seattle, where many of the structures were previously used for commercial purposes. Now the commercial uses are coming back to the neighborhood.

The Board took a break at 9:00 p.m. They reconvened at 9:05 p.m.

REVIEW OF PROPOSED ORDINANCE TO AMEND ECDC CHAPTER 20.60 SIGN CODE (FILE NUMBER AMD-2007-2)

Mr. McIntosh thanked Chair Guenther for participating on the selection committee for the 6-Year Parks, Recreation and Open Space Comprehensive Plan. Four consulting firms were interviewed. He advised that staff would provide updates to the Board periodically as the project progresses.

Mr. McIntosh explained that for several years the community has expressed interest in having a third location to publicize community events. He noted that the City used to have five locations, but now they have only two as a result of the new PUD restrictions. Staff has identified a suitable new site for installing poles for pole-mounted community event banners on the Public Works property on the north side of 212th Street. However, installation has been delayed because the current sign code does not address special situations where poles are located on City property.

Mr. McIntosh referred the Board to Page 2 of the proposed ordinance. He advised that, as proposed, the first paragraph of Section 20.60.005 would be added to address community event banners. He explained that the City's current policy for street banners is about 25 years old, so updates would likely be necessary to match the proposed amendment.

Board Member Works questioned why "cloth, fabric and canvas" must all be used to describe the types of materials that could be utilized for the banners. Mr. McIntosh said the intent was to include all of the different types of materials that could be used. He agreed that cloth, fabric and canvas are synonymous. He noted that most of the current banners are plastic, with cloth for reinforcement.

Mr. McIntosh noted that the proposed sign code amendment requires a public hearing before the Board and a recommendation to the City Council. He requested the Board conduct the public hearing on February 14th, and the Board agreed.

CONTINUED DELIBERATIONS ON CODE UPDATES REQUIRED TO INTEGRATE GUIDELINES AND REVISED DESIGN REVIEW PROCESS INTO THE DEVELOPMENT CODE (FROM PUBLIC HEARING HELD ON DECEMBER 13, 2006)

Mr. Chave referred the Board to the documentation that was attached to memorandums from staff dated January 10th and January 24th. He reminded the Board that when they previously held a public hearing and discussed this issue on December 13th, they agreed to have further discussion on the suggestions made by ADB Board Member Utt regarding monotonous buildings. They also agreed to consider applicant submission requirements that could be incorporated into the code.

APPROVED

Mr. Chave explained that when the City Council and Architectural Design Board (ADB) reviewed the Old Mill Town project proposal, they struggled with the issue of long and monotonous buildings. While the City's current code states that long, massive, unbroken or monotonous buildings shall be avoided, the consensus was that the statement was not well defined. In addition, the statement likely means different things in different areas of the City. He suggested it would be appropriate for the Board to consider changes to address this issue as part of their review of amendments required to integrate the design guidelines into the Development Code.

Mr. Chave advised that the green document outlines some of the language that had been in previous versions of the design guidelines that talked about long, massive, and monotonous buildings. Staff's goal was to illustrate a few ways to address the issue in the design code. He referred to the proposed language in the middle of Page 2, which provides a list of ways to deal with monotonous buildings. The proposed language at the bottom of Page 2 talks about how the concept could be included in the standards for the downtown business zones.

Chair Guenther noted that the proposed new language is similar to the language that was included in the Design Guidelines that were put together by the Board about five years ago. He said he likes the proposed language because it provides a menu of items to use to break up the monotony and provide punctuation.

Board Member Works said the proposed language is not clear about whether all of the treatments on the list must be incorporated into a project. She expressed her concern that if a project were required to include all of the elements, a building could become too busy. Commissioner Freeman agreed. Mr. Chave indicated that an applicant would not be required to provide all of the elements on the proposed list. The Board agreed this should be made clearer.

Board Member Freeman expressed her concern that the term "monotonous" has gotten the City into trouble in the past. She suggested that the term monotonous be deleted, since it has different meanings to different people.

Board Member Freeman referred to Item a.v, which states that exterior walls longer than 50 feet must jog at least 2 feet. She suggested this would be too prescriptive. She asked what buildings currently in downtown Edmonds would be unable to conform to this proposed requirement. She noted that the building across from the post office would not be in compliance with the requirement, yet it is a very nice building. The façade of the new Edmonds Performing Arts Center also has a smooth curved façade that is longer than 60 feet. Would the proposed language require a jog in this façade? Chair Guenther pointed out that a jog is only one of the design elements available to an applicant to break up the monotony of a building. In fact, he suggested it would probably be one of the least used elements.

Board Member Young expressed his belief that the language proposed by staff is well written, and it would be easy for the ADB to interpret. It does not state that all of the items must be included in the building design. He stated that monotonous is a fairly easy term for the ADB to enforce, using a variety of the items on the list. He summarized that the proposed language provides ideas for architects to work with, without being so prescriptive that creativity is stifled. Chair Guenther explained that, typically, the rear and sides of a building create the most problem in terms of monotony. Therefore, he suggested that choices for breaking up the building must be simple to apply. Vice Chair Dewhirst pointed out that application of each of the design elements on the list could result in something different for each project. How the design elements on the list are applied is more important than which design elements are utilized.

Mr. Chave reminded the Board that the proposed language would only apply to areas that do not require the new upfront ADB process. He explained that the proposed language related to the downtown was provided for possible insertion into the downtown BD zones that were recently adopted by the City Council. In addition, the Historic Preservation Commission is working on some design standards for the downtown zones, and they will report back to the City Council on their progress. Potentially, that material could end up before the Planning Board as a modification or addition to the BD zones. Rather than adding language related to the BD zone at this time, the Board could forward a recommendation to the City Council to insert the language into the BD zones.

The Board discussed the possibility of changing the language to make it clear that the list of design elements was provided as examples of elements that could be used to break up blank walls and not all of the design elements on the list must be utilized. The applicant would be able to choose those that are appropriate for their building design. At the suggestion of

Board Member Reed, the Board agreed to change Paragraph A to read, "In RM or Commercial zones, selections from among the following or similar features may be appropriate for dealing with this criterion." The Board agreed to this change.

Board Member Freeman referred to Item v, which would require a jog of at least 2 feet for exterior walls longer than 60 feet. She reminded the Board of Mark Hinshaw's December article regarding design standards and guidelines, which states that if numbers are used at all, they should be expressed in ranges to allow for built-in flexibility. She suggested that Item v seems to run counter to what Mr. Hinshaw recommends. The Board agreed to drop Item v from the proposed language.

The Board discussed Board Member Freeman's earlier suggestion to delete the word "monotonous." Chair Guenther said the purpose of the section is also to break up buildings so they are not one continuous tone. Therefore, he would like to maintain the word "monotonous." The majority of the Board concurred.

Mr. Chave referred the Board to the yellow document, which provides suggested applicant submission requirements to incorporate into the code language for the new upfront design review process, where a two-part hearing would be conducted. Part 1 of the hearing would be very conceptual in nature and would involve coming up with a checklist of criteria that would be important to the project. In Part 2 of the hearing the applicant would come back to the ADB with their alternatives, massing plans, etc. The designs would still be fairly conceptual, but more details would be required. Building plans would come later in the design review process.

Vice Chair Dewhirst asked why the applicant submission requirements should be made part of the code. He expressed his concern about including this type of information as code language because changes would require a significant amount of work. Mr. Chave said the original draft did not include a list of the submission requirements. He said the current code structure makes reference to staff adopting, by rule, the specific application requirements, and the City Attorney has indicated it is important to provide a list of at least the minimum application standards. That way, if an applicant challenges the date when their application was completed, the City would be in a much stronger position to defend if they could point to the code and the things an applicant is required to submit.

Vice Chair Dewhirst pointed out that there is nothing on the list that would require the applicant to submit information about height or environmentally sensitive areas. The list of required information should also include pedestrian access and connectivity to surrounding properties. Board Member Reed summarized that the list of application submittal requirements identifies the items necessary in order for the ADB to complete their review of the Design Guidelines Checklist found on pages 3 and 4 of the Draft Design Guidelines. Board Member Reed recalled ADB Board Member Utt's suggestion that a list of application submission requirements should be created. He reminded the Board that they agreed to postpone forwarding a recommendation to the City Council to allow staff to propose a list of submission requirements for the Board to consider for inclusion in the draft code language.

The Board discussed that, as proposed by staff, only a vicinity plan and a conceptual site plan would be required for the Part 1 Hearing. Submission of 3-dimensional sketches would be optional. They discussed that without requiring more information, it would be difficult for the ADB to determine which guidelines are most applicable, especially those related to architectural elements and materials, pedestrian environment, and landscaping. Mr. Chave noted that, at the time of a Part 1 Hearing, the applicant would not likely be at the stage of even having a sketch of the building design. Hopefully, they are considering multiple options for design and have not come up with a solution. Chair Guenther said that a conceptual site plan would at least identify the footprint, the location of parking and sidewalks, etc. If the intent is to allow an applicant to present multiple schemes, they would have to submit multiple conceptual site plans, as well. Mr. Chave pointed out that while an applicant would only be required to submit one vicinity plan, they would have to provide a conceptual plan for all concepts being considered. The Board agreed that a 3-dimensional sketch should also be required. They also agreed that the required vicinity plan should identify all environmentally sensitive features.

Mr. Chave explained that it was difficult for the staff to identify what the minimal submittal requirements for the Part 2 Hearing should be. They tried to figure out the minimum information required without the applicant going to so much trouble that they become locked into a specific design. Mr. Chave said staff proposes that a conceptual utility plan be required to show access to areas reserved for water, sewer, storm, electrical power, and fire connections and/or hydrants. The goal is to get the applicants to start thinking about how they will deal with utilities without getting into the detailed

design. The danger is that as applicants get further into their plans, they might find that some of the initial utility ideas won't work. He noted that how utilities are brought onto the site has a lot to do with how a site is designed and how buildings are oriented.

Board Member Young suggested that requiring a conceptual utility plan might not be necessary. With the exception of recycling and garbage, the utilities would not be visible after construction has occurred. These issues should be adequately addressed by the project architect and submitted to the City for review, so there would be no need for the ADB to be involved. Mr. Chave pointed out that if an applicant does not think about how utilities would be brought onto the site, they could end up with a huge conflict that could significantly alter the design. Chair Guenther agreed that a conceptual utility plan would not really contribute to the ADB's evaluation process but is something the architect should consider as part of the design process. Vice Chair Dewhirst suggested the goal is to make sure very basic issues have been considered and their implications on the design have been assessed to avoid significant site design changes later in the design process.

Chair Guenther said that in an ideal project, one of the first things an architect would request from the property owner is a survey of the property. He would ask for the contours and the location of curbs, sidewalks, easements, utilities, etc. Instead of requiring a conceptual utility plan, the City could ask for a site survey to answer the basic questions. Board Member Bowman said that having recently remodeled a building in Edmonds, they overlooked a lot and experienced a lot of surprises. If they had been required to provide more detailed information at the beginning of the design review process, many of these items would have been caught. Mr. Chave said the Engineering Department expressed concern that if the City requires an applicant to go through the design review process, they should make sure they are at least thinking about utility issues, etc. Mr. Chave advised that the Engineering Department would be responsible for reviewing conceptual utility plans and providing feedback to the ADB.

Board Member Reed pointed out that Item B.1 is the same document in even less detail than what is required in Item A.2. He suggested Item B.1 be changed to require whatever conceptual design was presented at the first hearing. This would eliminate the need for repetition. The remainder of the Board agreed to incorporate this change. Board Member Reed suggested that the title of Item B be changed to "Hearing Part 2 – Conceptual Site and Building Design Approval Conditions." The remainder of the Board concurred.

BOARD MEMBER YOUNG MOVED THAT THE CODE UPDATES REQUIRED TO INTEGRATE THE DESIGN GUIDELINES AND REVISED DESIGN REVIEW PROCESS IN THE DEVELOPMENT CODE BE FORWARDED TO THE CITY COUNCIL AS AMENDED, WITH A RECOMMENDATION OF APPROVAL. VICE CHAIR DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

REVIEW OF EXTENDED AGENDA

Mr. Chave requested an opportunity to meet with the Chair and/or Vice Chair to discuss the upcoming extended agenda. The only scheduled item is a public hearing on the proposed amendment to the sign code as discussed earlier in the meeting. They must schedule out the code amendments presented by Mr. Bowman and Mr. Snyder. They must also schedule out the Shoreline Master Plan Program work.

PLANNING BOARD CHAIR COMMENTS

Chair Guenther did not make any comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Young noted that the agenda for the January 10th meeting that was cancelled included information about the National Main Streets Conference in Seattle in March. He noted that the City does have some money to pay the registration

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fee for Board Members to attend. Mr. Chave advised that several staff members plan to attend the conference. The Board Members agreed to notify staff if they plan to attend the conference.

Board Member Henderson congratulated Chair Guenther on being elected chair of the Board.

Board Member Works recalled that the City Council recently adopted the Downtown Plan, and apparently, anything having to do with roof gardens or design on the roof was rejected. She suggested that at some point the Board could consider the option of asking the City Council to reconsider this aspect. Mr. Chave said they did retain language that would allow for a single architectural feature to go five feet up. They also decided they would allow railings and so forth to go above the height limit in the step back area, but they did not agree to allow railings up on top of a building roof.

Board Member Freeman congratulated Chair Guenther and Vice Chair Dewhirst on their new assignments. She also thanked the Board Members for all the support they offered her during 2006. She thanked Rob Chave and Karin Noyes, as well.

Vice Chair Dewhirst urged the Board Members to consider attending the Main Streets Conference. He noted that Main Streets is part of the National Trust and has probably been the single-most private enterprise program to reshape the country.

ADJOURNMENT

The meeting was adjourned at 10:33 p.m.

APPROVED