

**APPROVED MAY 9<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**April 25, 2012**

---

---

Chair Lovell called the meeting of the Edmonds Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**BOARD MEMBERS PRESENT**

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

**STAFF PRESENT**

Rob Chave, Development Services Director  
Gina Coccia, Planner  
Mike Clugston, Planner  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Bill Ellis (excused)

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER REED MOVED THAT THE MINUTES OF APRIL 11, 2012 BE APPROVED AS AMENDED. CHAIR LOVELL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

Chair Lovell recalled that staff had intended to provide updated code language for Mobile Mobilized Vending (MMV) Units for the Board's review prior to the May 9<sup>th</sup> public hearing. Mr. Chave indicated that the updated code language would be emailed to the Board Members prior to the next meeting.

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

**Roger Hertrich, Edmonds**, said he attended the April 24<sup>th</sup> Strategic Plan and Visioning Retreat, where members of the City Council, Planning Board and Economic Development Commission reviewed the survey and focus group results. He expressed his concern about public awareness and the public's concern that they are sometimes left out of the process. As an example, he suggested it would be appropriate to publish the Planning Board's full agenda on Channel 21 so it is clear that a public comment period is part of all the Board's meetings. He felt that publishing the entire agenda would encourage more people to attend.

Mr. Hertrich pointed out that, although the Planning Board is also the City's Parks Board, they have not discussed the current proposal to change the entire scenario on Sunset Avenue. After consulting with the City Council, the Public Works Director and the Parks, Recreation and Cultural Services Director applied for grants for the project without conducting a public

hearing or notifying the property owners on Sunset of the potential project. He suggested that the correct approach would have been to involve the public much earlier in the process.

Mr. Hertrich referred to a memorandum from Council Member Petso outlining her concern that the Westgate survey results are misleading. He requested that Board read the important parts of the memorandum into the record. He commented that, on a practical basis, Westgate is a regional, auto-oriented shopping area. There will not be enough pedestrians in the area to warrant making the entire design pedestrian dependent, which appears to be the conclusion reached to this point.

**PROPOSED CODE AMENDMENT TO PROVIDE EXPANDED NOTICE REQUIREMENTS FOR STREET VACATIONS (FILE NUMBER AMD20120003)**

Ms. Coccia advised that code language related to street vacations is contained in Edmonds Community Development Code (ECDC) 20.70 (Attachment 1). The proposed amendment was forwarded to the Board from the City Council, and a summary of the Council's review was provided in Attachment 2. She noted that ECDC 21.100.010 defines "vacation" as "a statutory procedure by which the City may relinquish its interest in streets, alleys, or easements."

Ms. Coccia explained that street vacations are rare (about one per year) and occur when property owners adjacent to unimproved rights-of-way want to purchase land from the City. The cost of a street vacation application is \$1,750 plus recording fees, and applicants are required to provide an explanation of why the City should relinquish the property. They must also submit maps, a fair market value appraisal, notice labels for property owners living within 300 feet of the project, etc. Street vacation applications are processed by the Planning Division but analyzed by the Engineering Division. Staff forwards a recommendation to the City Council, and they conduct a public hearing and make a final decision about whether to sell and/or vacate the property.

Ms. Coccia advised that the proposed amendment would amend the notice requirements for street vacations to indicate the nature of any easement that would be retained in connection with the vacation. The exact proposal would add a new Section 6 to ECDC 20.70.090.A to read: "*A description of any easement under consideration to be retained by the City. In the event an easement is desired, but was not included in the notice, the public hearing will be continued to allow time for notice of the easement to be provided.*" She explained that street vacation applications make their way to the City Council quickly and the administrative work is done early. If further analysis determines that an easement is needed, the proposed amendment would require re-noticing the hearing.

Ms. Coccia announced that a Planning Board public hearing on the proposed amendment is scheduled for May 9<sup>th</sup>.

Board Member Reed asked if there was a problem in the past that facilitated the need for the proposed change. Mr. Chave said the issue was brought up when the City Council was considering a street vacation, and at the last minute they entertained putting an easement in place on the same property. The easement was not part of the advertised public hearing for the street vacation. The City Council has since expressed their desire that any easement associated with a street vacation should be part of the same public process. He explained that a public hearing is already required for a street vacation. The amendment would require that any easement that is retained or put in place as a result of a street vacation be part of the advertised public hearing. He emphasized that the proposed amendment is a change in the procedural process, but not a change to the street vacation standards.

Board Member Clarke questioned the value of notifying the public of easement agreements and how the public could contribute to the process. Chair Lovell pointed out that the proposed amendment would not require an additional public hearing. It would merely require that any easements associated with a street vacation must be advertised as part of the public hearing. Mr. Chave further clarified that public notice is already required for street vacations. The proposed amendment would require street vacation notices to also indicate whether any easements would be retained or required in conjunction with the vacation. No new notice would be required specifically for easements. Board Member Reed added that the proposed amendment would add a procedural step to make sure easements that are part of street vacation proposals are not overlooked.

Chair Lovell asked if the proposed language has been reviewed by the City Attorney. Ms. Coccia answered affirmatively and read the statement submitted by the City Attorney regarding the proposed amendment.

**APPROVED**

Board Member Johnson pointed out that there are many different kinds of easements. She asked if the proposed amendment would apply to construction easements, too. Mr. Chave answered that the proposed amendment would apply to all easements associated with a street vacation.

The Board agreed to schedule a public hearing on the proposed amendment for May 9<sup>th</sup>. Board Member Reed noted that the “; and” found at the end of ECDC 20.70.090.A.4 should be moved to the end of ECDC 20.70.090.A.5 to accommodate the new section ECDC 20.70.090.A.6.

### **WESTGATE/FIVE CORNERS INTRODUCTION**

Jill Sterrett and Nancy Rottle were present to provide an overview of the Westgate planning document titled, “Revising Westgate.” Ms. Sterrett noted that many members of the Board participated in the fairly extensive public review process that was used to develop the plan. The Board also met jointly with the Citizens Economic Development Commission (CEDC) to discuss the plan further. In addition, a series of teams worked on both the Westgate and Five Corners plans starting in the fall of 2010 with a team of undergraduate students; and a team of student interns, from a variety of disciplines, were hired in 2011 to work on the project. She and Ms. Rottle assisted the student teams throughout the process.

Ms. Rottle explained that Phase I (Research and Data Analysis) began in 2010 and included an on-line survey asking citizens of Edmonds what they liked and disliked about the Westgate and Five Corners Centers, a site survey of land uses and amenities, an analysis of available parking and how it is used, and an analysis of the physical conditions of the sites. Ms. Rottle reviewed that Phase 2 (Listening Session and Audience Response Surveys) involved a very extensive public process. After the initial citizen survey, two public listening sessions were held to find out what the public knew about the two areas. At the first session, citizens were invited to participate in an audience response survey to identify their preferences for future redevelopment in the two centers. Alternatives were presented at the second session, and participants were invited to identify their preferred elements from each one.

Ms. Rottle said Phase 3 (Design Workshop and Draft Plans) started with a public design workshop with local professionals that was attended by approximately 60 people. The team reviewed what they had heard from the public and presented a draft site design to use as a baseline for moving the discussion forward. Using a unique process developed by a firm in Copenhagen, the group was divided into teams to talk about the types of activities they want to occur in the two centers and the public space and buildings that would be required to support the desired activities. She provided a diagram to illustrate the site design that was presented at the design workshop to illustrate the public comments received to date. She reported that they received interesting and good ideas from a mix of people, including citizens, trained planners and architects.

Ms. Rottle reviewed that the public sentiment related to the Westgate Center was grouped into the following themes:

- **Building Scale.** People were most interested in a building scale of three to four-story buildings with a residential component.
- **Public Space.** Increasing public space was the most popular recommendation for improvement from all ages. Examples suggested were plazas, sitting space and green space.
- **Walking/Biking.** Many people were in favor of improving walkability by creating a safe environment for people of all ages.
- **Traffic.** There were no prominent issues with automobile traffic in the Westgate Center.
- **Services.** The community expressed a desire for better restaurants, street cafes, and perhaps a bakery. There was a desire for business fronts to be located at the sidewalk.
- **Amenities.** The public communicated a desire for additional amenities including landscaping on the sidewalk, street trees and the use of native plant species.

Ms. Sterrett advised that during Phase 4 (Refining and Selecting Preferred Alternative), the information gathered from the public was used to develop two potential alternatives, and people were asked to identify the elements from each plan that they liked best. These elements were combined into a preferred alternative. She provided a drawing depicting how development could occur over the next 20 years based on the proposed regulations. In the drawing, residential development would be located around the edges of the site. The PCC Natural Market would be maintained in its current parameters, as would the other newer existing development. While the plan would not require the older existing uses to be retained, it

**APPROVED**

would not require them to be removed either. She also provided a drawing showing how the illustrative plan would focus on landscaping. The hillside areas would be preserved from redevelopment, and green open spaces would be emphasized. Easements would be provided for access from the commercial areas to the surrounding single-family properties.

Ms. Sterrett provided an overview of what the illustrative plan would mean in terms of development. She said the existing development provides 235,163 square feet of retail, office, service and residential space. Under the illustrative plan, potential new development could result in as much as 504,400 square feet of commercial space, plus additional residential space. She noted that changes would likely be made to the illustrative plan as the process moves forward.

Ms. Sterrett said the proposed plan is intended to serve as a conceptual plan and regulatory document that uses a form-based code approach. The plan's number 1 goal is to create mixed use, walkable, compact development that is economically viable, attractive and community friendly. This is consistent with what they heard from the public throughout the process. Other goals of the plan include improving connectedness for pedestrian and bicycle users, prioritizing amenity spaces for informal and organized gatherings, establishing a flexible regulating system to provide incentives for developers to do creative development, ensuring that the community gets quality development, and providing a variety of housing choices to residents of all economic and age segments.

Ms. Sterrett and Ms. Rottle reviewed the regulating framework proposed in the draft plan, which calls out the following elements:

- **Amenity Spaces and Green Feature Types.** Amenity features are typically the kinds of spaces that people can use. The plan calls for landscape enhancement at the SR 104 and 9<sup>th</sup> Avenue/100<sup>th</sup> Avenue West intersection, a potential public park, linkages to surrounding areas and setbacks from SR 104. As currently proposed, an amenity space of 15% per lot would be required for amenities such as usable plazas, sidewalks, lawns, etc. This is similar to an open space requirement. The code would also require street trees, parking lot trees, and stormwater management.
- **Required Building Lines.** Rather than establishing a minimum street setback requirement, the new code language would identify how close a building must be placed to the right-of-way. As currently proposed, required building lines for SR 104 would be 8 feet from the right-of-way, and required building lines for 100<sup>th</sup> Avenue West would be 5 feet from the right-of-way. The required building line for the internal circulation drive would be 3 feet from the edge of the prescribed 9 to 12-foot edge treatment lining the drive. She explained that the internal circulation drive would be a private road that links the properties together.
- **Street Types.** As currently proposed, the streetscape standards for 100<sup>th</sup> Avenue West call for two travel lanes, with a center turn lane. Bike lanes would also be added on each side of the roadway. The sidewalks on both sides would be 7-foot wide. A bioswale would be located on the eastside of the street to treat stormwater. Additional street trees would be provided to enhance the pedestrian experience. The streetscape standards for SR 104 call for two travel lanes in each direction and a center turn lane with intermittent planted median. A bioswale would be located on the south side of the street. The sidewalk would be 5 to 8 feet in width on the north side and 5 feet wide on the south side. The internal circulation drive would be a shared street intended to provide access to new residential developments, new and existing businesses, and provide pedestrian connectivity as an alternative to SR 104. The proposed streetscape standards for the internal roadway call for a shared travel lane, with a bicycle lane to help cyclists who want to access 100<sup>th</sup> Avenue West without going onto SR 104. Bollards, light standards, sidewalks and landscaping would be provided, as well.
- **Building Types.** Rather than regulating the specific development that can occur in the zone, the proposed plan establishes a set of potential building types:
  - Rowhouse – A series of townhome apartments or condominiums that are attached.
  - Courtyard Residential – Apartment or condominium flats that offer an internal courtyard and/or public space.
  - Live/Work – Development that provides living space in the same unit with retail uses on the ground floor.
  - Side Court – This type of residential development can be office only, retail mixed-use with office or residential above, or community service mixed use with office or residential above.

- Commercial Block – These types of developments are primarily residential, but they can include retail only, office only, retail mixed-use with office or residential above, or community service mixed use with office or residential above.

Ms. Sterrett summarized that the purpose of the plan is not to segregate uses, but to encourage a mixed-use environment. One of the features of the plan is the height bonus system, which was generated through discussions with the CEDC. The idea is to allow three-story heights throughout the entire area and four to five-story heights in some areas if a developer provides certain amenities. She referred to a map that illustrates the locations where four and five stories would be allowed if a developer meets the height bonus criteria. She also referred to the worksheet provided in the plan, which lists the height bonus criteria. She explained that there is a base level for each category (housing unit size, green building, green factor, amenity space, alternative transportation). Every development in the Westgate area must meet the prerequisite criteria outlined on the worksheet, and developers would receive credits for each additional criterion that is met. Four-story development in the selected area would require a total of 8 credits, and five-story development would require 12 credits.

Ms. Rottle said the plan proposes a “Green Factor” overlay, which is based on the City of Seattle’s successful program for commercial and multi-family zones. As proposed, developers would be required, but in a very flexible way, to incorporate “green features” onto a site. The program offers a flexible system to address ecological and livability functions. A developer would need to achieve a minimum score (.30 per lot size) by implementing green elements. She referred to the score sheet provided in the plan for applicants to track their quantities. The score sheet would be submitted with a plan, and a professional would certify whether the plan meets or exceeds the minimum requirements. She reviewed that applicants would receive points for soil depth in landscaped areas, tree canopy, shrubs and ground cover, green roofs, permeable paving, water features, green walls, drought tolerant/native plants, and features visible from public spaces. She encouraged Board Members to view the guidebook provided on the City of Seattle’s website to illustrate the different features that could be used to achieve the “Green Factor.” She also provided a diagram to illustrate how the program could be applied to a site.

Ms. Sterrett briefly explained the proposed review process for the height bonus system. She advised that an administrative review would be required for all development that is one to three stories in height. Four-story development would require administrative review and the height bonus worksheet. Developments of five stories would require administrative review, the height bonus worksheet, and a design review. Design review may also be required for developments of less than five stories that trigger State Environmental Protection Act (SEPA) review or have major exceptions to the overall concept of the plan.

Ms. Sterrett summarized that, over the next few months, the Planning Board would continue to work with staff and the consultants to review and refine the plan. Public meetings are scheduled to take place in the fall, with a City Council decision by year end. She referred the Board to the one-page document outlining the additions and corrections that have been made to the draft Revising Westgate Plan since January 4, 2012, as a result of continued discussions with the CEDC.

Regarding Mr. Hertrich’s earlier comment, Ms. Sterrett emphasized that it is not the Plan’s intent to make Westgate solely pedestrian oriented. There is ample parking in the area for the level of development that has been proposed. Making the area walkable means that people living in surrounding neighborhoods could more easily access the center by walking. Improving the internal walkability of the area would also allow people to park somewhere on site and then walk from place to place without having to relocate their cars. She said the plan does not encourage people to walk across SR104, except at the intersection, but they want to make the area a pleasant place that is walkable once you arrive. As an example, she said people can drive to University Village, but then walk from shop to shop. It is now a vibrant commercial area. She said they heard a strong desire from the public that they wanted pleasant places to be outside and to socialize. They wanted community space as part of the retail experience. The proposed plan attempts to accommodate this sense of community, and walkability is part of the equation.

Mr. Chave reminded the Board that the presentation is just an introduction of the draft plan. The Board will have multiple meetings to discuss the details of the plan.

Board Member Tibbott asked the consultants to describe the internal walkway concept. He observed that rather than one internal walkway, there would be four compartmentalized systems. Ms. Sterrett agreed there would be four internal walkway quadrants on the site. She said the goal is to make the corners at the core intersection safer and more pleasant. It would not be appropriate to encourage crossings in other locations on SR 104. Board Member Tibbott questioned the feasibility of the

internal walkway system as proposed in the plan. He suggested that University Village is not really a good comparison. Ms. Sterrett clarified that the essence of University Village is what the plan is trying to achieve in terms of what the site has to offer. She pointed out that the north quadrants would be large enough to be fairly feasible, but not at the magnitude of University Village. The south quadrants are more linear and strip focused.

Board Member Tibbott asked if the plan would provide adequate parking not only for the existing and new residential and commercial development, but also for people who will be driving to the site from other locations throughout the City. Ms. Sterrett explained that the parking requirement is based on square footage and the type of uses. Businesses located in the area would be required to provide enough parking for employees and customers to meet the City's current parking standard. Residential development would also be required to meet the City's current parking standard. Ms. Rottle added that the City's parking standard also includes a requirement for street trees next to any parking lot to ensure walkability. Bringing buildings closer to the street with sidewalks in the front, would also create better walking conditions. Ms. Rottle asked if Board Member Tibbott is worried that there would not be enough encouragement in the plan for developers to create pedestrian walkways within the site. If so, she pointed out that the City's parking standards would require walkways next to any parking lot. The plan also encourages the parking lots to be small and interspersed throughout the area. Board Member Tibbott observed that there is no on-street parking available in adjacent residential neighborhoods, so people would not be able to park outside of the Westgate area and walk to businesses. All of the parking to serve the area must be provided on site.

Board Member Stewart observed that the plan assumes that people living in the residential units would use the internal pedestrian walkways to access the various services that are located in the area. She noted there is also fairly good bus access. This may allow the City to either reduce or eliminate the parking requirement for the residential uses in this mixed use area. Ms. Rottle agreed that the plan attempts to encourage young, creative people who want to walk and use public transportation rather than private vehicles.

Board Member Reed asked if the study included in the Board's packet is the complete study done by Property Counselors regarding the Economic Potential for the Five Corners and Westgate Commercial Centers. Mr. Chave answered affirmatively.

Board Member Reed said his impression is that some of the survey data is related to both locations, and not just to Westgate. Ms. Sterrett explained that when citizens visited the website to respond to the survey questions, they were allowed to choose Westgate, Five Corners or both. The numbers represent the total number of people who participated in the survey, but the responses were segregated by the area each respondent chose. Ms. Rottle added that the public responses for each area were tracked separately throughout the public process.

Board Member Reed recalled that three alternatives were presented to the ECDC, but one was quickly dropped. That left two alternatives, and the CEDC eventually chose the one that placed the buildings right up to the sidewalk with less open space. He expressed his belief that the other alternative seemed better suited to the area. He noted that this concern was also expressed in a recent memorandum from Council Member Petso. He asked how far back he would have to go to read the CEDC's comments and discussions regarding the draft alternatives. Ms. Rottle said most of the CEDC's discussion took place between January and June of 2011. Board Member Johnson added that, at the request of the CEDC, the team presented the draft plan to them in February of 2012. Ms. Rottle explained that the street setback standards identified in the proposed plan are consistent with the setbacks the City Council approved by interim ordinance last summer.

The Board acknowledged Council Member Petso's memorandum, which suggests that the survey responses related to the question of whether or not citizens want buildings closer to the street may be misleading. She noted that respondents were only given three choices, all of which had businesses fronting on the street. Respondents were not able to indicate their preference for buildings being set back further from the street, with landscaping between the sidewalk and building. Ms. Rottle emphasized that the survey was just one of many methods used to identify public preferences. In regard to Board Member Reed's earlier comment, Ms. Rottle said that rather than simply selecting one preferred alternative, the CEDC created a hybridized version that contains elements from all three alternatives. The Board also acknowledged that they received a string of emails between staff and Council Member Petso regarding the setback issue that were written in 2011.

Board Member Clarke asked the purpose of the report prepared by Property Counselors titled, "Economic Potential for Five Corners and Westgate Commercial Centers. He also asked how much the City paid for the report. Mr. Chave answered that an assessment of market feasibility for the concepts being discussed was part of the overall project. The report is not meant to be a market study, but a market reconnaissance to assess the general economic potential for the area and determine the types of uses that would be supported by the market and feasible for the private sector to develop. The report cost somewhere between \$5,000 and \$10,000.

Board Member Clarke said he finds the study unprofessional. He suggested that it is ridiculous to compare Westgate's parking needs to projects in the Pike-Pine Corridor, Belltown, Othello Station North, and the Sound Transit LINK light rail line in Seattle. He also expressed concern that the document is filled with statistics and information that could simply be downloaded from the internet. The document does not provide any economic conclusions of the potential of Westgate, and it is inaccurate to state that there has been no population growth over the last decade. He said he was disappointed that the study did not cite examples of any communities in the Greater Puget Sound area that have gone through a similar design process where the development has been successful and financially feasible.

Board Member Clarke acknowledged that the Revisioning Westgate Plan is high-quality, but he is concerned about some of the basic premises. He questioned the feasibility of the proposed internal circulation drive given the current land ownership in the northeast corner of the intersection. He questioned if the owners of the PCC Natural Market would even allow the construction of a circulation driveway that would divide their building from the parking lot. Mr. Chave pointed out that there is already an internal circulation driveway on the site. Board Member Clarke agreed but said the property owners do not like it.

Board Member Clarke questioned if the consultants or staff has talked with property owners in the Westgate commercial area. He questioned if the owners of the QFC store have been informed that they would be asked to give up their parking lot, replace the existing store with a larger store, and integrate with properties they do not own to create the massive density identified in the plan for the northeast corner of the commercial center. He said he supports creative plans, but he does not see how the proposed plan accomplishes this goal, given that the properties are under separate ownerships. He noted that one property in the area has remained vacant over the past five years even though it is fully entitled and has the required infrastructure. He stressed the need to tie the plan together with reality. Again, he asked for examples of where the concepts proposed in the draft plan have been successfully applied elsewhere in the Puget Sound area. He noted that University Village is different because the properties are under a single ownership, and there is no residential development. He questioned how the plan would motivate developers to assemble sites under a single ownership to build something of the massive size identified in the plan. He shared several examples of mixed-use development throughout the Puget Sound that remains vacant.

Board Member Clarke said that structure parking would make redevelopment cost prohibitive, and the parking lot identified in the plan is not large enough to serve the PCC Natural Market, let alone the parking needs for the existing QFC store. He summarized that the plan looks nice, but he was unable to run the economic proforma on any of the buildings to determine if they are economically viable alternatives. He also noted that the financial study identified a land value of \$25 to \$30 per square foot, and it did not mention that Key Bank recently paid \$100 per square foot for land.

Ms. Sterrett said the consultants are well aware that the Westgate properties are under multiple ownerships, and most of the buildings shown in the plan respect the existing property lines. Some property owners may choose to combine because the proposed plan would allow for substantially greater height than what is currently allowed and redevelopment would become more economically viable. It would also allow developers to provide more public amenities such as internal circulation, public spaces, etc. She clarified that the study was intended solely to give a magnitude for the type of development and square footage the area would support, and it was completed prior to Key Bank's land purchase.

Ms. Rottle explained that the proposed plan is intended to be a flexible code. It was not necessarily meant to become an economic stimulus, but it could because it allows for additional height. A property developer would not be required to adhere to very many requirements, and it would be up to a developer to complete a market analysis to determine if his/her proposed project would pencil out before making an investment decision. The spirit of the plan is to allow flexibility over time. Ms. Rottle acknowledged that while there are quite a few examples of how form-based zoning has been applied successfully across the country, there are no local examples. However, at a public meeting, the Cascade Land Conservancy provided local

examples of good development, as well as examples of how form-based zoning has been used successfully in other areas. In addition to what they heard from the public, these examples provided inspiration for them to move forward.

Board Member Clarke said he participated in the first large commercial development that occurred in Mill Creek in the 1970's. There is a significant difference between this early development and the more recent development of Mill Creek Town Center as far as parking and circulation. He noted that there is only one building greater than three stories in the entire Mill Creek Town Center development. This mixed-use building with condominium uses is located on the western part of the property and is removed from the commercial section. The rest of the development is one and two-story buildings. He said he does not foresee that massive mixed-use development will be successful in suburban markets. He observed that the Westgate commercial area is relatively small and much different than the University District where needed services are within walking distance.

Board Member Clarke expressed his opinion that the proposed plan calls for too many residential units given the small size of the commercial center and the fact that much of the commercial space is occupied by two anchor stores. Ms. Rottle said they initially thought to reduce the amount of residential space, but the CEDC indicated otherwise. She suggested the Board should have a discussion with the CEDC regarding this issue.

Chair Lovell referred to Page 11 of the proposed plan, which outlines the various building types. He also noted that additional details about the standards and requirements can be found starting on Page 28. He clarified that while the proposed language would allow for total build out of the intersection as commercial-mixed use, it would not require this type of intense development. Mr. Chave noted that while the market may not support high-intensity development at this time, it may at some point in the future. Implementing a form-based code would allow sufficient flexibility in zoning to accommodate changes if and when they occur. The City will be ahead of the game if they set zoning standards to accomplish what they want to achieve. Part of form-based codes is anticipating what might happen in the future and it is important to have a code that is flexible enough to accommodate desirable development without rezoning properties. Chair Lovell observed that a form-based code does not dictate occupancy or uses. Rather it dictates the form of what they want development to look like and how it relates to the public.

Chair Lovell asked the consultants to share their thoughts on how well the proposed plan will be received by the public as it moves forward through the public hearing process. Ms. Rottle said she anticipates the plan will be well-received because they tried to incorporate public comments and concerns. However, she acknowledged that there will be some who express opposition to the plan because it includes concepts they do not support. She summarized that, generally, citizens favor more intense development at Westgate. Rather than focusing on what could be developed at Westgate, the public was more interested in making it a great commercial center that connects to adjacent communities and provides the needed social and service needs. Chair Lovell asked if the public will feel the plan offers what they asked for. Ms. Sterrett said she believes the plan offers the community what they asked for in terms of amenity spaces and greening of the site. However, she is not sure the public really understands the tradeoffs involved. There was much less concern about increasing building height at Westgate than at Five Corners because of the topography of the site. She said she anticipates some members of the public will express concern about building heights, and she suggested the Board respond by pointed out the need to provide legitimate tradeoffs to developers in exchange for added public amenities. Based on public testimony, the Board will have to decide if they are comfortable with the tradeoffs or if they should be scaled down.

Chair Lovell noted that three options were provided in the plan for implementing form-based zoning. He asked if the consultants have a feel for what approach would work best for the City. Mr. Chave said it is too soon to make that recommendation, but he reminded the Board that making the zoning code more complex is not a good thing. They need to figure out a way to fit form-based code language into the City's general scheme. Chair Lovell pointed out that the City has the option of applying form-based codes to just the Westgate area. Mr. Chave agreed but said he suspects that form-based zoning would make sense for other areas of the City that have potential for change over time such as neighborhood centers and portions of Highway 99. Chair Lovell said he believes the community would be less receptive to the idea of form-based zoning in the downtown and waterfront zones, and more receptive for its application in the neighborhood business zones such as Westgate and Five Corners. However, he expressed his belief that the concept could also work well for the downtown and waterfront zones. Mr. Chave said the consultants and staff are seeking feedback from the Board about whether form-based zoning would work better than traditional zoning in the Westgate area. The positive aspects of form-based zoning could be applied not only to Westgate, but to other commercial zones including those in the downtown. He explained that traditional

zoning tells what a developer cannot do, and form-based zoning identifies what the City really wants to see. It allows for a lot more flexibility and choices for creative development.

Mr. Chave cautioned that the “Green Factor” concept offers a different way of doing things. He said he is not sure it is a good idea to have more than one landscaping standard for the City. However, he agreed the concept is worth considering. If the City determines that it would make sense for Westgate, they could consider implementing the concept throughout the entire downtown, as well.

Board Member Clarke referred to Item 3.2 on Page 13 of the proposed plan, which lists the allowable building types. He expressed his concern that, as currently written, it appears that single-story development would not be allowed in Westgate. Mr. Chave responded that the proposed language would not prohibit single-story development, but he agreed that this issue could be clarified. Ms. Sterrett suggested that another category could be added specifically to address single-story development. Ms. Rottle added that public comments indicated little support for single-story structures because they are not a good use of precious land, and the proposed plan responds to these comments by offering development types that are two more stories to allow more intense uses that generally equate to more public spaces.

Stephen Clifton, Community Services/Economic Development Director, said he participated in the majority of the CEDC discussions regarding the Westgate commercial area. He did not hear anyone say they were in favor of precluding single-story buildings. He agreed with Mr. Chave that language could be added to make it clear that single-story buildings would be allowed. Board Member Clarke suggested that perhaps the reason the public did not offer support for single-story development was because it was not one of the options offered to them. He pointed out that Key Bank just spent \$2 million to purchase land for a single-story building on a prime corner, and most of the recent development in Westgate has been one and two-story buildings. This tells him the market still supports this type of development. Mr. Clifton pointed out that the current code limits height in the Westgate area to 25 and 30 feet, which precludes development greater than two stories in most situations. He suggested that if a form-based code had been in effect, some of the recent development may have been different. Board Member Clarke said he is in favor of expanding development opportunities, but they should also not preclude opportunities for single-story, single-occupancy development.

Mr. Clifton reported that when staff met with the developers of the new Walgreens prior to their submittal, they showed them the draft form-based code language. Staff explained that if the City Council adopts the proposed form-based code, future developers would have to site their buildings to accommodate the internal circulation roadway. Although staff made it clear the plan has not been adopted and the City cannot require them to accommodate the roadway, Walgreens chose to work with the PCC Natural Market to construct a two-way drive isle along the internal circulation road. The roadway east of the pet store is currently only one way, and this property owner is also working with Walgreens to create a two-way drive isle. Mr. Chave commented that internal circulation is far superior to requiring people to enter each building site separately. Internal circulation allows people to access all businesses located on the site without having to reenter the main highway. Board Member Clarke said it will be interesting to hear how property owners like the internal circulation roadway once numerous businesses are connected and there is significant congestion. He said he would like examples of how the concept has been used in other commercial developments.

Board Member Johnson said she understands that both Shoreline and Mountlake Terrace have adopted form-based codes in some form. She requested that staff provide examples from cities in the area that have successfully implemented the concept. Mr. Clifton reported that Joe Tovar, former Shoreline Community Development Director, reviewed the proposed Westgate plan, and he suggested the Board invite him to a future meeting to discuss the concept further and address the Board’s questions and concerns. He also suggested that they invite Shane Hope, Mountlake Terrace Community and Economic Development Director, to share his thoughts with the Board. Mr. Chave said Mr. Wolfe has also provided guidance to the City Attorney regarding the concept of form-based zoning. He could also be invited to meet with the Board. The Board agreed that would be helpful, but they suggested the presentations be made at a joint meeting with the City Council, Planning Board and CEDC. It was emphasized that the presentations would be open to the public to attend, as well.

Board Member Johnson noted that the streetscape standards proposed for SR 104 do not include bike lanes. She said she is interested in considering the potential for adding bike lanes on SR 104 to be consistent with the City’s adopted Street standards and to be consistent with the City Council’s recently adopted Complete Streets Ordinance. She explained that to

better understand and evaluate whether bike lanes are viable, the Board needs more information about the SR 104 corridor, in particular the right-of-way width available to accommodate bike lanes and the proposed streetscape design.

Ms. Sterrett advised that an earlier version of the plan included a shared sidewalk/bike lane so that bikers were separated from the heavy traffic. However, the Public Works Department indicated that the proposal would not meet bike lane requirements. She agreed it would be appropriate to consider the option again, but the discussions must involve a representative from the Public Works Department. There may also be additional restrictions because the roadway is a state highway. Board Member Stewart said SR 104 is a precarious place to bike at this time, and she supports the internal circulation roadway, which will allow bikers to avoid the main intersection at SR 104 and 100<sup>th</sup> Avenue.

Board Member Clarke asked if the proposed plan would require the utilities to be placed underground. He noted that the existing poles on the south side of SR 104 east of 100<sup>th</sup> Avenue may interfere with development if buildings are placed next to the sidewalk. The Board acknowledged that requiring underground utilities would be costly and beyond the scope of the proposed plan.

Chair Lovell thanked the consultants and their team, as well as staff, for their hard work preparing the draft plain. The plan is exciting and he hopes they can continue to have public support.

THE BOARD RECESSED THE MEETING AT 9:20 P.M. FOR A BREAK. THE MEETING WAS RECONVENED AT 9:35 P.M.

**DISCUSS AND REVISE PROPOSED DRAFT BED AND BREAKFAST (B&B CODE LANGUAGE (FILE NUMBER AMD20120001))**

Mr. Clugston reviewed that on March 28<sup>th</sup> the Board discussed and agreed that the City needs to have specific criteria and standards for B&Bs to clarify what is in the existing code and make it more user friendly. At the direction of the Board, staff reviewed regulations from surrounding communities and created draft B&B code language (Attachment 2) for the Board's consideration. He said staff found it was difficult to incorporate B&B code language into the existing Home Occupation Chapter. Therefore, they are recommending a new section 20.23 be added. He advised that the proposed text provides a suggested definition for "Bed and Breakfast," as well as ten development standards that all B&Bs should meet. He explained that while all B&Bs should have to obtain a business license to ensure appropriate review, staff is proposing a variable permitting scheme depending on where the B&B is located and how many rental rooms are proposed so that the appropriate level of review is provided for. B&Bs with two rental bedrooms or less would be permitted secondary uses in all residential zones, and B&Bs with three or more rental rooms would require a conditional use permit. B&Bs containing any number of rooms would be permitted primary uses in all business and commercial zones as long as all the development standards in ECDC 20.23.040 are met. The Board and staff reviewed the proposed development standards that would apply to all B&B establishments as follows:

- A. Bed and breakfasts must meet all applicable health, fire and building codes.**
- B. Bed and breakfasts may only be located in detached, single-family homes.** Mr. Clugston pointed out that a B&B is not intended to be a boarding house or motel. Board Member Clarke questioned the need to limit B&Bs to traditional single-family residential development only. Board Member Johnson commented that she lived in "The Park" apartment complex in Bellevue that rents some units on a daily basis, as "executive suites," which is somewhat similar to a B&B. She noted that, in this case, each unit had a separate entrance. Board Member Stewart pointed out that, in many cases, multi-family development has shared access and common areas. It may not be appropriate to allow B&Bs in these types of situations since they could infringe upon the privacy of other tenants/owners. Chair Lovell pointed out that in the sample code language from other jurisdictions, many limit B&Bs to single-family, detached residential units. He suggested that the City follow this pattern rather than expanding the flexibility to include multi-family development, as well. Board Member Stewart agreed that they should keep the standards simple and go with what is currently proposed. The standards could always be expanded to include other types of development if deemed appropriate in the future. The remainder of the Board concurred.

- C. The operator of the bed and breakfast must own and maintain full-time residence in the home.** Board Member Clarke asked staff to explain the reasons why a B&B must be owner occupied. He said the proposed language would not allow someone to rent a home and operate it as a B&B. Mr. Clugston recalled the Board's previous discussion that property owners have a more vested interest in the upkeep of the property. He said the owner-occupancy requirement is fairly common in codes from other jurisdictions.

Chair Lovell said that in nearly half of the B&Bs he has stayed in, the owner did not stay on site at night. He suggested they delete the requirement that the B&B be owner occupied at all times. Board Member Tibbott pointed out that other code requirements would come into play to address problems that occur due to owner/operator negligence. Therefore, he sees no reason to require that a B&B be owner occupied. Mr. Clugston agreed that the nuisance and performance standards would address potential issues related to owner/operator negligence.

Board Member Stewart suggested it would be appropriate to require owner-occupancy, since this would be consistent with how most other jurisdictions regulate the use. However, she said she would not be opposed to changing the language to read, "the operator of the bed and breakfast may maintain full-time residence in the home." Mr. Clugston suggested that if the Board does not care whether a B&B is owner occupied, they should simply strike the standard. The Board agreed to modify the standard as recommended by Board Member Stewart for public hearing purposes.

- D. Non-resident employees cannot work at a bed and breakfast.** Chair Lovell said he believes the code should allow a B&B to have at least one non-resident employee. Board Member Johnson suggested that a B&B should be able to allow at least one employee to help serve food or clean rooms. Board Member Stewart concurred. Mr. Clugston pointed out that this standard is consistent with other types of home-occupation uses. A conditional use permit is currently required for home occupations that have employees. The Board agreed it would be appropriate to allow a B&B to have one non-resident employee.

- E. In all zones, except BC, one off-street parking space must be provided for each rental room in addition to the parking required in ECDC 17.50.020.A.1.a. In the BD zones, no additional off-street parking is required for a bed and breakfast.** Board Member Clarke observed that in some locations, there is ample street parking to serve the parking needs of a small B&B. Therefore, he questioned the need to require one off-street parking space for each rental room in all cases. Mr. Clugston noted that, as proposed, no additional off-street parking would be required in the BD zones. Board Member Clarke pointed out that there are also single-family residential homes located in multi-family residential zones in the downtown area. He suggested that if legal on-street parking is available, the City should not require a B&B owner to provide additional off-street parking.

Board Member Johnson expressed her belief that a B&B might be less compatible with the surrounding residential development if it is required to add additional off-street parking. While she believes the City should require the owner to provide adequate parking, she is not opposed to allowing a B&B to use legal on-street parking to fulfill the requirement. Board Member Reed countered that, in some situations, allowing cars associated with B&Bs to park on the street could negatively impact adjacent properties. He emphasized the need to respect and protect existing neighborhoods.

Mr. Chave cautioned against creating a standard that requires staff to guess what the requirement should be. He suggested a better approach would be to establish one parking requirement that is applicable when legal, on-street parking is available and another parking requirement that is applicable when no legal, on-street parking is available. The Board agreed that would be the appropriate approach. Staff agreed to work with the Engineering Department to draft appropriate language to implement the Board's intent.

- F. Kitchens are not allowed in individual guest rooms.** Board Member Stewart asked if a microwave and small refrigerator would be considered a "kitchen." Mr. Chave answered that, typically, a kitchen involves special plumbing and electrical outlets.

- G. Breakfast is the only meal that may be served to paying B&B guests.** Board Member Johnson asked if there are State regulations that stipulates that breakfast is the only meal served at a B&B. Mr. Chave pointed out that this is an industry standard. Mr. Clugston explained that the purpose of the provision is to avoid situations in which a B&B essentially becomes a restaurant. The Board did not make propose any changes for this standard.

**H. Signage is regulated in ECDC 20.60.**

**I. Guests cannot stay at a bed and breakfast for more than 30 consecutive days at a time.** Mr. Clugston said this number ties into the existing definition for transient accommodations. Chair Lovell pointed out that ECDC 4.72.010E defines “day” as “days on which the City of Edmonds City Hall is open for business.” He suggested that this standard should be changed by adding “calendar” after “consecutive.” The remainder of the Board concurred.

**J. Weddings, conferences and similar large group gatherings are not permitted at a bed and breakfast.** Mr. Clugston said this provision is intended to eliminate the possibility of large group gatherings of people in what should be a fairly quiet residential-like facility.

Board Member Johnson recalled that at the last meeting, staff reported that there were 10 B&Bs in Edmonds in 1995, and there is only one now. She asked staff why there are significantly fewer B&Bs now. Mr. Chave said it is likely the previous B&Bs were small establishments, and when the properties were sold, the new owners decided not to continue the use. Long-term establishments typically have more rooms and are specifically set up to operate as B&Bs. When these properties are sold, owners want to capitalize on their investment by selling to someone who is interested in continuing the use.

Mr. Clugston agreed to update the draft code language as directed by the Board. He suggested that a public hearing be scheduled for June 13<sup>th</sup>.

**REVIEW OF EXTENDED AGENDA**

Chair Lovell asked Mr. Clifton to verify and inform the Board of the date of the next Strategic Planning Retreat.

**PLANNING BOARD CHAIR COMMENTS**

Chair Lovell reported that he received a response from Council President Peterson supporting the Board’s request to present regular reports to the City Council. They agreed that such briefings would take place on a bi-monthly basis, likely at either the 1<sup>st</sup> or 3<sup>rd</sup> City Council meeting of the month.

Chair Lovell advised that the City is currently accepting applications to reseat the 17 member CEDC. No future meetings are planned until the appointments have been made. A current CEDC member advised that only six applications have been received to date. He said Board Member Johnson has agreed to continue as the Board’s liaison to the CEDC once it is operational again.

**PLANNING BOARD MEMBER COMMENTS**

Board Member Reed asked if the ESC auction took place as scheduled. Mr. Chave agreed to report back to the Board.

Board Member Reed asked if the interim ordinance for setbacks at Westgate is still in effect. Mr. Chave answered affirmatively. Board Member Johnson asked when the ordinance is set to sunset. Mr. Chave agreed to research this issue and report back to the Board.

Board Member Johnson reported that she spoke with Mr. Clifton during the break, and he asked her to encourage Board Members to submit their comments related to the information that was presented at the April 24<sup>th</sup> Strategic Planning Retreat by the end of the week so staff can prepare for the May 3<sup>rd</sup> public meeting.

Board Member Johnson suggested that the Parks, Recreation and Cultural Services Director be invited to a future meeting to brief the Board on issues related to proposed changes on Sunset Avenue. She said it would also be helpful for her to provide information to the Board regarding the current proposal to create a Metropolitan Park District before the City Council makes a final decision. Board Member Reed reported that a committee is currently being formed to research the issue and provide a recommendation to the City Council.

Board Member Clarke thanked the staff for the many hours they put in to prepare items for Planning Board review.

**ADJOURNMENT**

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

**APPROVED**