

APPROVED APRIL 13TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

March 23, 2011

Chair Lovell called the meeting of the Edmonds Planning Board to order at 7:02 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT

Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeff Taraday, City Attorney
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF MARCH 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

Karen Wiggins, Edmonds, said that she owns commercial property within the BD1 zone. Although increasing the height limit would be beneficial to her, the Board should listen to the majority of Edmonds citizens who have indicated they do not want the downtown to change. They want to keep the height limits and density low. She said she supports redevelopment, but it must be done in the right places. The Edmonds downtown is a treasure on the waterfront, and they must think ahead 50 to 100 years into the future.

Doug Spee, Woodway, complimented the writers of the proposed code amendments for the downtown BD zones. He summarized that they are extremely well written and easy to follow. The proposal to expand the designated street map was well done and makes perfect sense. It would allow property owners in the BD1, BD2 and BD3 zones to have more options for those portions of their properties that face away from the central core of the business district. He said he believes the proposed language related to development agreements provides a good starting point. He said development agreements would allow Edmonds to redevelop in sustainable and environmentally-friendly ways. He recognized that coming up with final language for the development agreement provision would not be an easy task. He expressed his belief that the step back requirements need more work, and he suggested the original concept was intended to be a “3rd floor killer.” While the proposed new language would make a 3rd floor possible, it should be further amended to include other options for building modulation. He expressed his belief that a simple step back requirement would result in boxy buildings.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized

that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington

Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they

have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot “designated street front.” In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port’s goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council’s goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle’s design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

APPROVED

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

APPROVED

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart suggested the Board Members consider reading the book, “City Comforts: How to Build a Better Urban Village” by David Sucher. She explained that Mr. Sucher is a former Seattle Planning Commissioner who set up a program in Seattle called “Designs that Work.” The book contains incredible visuals and describes how to make a downtown business core vibrant. She suggested it may help the Board Members formulate their thoughts as they move forward with the BD zoning discussion.

Board Member Stewart reported that the public tour of small-scale commercial and residential sites that was sponsored by the Sustainable Development Task Force went well. Twenty-one people visited her property to see the rain garden perform well during the heavy rain.

Board Member Stewart announced that the Bainbridge Island Planning Director has invited the Planning Board and EDC to tour one of their recent projects. She also agreed to share what has worked well for them.

Board Member Cloutier announced that in recognition of the event “Earth Hour” on March 26th, residents have been asked to turn off their lights from 8:30 to 9:30 p.m.

Board Member Clarke invited Board Member Reed to respond to an email he sent out to various people regarding potential changes to the BD zones. Board Member Reed said that as a member of Board of Director’s for the Alliance of Citizens for Edmonds (ACE), he was asked to forward an email to the ACE members to inform them that the Planning Board and EDC would be considering potential changes to the BD zones and the creation of a development agreement provision. The email provided information about the potential changes, and invited the ACE members to submit their comments. He said his original understanding was that a public hearing would be held on April 13th, but the hearing has now been postponed until later in May. He emphasized that the email was not intended to be an official Planning Board communication. Board Member Clarke added that the email was forwarded to Mr. Clifton by an EDC Member, and Mr. Clifton sent it to all Planning Board and EDC Members on March 22nd.

ADJOURNMENT

The Board meeting was adjourned at 9:30 p.m.

APPROVED