

APPROVED JULY 11TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES
PRESENTATION ON FORM BASED CODES**

June 27, 2012

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Valerie Stewart, Vice Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
John Reed
Neil Tibbott

CITY COUNCIL MEMBERS PRESENT

Mayor Earling
Kristiana Johnson

STAFF PRESENT

Rob Chave, Development Services Director
Stephen Clifton, Community Serv./Economic Development Director
Kernen Lien, Planner
Francis Chapin, Cultural Services Manager
Karin Noyes, Recorder

**ECONOMIC DEVELOPMENT COMMISSION MEMBERS
PRESENT**

Bruce Witenberg
Don Hall
Gail Sarvis
Rich Senderoff
John Rubenkönig
John Dewhirst

NOTE: THE BOARD'S REGULAR AGENDA WAS PRE-EMPTED TO ACCOMMODATE A PANEL PRESENTATION AND A QUESTION AND ANSWER SESSION ON FORM-BASED CODES

INTRODUCTION OF GUEST SPEAKERS

Mr. Chave announced that this meeting is a work session sponsored by the Planning Board, with invitations to members of the Economic Development Commission and the city Council. He said the purpose of the presentations is to obtain information from other cities that have implemented or are in the process of implementing form-based approaches to zoning and development codes. He introduced the following individuals, who were present to share their thoughts and experiences with the group:

- **Chuck Wolfe, Attorney at Law**, is affiliated with the Lighthouse Law Group and has particular background with form-based codes. .
- **Joe Tovar** has had a long-term career in public planning and land use. He has previously served as planning director for the City of Kirkland and, most recently, the City of Shoreline. Shoreline has been working to revamp their codes and reorganize their development code utilizing a form-base approach. Mr. Tovar is currently working as a private consultant.
- **Shane Hope** has an extensive background in public planning. She worked with the State for a number of years prior to becoming the Community and Economic Development Director for the City of Mountlake Terrace. Mountlake Terrace has successfully completed a form-based code approach in their town center and neighborhood center areas.

Mr. Chave advised that each of the presenters would take approximately 15 to 20 minutes to share their observations and experiences with form-based codes. He asked that all questions be held until after the presentations.

PRESENTATION BY CHUCK WOLFE, ATTORNEY AT LAW

Mr. Wolfe said that “form-based code” is a term that has become more current in the planning and regulatory dialogue in Washington State over the last few years, particularly in mid to large jurisdictions that are interested in revamping their town centers. He said form-based codes are more common in other areas of the country than in Washington State. Because of the State’s topography the structure of its land-use regulations is far more evolved than much of the country. The State already has regulations in place that look a lot like form-based code, particularly from a more individual or district design review standpoint. The form-based zoning concept is not all that different, but it needs to be better adopted into the context of the existing Growth Management Act (GMA) scheme.

Mr. Wolfe emphasized that form-based codes are zoning codes and implement the comprehensive plan. Therefore, they must be consistent with the comprehensive plan and meet the requirements of GMA. Because of the nature of the process, form-based codes typically require considerable upfront visioning and public involvement amongst the community and stakeholders. This extensive level of public involvement is consistent with the GMA’s public participation goal.

Mr. Wolfe said people have questioned if form-based codes can be legally implemented in Edmonds, and the answer is yes; but only if they are implemented with the purpose, reflection, context and clarity called out in the GMA. Local governments have the police power to regulate in the interest of public health, safety and welfare, and the GMA encourages innovative land management that includes tools such as clustered development, transfer of development rights, etc. While form-based zoning is not called out as a specific tool in the currently adopted GMA, he does not believe the GMA needs to be amended in order to implement form-based codes.

Mr. Wolfe explained that form-based codes are different than traditional zoning, in that they offer a place-based approach that focuses on the physical environment, character and quality of public space, as well as surrounding private spaces. Form-based codes are also consistent with the current trend of emphasizing mixed-use, walkable, and compact development. They are based on spatial organizing principles that identify and reinforce an urban hierarchy and are typically more flexible than traditional codes. The prescriptive regulations found in a form-based code describe what is required, but are flexible enough to accommodate change. They are tailored to each unique place and situation, based on commonly derived community needs and desires as identified through an extensive public process with the community, professionals, city staff, and legislative bodies. The intent is to have a holistic vision to integrate infrastructure, buildings, space and design to boost the economic social and physical health of the community.

Mr. Wolfe advised that conventional codes are more use-oriented, and form-based codes are more form-related. Form-based codes regulate the same elements as conventional zoning codes, but they give higher priority to the form of buildings and streets and how they interact with each other. Traditional zoning codes place higher priority on land-use elements such as height and setbacks. He emphasized that both form-priority and land-use-priority codes are land development regulations that must be consistent with adopted comprehensive plans. He explained that at the core of any legal analysis of a zoning code, particularly in jurisdictions where there is no requirement for consistency with the comprehensive plan, codes are considered defensible from a constitutional basis if they are uniform and like uses are treated alike. In form-based codes, different features are treated alike with less emphasis on use and more emphasis on form. He said that while most land development codes include graphics that display features such as land use districts (i.e. zoning maps), form-based codes tend to use more graphics to clearly convey the intent.

Mr. Wolfe pointed out that traditional zoning specifies density, use, floor-area ratio (FAR), parking requirements, and maximum building heights. When design review is added, it is possible to articulate the public/private spaces by considering such things as open space, building materials, frequency of openings, surface articulation, etc. Form-based codes allow jurisdictions to regulate these same things, but with a different approach that focuses on street and building types, build-to lines, number of floors, the percentage of built-site frontage, etc. He provided illustrations to show how each of the three approaches could be implemented on a city block and explained that form-based codes include the following required components: a regulating plan that provides a graphic representation of what an area should look like, public space standards, building form standards, administration, and definitions. He summarized that form-based zoning offers a different

way of presenting conventional material in a more graphic way to provide clarity. He provided examples of both regulating and illustrative plans. He said form-based codes can also include the following optional components: architectural standards, landscaping standards, signage standards, environmental resource standards, and annotation. These standards would be more graphically presented in a form-based code than in a traditional code.

Mr. Wolfe said that when attempting to implement form-based codes, most jurisdictions start with a “hybrid” code for a specific part of their city. Typically, hybrids are standard zoning codes combined with graphic urban design standards. They usually do not address public space as comprehensively as a full form-based code, but they do allow for flexibility and choice. He reviewed the following two options for implementing a hybrid code:

- Adopt a complete and comprehensive form-based code for specific planning areas such as a neighborhood or district. The form-based code would reside in the structural and legal framework of a conventional code. This is consistent with what Edmonds is proposing for the Westgate and Five Corners areas.
- Make the form-based code framework the rule and conventional zoning the exception. This approach is effective for jurisdictions that want to move away from the conventional zoning approach.

Mr. Wolfe cautioned that when developing hybrid zoning codes, it is important to keep in mind that public input is very important in determining the community’s objectives. The city should choose a workable regulatory approach, paying attention to the review process and staff requirements, as well as consistency with the comprehensive plan policies. It is important to involve a full range of community stakeholders in the process, and to make sure participants fully understand the implications of various options and alternatives. It is also very important to stay focused on the issues at hand. He noted there have been very few challenges to form-based codes around the country because they are so public-involvement oriented. Those who initially express discomfort from a legal standpoint usually end up supporting the concept if they are invited to participate in the process.

Mr. Wolfe said it is important for staff to learn as much as possible about form-based codes before presenting the concept to the public as an option. They can do this by working with experienced professionals who understand how to integrate form-based codes into an existing system. The city should also be strategic about resources while maintaining a comprehensive view of the code development process. Educating and informing the staff who will be responsible for developing and enforcing the code is also important.

Mr. Wolfe said he obtained much of his presentation materials from an article written by Bob Bengford, Makers Architecture, Planning and Urban Design, titled, “*A Hybrid Approach to Form-Based Codes in the Northwest.*”

Mr. Wolfe pointed to the City of Flagstaff, Arizona, as an example of a jurisdiction that successfully implemented form-based zoning. Their existing code was piecemeal and had multiple conflicting zoning methodologies. The public blamed it for the high cost of development and for the failure of big projects and economic development opportunities. They hired a consultant to help them update their code, with special attention given to walkable, urban neighborhoods that are differentiated from suburban areas.

Mr. Wolfe said it is safe to say that the procedural due process requirements would be easier to meet via a form-based code approach because there is so much more public involvement. Incentives are also helpful when implementing form-based codes. For example, some jurisdictions are offering a streamlined review process for projects that are consistent with zoning and design guidelines. He noted that some form-based codes appear in an optional or overlay capacity as a first step. Another option for implementing form-based codes is State Environmental Policy Act (SEPA) planned actions, which allows for the environmental analysis to be done on a district-wide basis. Projects that are consistent with the planned action do not have to complete additional SEPA review. Development agreements can also set the stage for a form-based code, but they must be consistent with the comprehensive plan and the overall development regulations.

Mr. Wolfe concluded his presentation by providing a list of local communities that have or are working to implement a type of form-based code. He particularly noted the City of Bothell’s Downtown Revitalization Plan and regulations. Bothell began their community planning process for the Downtown Revitalization Plan in 2006, and they entered into a conceptual design phase in 2009 that included an extensive public outreach program. They eventually passed an ordinance obviating additional SEPA review for specific development projects determined to be consistent with the city’s adopted Downtown

Revitalization Plan. The ordinance also allows projects that reflect the city's vision to use a streamlined development process.

Mr. Clifton pointed out that each of the PowerPoint presentations is available on the city's website under "Planning Board Meetings and Agendas, June 27, 2012 Meeting." They can also be accessed under "Development Services/Planning, Westgate and Five Corners Study Areas." Mr. Clifton also reminded those present that although a form-based code approach is being considered for the Five Corners and Westgate Study areas, the presentations and subsequent discussion is intended to focus on the topic of form-based codes in general. The more specific draft Westgate form-based code will be presented to the Planning Board for review and a public hearing at a later date.

PRESENTATION BY SHANE HOPE, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR, MOUNTLAKE TERRACE

Ms. Hope said that while each community is different, form-based zoning has worked well in the City of Mountlake Terrace. She explained that they approached their Town Center Vision in terms of what needed to be different. The visioning process included an extensive planning and community outreach program. The city conducted community roundtables, developer forums, design workshops and visual preference surveys to solicit input from the community and stakeholders. Through this process, it became clear that the community was very interested in revitalizing their downtown. The community indicated a desire for the downtown to be more walkable and provide community gathering places. The community also indicated a desire for attractive, mixed-use development. In order to avoid a "vertical effect" that prevents sun, the community determined that buildings should be stepped back. Street trees were also important to the community.

Ms. Hope said the community recognized that the downtown area is large and not all areas are alike. They agreed it is important to recognize the differences amongst the building districts, but the Town Square area should be the focal point of the Town Center Subarea because it was better suited for a more intense development approach. The community stressed the need to protect residential neighborhoods. Those areas located close to residential zones were treated differently to provide an adequate transition.

Ms. Hope advised that the City of Mountlake Terrace hired a consultant to help staff perform a Tipping Point Analysis to determine if what they were proposing for the Town Center Subarea would actually work. The proposed concepts were applied to a number of parcels to determine what it would take to make development reasonable from a financial point of view. She cautioned that while a city can have good ideas, they cannot be implemented if they are not financially feasible.

Ms. Hope said much of the planning effort focused on the Town Square area (on 56th Avenue West near the Civic Center), which is the only superblock in the city. The community indicated their desire for connecting streets to break the area up into smaller blocks. They also expressed an interest in a public plaza area, with perhaps a water feature, that could become the focal point of the Town Square. The community provided specific input on how the streetscape, sidewalks, and landscaping should work together to provide a positive pedestrian experience. However, they recognized that there were various street types within the Town Center area.

Ms. Hope reported that the Town Center Subarea Plan was adopted in February 2007, and the Environmental Impact Study (EIS) was completed in August 2007. The planned action designation was approved in September 2007, and form-based code and design standards were implemented in 2007 and 2008. The city council adopted impact fees, a transportation master plan, and a finance strategy in 2007, and amendments were made to the transportation improvement and the capital improvement plans in 2007, as well. The city is currently in the process of developing engineering standards for pedestrian areas. While they recognize that redevelopment will not happen all at once, she said they anticipates that the adopted Town Center Subarea Plan would eventually result in 1,416 more jobs, 197,300 square feet of additional retail space, 267,700 square feet of additional office space, 797 new housing units, and 1,621 more residents.

Ms. Hope said that while the adopted Town Center Subarea Plan includes a purpose section, definitions and a short list of uses based on categories, the main focus is on building type and the dimensional requirements of the building and site. The plan also includes landscaping and open space requirements, and other specific regulations to provide additional guidance. The plan identifies eight different building types, and a table is provided to identify the specific dimensional requirements for each building type. The more intense building types are intended for the Town Square area, and the less intense building

types are intended for those areas that are closer to residential zones. The building types are general rather than specific and are meant to acknowledge that different heights are appropriate based on location, and that glazing and window transparency is important to the community.

Ms. Hope emphasized that design standards are an integral part of the Town Center Subarea Plan. They are not intended to be guidelines, but standards that each development must meet. They provide more specific guidance for site design to address such issues as pedestrian connections, vehicular parking relationships and driveway locations. They also provide specific guidance for building design to address pedestrian entries, wall and roof treatments, setbacks, build-to lines, etc. Sign design is also a component of the design standards.

Ms. Hope said that while the city originally had a number of development proposals, the economic downturn caused most to fall through because financing was no longer available. However, development is starting to pick up, and the Arbor Village Project is currently under construction at the corner of 56th Avenue West and 236th Street Southwest. This mixed-use project will result in 123 residential units, with 10,500 square feet of commercial space on the ground floor and two levels of underground parking. She said two assisted living projects have also been proposed and should break ground in 2013. One is located at 23008 – 56th Avenue West and is currently in the permit process. The project will consist of a four-story building, with 109 residential units and commercial space on the ground floor. Underground parking would be provided, as well. The second assisted living project is located at 5525 – 244th Street Southwest and will consist of 96 residential units and 2,500 square feet of commercial space on the ground floor.

Ms. Hope emphasized that implementing the Town Center Subarea Plan was not just about having the codes in place. It was also important for the city to work with public, private and non-profit agencies to define the vision further. For example, the City of Mountlake Terrace is currently working to reconstruct the main street area and provide connections to the transit centers. She concluded her presentation by advising that the City of Mountlake Terrace is considering the opportunity to apply a form-based code approach to other commercial and mixed-use zones, as well.

PRESENTATION BY JOE TOVAR - FAICP

Mr. Tovar advised that when the City of Shoreline was incorporated in 1995, improvements to Highway 99 were very important to the community. Because the highway is a central facet of Shoreline, a great deal of time, money and attention was spent developing the Aurora Corridor Project. He said he was directly involved in the project as Planning Director for Shoreline from 2005 through January 2012. He said the planning effort culminated with the Town Center Subarea Plan and code, which was approved in 2011. He explained that, throughout the process, Shoreline focused their planning and zoning efforts on the transportation corridor. Phase I of the Aurora Corridor Project was completed in 2005, and Phase II followed in 2011. Phase III will be completed this year to extend the improvements to the county line so that bus rapid transit (BRT) service can commence.

Mr. Tovar said that, typically, people think of transit-oriented design as station areas with a concentration of residential units and commercial development. However, transit-oriented development in Shoreline means that all the areas along the corridor have access to public transportation. This is particularly important in Shoreline, which is developed with residential development on both sides of the corridor. He provided photographs of Highway 99 before and after the Aurora Corridor Project. He noted that safety was significantly improved on the corridor by providing sidewalks on both side. New light standards, landscaped medians, and BRT lanes were also added. The business access/ transit lanes along the corridor will accommodate BRT service starting next spring, with 10-minute headways during peak hours.

Mr. Tovar said the new reality for the Aurora Corridor is multi-modal centers and nodes with opportunities for mixed-use development of various densities. Town Center has become the focal point, and the city has already redeveloped the area that used to be a collection of ramshackle wood-framed buildings on land leased from Seattle City Light into a grassy area that is adjacent to the Interurban Trail.

Mr. Tovar provided a chart he prepared to identify the factors that led Shoreline to a hybrid form and character-based code for their Town Center Subarea Plan. He reviewed each factor as follows:

- The community was already familiar with the approach of discrete subarea plans and implementing codes, which is characteristic of a form-based code.
- Traditional Euclidean zoning calls for separating commercial and residential uses, which is appropriate in some cases. However, a mixture of uses is more practical in many situations such as along the Aurora Corridor.
- The Regional Business (RB) zoning that was previously in place was difficult to explain. It was not user friendly, and very few graphic illustrations were provided to clarify the zone's intent. The new hybrid code is more user-friendly and contains approximately 50% text and 50% graphics.
- The previous RB zoning did not provide a good balance of certainty and flexibility, and the use categories and density caps were inflexible and confusing. The broad use categories listed the types of commercial uses that were outright permitted, permitted with a conditional use permit, and prohibited, and only the uses identified on the list were allowed. This resulted in a lack of predictability about what the outcome of an application would be. The new hybrid code provides flexible and broad use density categories. While specific standards are included in the plan, they are less prescriptive than a 100% form-based code.
- The previous RB zoning required a SEPA review for each development proposal, which is a lengthy step. The adopted plan streamlines the permit process by eliminating the SEPA review requirement for proposals that are deemed consistent with the approved planned action designation.
- The city's goal was to improve walkability. Traditional zoning determined what took place on the property by using generic street frontage standards rather than "complete streets" improvements. The new hybrid code focuses on creating a public realm by orienting building form to the role of the serving street, and it also identifies the capital improvements needed to improve walkability.
- The cost of preparing a traditional code can reach six figures because it is necessary to hire a consultant. The cost of creating the hybrid code was closer to \$20,000 because much of the work could be done in house by staff.
- It is important to consider the staff costs associated with administering the code, and traditional codes are often so complex that only the most experienced staff can answer questions that come up. Because the hybrid code relies heavily on graphics, it is more user-friendly and easier for staff to interpret.

Mr. Tovar explained that while Shoreline was interested in moving towards a form-based code for the Town Center Subarea Plan, they were concerned the city would not have enough funding and staff time to administer the prescriptive nature of a true form-based code. However, they wanted a more graphic-oriented plan that contains numerous maps and tables that are easy to understand and do a better job of conveying exactly what the city wants. They elected to pursue a hybrid zoning approach for the Town Center Subarea Plan, which included elements of both form-based and traditional zoning. As a result, the use categories in the Town Center Subarea Plan are broader, and the plan is more flexible. A planned action designation was completed for the subarea, as well, so SEPA would not be required for development proposals that are consistent with the plan.

Mr. Tovar advised that subarea plans are optional elements of the comprehensive plan, and because Shoreline had already adopted several (Aldercrest, Southeast Neighborhoods, Point Wells, North city), the City Council and Planning Commission was familiar with the concept. The Town Center Subarea Plan started with a visioning exercise to identify the various elements that are important to the community. The vision provided direction for the subarea plan and was required to be consistent with the goals and requirements of GMA. The next step was to create development regulations and outline a development permit process. He noted that all development permits are subject to administrative design review; no public hearing is required and there is no appeal process to the City Council. The development permit process is as streamlined as possible, and the balance between predictability and flexibility was solved by being as clear as possible in the standards contained in the subarea plan.

Mr. Tovar pointed out that the Town Center Subarea Plan also provides direction to the capital budget. It identifies specific capital projects such as the Aurora Corridor, Interurban Trail, Heritage Park, and Midvale Avenue Projects. It also identifies programs and policies the community desires such as property tax exemptions and a Shoreline farmer's market.

Mr. Tovar announced that Shoreline's Town Center Subarea Plan was recently awarded the 2012 Governor's Smart Community Award. The city will use this recognition to market the subarea to private investors.

Mr. Tovar referred to various components in the Town Center Subarea Plan that address what is important to the community. He advised that the Shoreline community has a strong desire to encourage sustainable development, and the city adopted a Sustainability Element into their comprehensive plan two years before the Town Center Subarea Plan was created. The community also expressed a desire for increased density in areas served by transit, recognizing that this would reduce vehicle miles traveled and green house gas emissions would be less. In addition, the community placed an emphasis on protecting the red brick road, developing the interurban trail, and establishing a farmer's market.

Mr. Tovar briefly reviewed the contents of Shoreline's Town Center Subarea Plan, reminded the Commission that it included a planned action designation, which means that no SEPA review would be required for projects that are deemed consistent with the plan. It also includes a threshold value to identify when development would require site improvements. The plan pays particular attention to the relationship between buildings and streetfronts. In addition, the plan contains neighborhood protection standards to address neighborhood concerns about traffic circulation, overflow parking, setbacks, etc. He pointed out that although form-based codes have not been specifically called out in past code language, the community has been utilizing the concept for many years. He emphasized that the standards in the plan are requirements rather than guidelines, and the plan includes a provision for design departure if a developer wants to come up with a better solution. However, developers run the risk that their alternative proposal might not be approved.

Mr. Tovar summarized that when creating a hybrid form and character-based code, it is important to:

- Regulate what matters most to the community and let the market decide the details of use, density, and timing.
- Provide a balance of certainty and flexibility that attracts developers and investors.
- Provide clear and graphic illustrations of key building and site requirements.
- Create "place" by coordinating design on private lots with design of the public realm.

Mr. Tovar provided a map of the Town Center Subarea that identifies the three kinds of streets (boulevard, Greenlink and storefront). He noted that there are different standards for each type of street. He also shared a marketing piece that was prepared to help market the Town Center Subarea as an investment opportunity for new development and businesses. The marketing piece points out what the City of Shoreline has done to reduce the developers' costs for improvement.

QUESTION AND ANSWER SESSION

Board Member Lovell requested a brief overview of the ownership situation in the Town Center Subarea of Mountlake Terrace. Ms. Hope said one of the challenges of redevelopment in the Town Center is that there are multiple property owners. The code addresses the size of lot required for development. In some cases, developers must consolidate lots in order to develop to the maximum allowed by the code. Ms. Hope said the City of Mountlake Terrace works with investors who are interested in developing in the Town Center Subarea, and they have also worked with property owners who want to consolidate properties. For example, the mixed-use project that is currently under construction was previously seven, small residential lots that were assembled by an individual developer.

Board Member Lovell asked if Mountlake Terrace has done anything to encourage development within their Town Center Subarea. Ms. Hope explained that, in the beginning, the City of Mountlake Terrace did not have to do a lot to promote the Town Center Subarea, but that is no longer the case. The city has stayed in touch with a few developers that have a particular interest in the Town Center Subarea, and they have published a marketing brochure. In addition, the city's executive director and planners attend large regional meetings of developers to talk about what is happening in Mountlake Terrace and how their projects might fit in.

Commissioner Rubenkonig recognized that form-based codes primarily focus on urban areas. He asked if there has been any discussion about applying the concept to residential zones, as well. Mr. Wolfe said it is certainly possible to apply the form-based code concept to residential areas. For example, the concept could be applied in a historic area of a city to offset new variants of development that are inconsistent with the vernacular. This would be similar to the concept of "historic districts." He emphasized that many elements of the form-based code concept have been utilized for a long time, and have probably even been used in single-family zones. However, some of the principles of form-based codes try to get away from use separation, which is not typically a popular concept in single-family residential areas. Ms. Hope acknowledged that form-based code is an option, but most jurisdictions do not utilize the concept in their single-family residential areas.

Commissioner Rubenkönig also asked if comprehensive plan amendments would be necessary in order to implement a form-based code in Edmonds. Mr. Wolfe explained that GMA requires that local jurisdictions' comprehensive plans provide the basis for their development regulations. He said comprehensive plan amendments are often necessary to implement a form-based code. The extent of the amendments will depend on where a city is in its comprehensive plan. Part of the consideration for a city that is adopting a form-based code for the first time is to determine if it should fit in with the existing comprehensive plan policies or if it should be added as a separate subarea plan. Ms. Hope added that a city's comprehensive plan should be the basis for all other plans and regulations related to land use, community, and livability. If a city chooses to adopt a subarea plan, it actually becomes part of the comprehensive plan. She advised that Mountlake Terrace did not need to make any changes to their comprehensive plan in order to adopt the Town Center Subarea Plan. The subarea plan and zoning code simply added a final level of detail that fit with the policies already in the comprehensive plan. Mr. Tovar pointed out that the term "plan" can mean different things to different people. It is important to recognize that a subarea plan is more of a regulation than a plan. It controls the use of the properties within the subarea with specificity. It is important to understand that what is built in the subarea depends not only on the regulations contained in the plan, but on capital and other programs that are implemented by the city to ensure the overall success of the subarea plan. Mr. Clifton pointed out that the city has policies within the existing comprehensive plan related to Westgate and Five Corners. They need to look at the existing policies and how they relate to what is already developed and what is called out in the proposed plan. Inconsistencies can be addressed by adding elements of form-based code into the comprehensive plan or by amending the zoning code.

Commissioner Senderoff asked if it would be advantageous for cities to have more details in their comprehensive plan to provide guidance when drafting code language. Mr. Tovar explained that comprehensive plans are defined by GMA as "general planning documents." He said there is a certain risk associated with providing more detail than required by GMA, in that a comprehensive plan can be interpreted to be a regulation rather than a guiding document. Comprehensive plans are intended to provide direction on what is important as far as values and concepts that should be embodied in the regulations. The regulations are not required to exactly mirror the comprehensive plan policies. He cautioned that comprehensive plans should not say more than is needed, but they should be clear about what a city wants their regulations to achieve. Mr. Wolfe agreed and added that if a comprehensive plan is too directive, a planning board's hands could be tied and flexibility would be limited. He suggested it would be helpful for the city to obtain examples of the level of detail necessary to enable and be consistent with form-based codes. The comprehensive plan could contain policies for transit-oriented development, walkability, compact communities, etc., but it should not reach the level of prescriptive, parcel-by-parcel dictates. Mr. Tovar added that a comprehensive Plan is intended to identify a city's aspirations, and a zoning code controls how individual parcels must be designed and how they can and cannot be used.

Board Member Clarke asked if the Millcreek Town Center was redeveloped as part of an approved master plan or if it was implemented through a type of form-based zoning. Bill Trimm, former Millcreek Planning Director, answered that policies within the comprehensive plan called out the need for a master plan for the Mill Creek Town Center. The developer was required to present a master plan proposal to the city that was consistent with the policies called out in the comprehensive plan. Specific design guidelines were created to implement the master plan.

Board Member Clarke said the various visions for building height create a challenge for redevelopment in the downtown bowl area. The current height limit allows for two and three-story buildings, compared to the Mountlake Terrace Town Center, which permits up to seven stories. On the other hand, most of the development in the Millcreek Town Center is single story. He asked what roll height limits and building mass would play in relationship to form-based zoning. He referenced a multi-family project that is currently being developed on Highway 99 that is unsightly, massive, and out of scale with the character of the area. He asked how a form-based zoning approach would control large buildings that are out of scale and character based on lot size. Mr. Tovar answered that a form-based code would regulate building bulk via step backs, floor area ratio, etc. He pointed out that the development referenced by Board Member Clarke, as well as the development that occurred previously at Echo Lake, were both vested under the previous Regional Business zoning. He emphasized that form-based codes are not a way to get taller buildings.

Mr. Wolfe said developers desire predictability and flexibility to allow for changing market conditions and changes in the way people live. Form-based codes can allow both residential and commercial uses on the ground floor, depending on a

community's vision. He acknowledged that market based zoning is a dangerous term for some people, but the positive side of form-based zoning is that it allows for changes in the way people live, work and play. He advised that sometimes a very responsible developer will need a little more height to allow for sustainable infrastructure, and form-based codes can facilitate this by placing an emphasis on the number of stories rather than an absolute building height. Ms. Hope added that height is just one element of form-based zoning. The relationship between the street and the sidewalk and other details are also important elements. She noted that no new development was taking place in Mountlake Terrace based on their old traditional development code, which contained specific height limitations.

Mr. Tovar said the City of Shoreline created rudimentary Sketch Up models to give a sense of what a building mass would look and feel like. He said this is a great tool, whether it is used for form-based or more conventional zoning, to model whether not the proposal is acceptable. He said this type of computer modeling is not costly and can give a better idea of the types of standards that should be required.

Mr. Clifton said he hoped the city could get away from equating height to how attractive a building is. He said that when he served on the City of Seattle's Design Review Board he saw one-story buildings that were just as unattractive as six-story buildings. What makes a building attractive is its roofline, embellishments, modulation, type of glass, etc. Aesthetics is not just about the height of a structure.

Council Member Johnson asked the presenters to expand on the development agreement incentive as it relates to form-based codes. Mr. Wolfe said a development agreement can accomplish the same benefit as a planned action designation. A development agreement stipulates that a property must be developed in accordance with specific limitations and criteria that may be broader than the ordinary development regulations but still consistent with the comprehensive plan. Development agreements can be used as a tool to assure that an area is redeveloped in accordance with a negotiated community vision. Development agreements allow properties to be developed in phases. As long as development is consistent with the specific limitations and criteria contained in the agreement, a separate SEPA review would not be required for each component of the development. He summarized that development agreements can be incentive from not only a developer's perspective, but they can be specific to a number of issues within the public realm.

Commissioner Dewhirst asked Mr. Tovar and Ms. Hope to comment on the main concerns raised by citizens when the form-based code concept was initially introduced in their cities. Ms. Hope answered there was not a lot of opposition to the concept of form-based zoning, but an educational process was necessary to help the public understand how form-based codes could allow for things that are most important to the community. Mr. Tovar said the City of Shoreline did not approach the Town Center Subarea Plan as a form-based code. They knew that the City Council was familiar with the subarea process and was comfortable with the idea of creating unique zoning that is different than other parts of the city. However, staff was not confident that they would support the more prescriptive form-based code approach, and that is why they elected to propose a hybrid approach instead. He said there was no real opposition from the public, but the process included an extensive community outreach program to address public concerns and learn what the community wanted in this location. He summarized that the citizens in Shoreline were starved for things to be better after many years under King County's rule.

Board Member Lovell commented that there are a number of challenges facing future redevelopment of properties between the downtown bowl and the waterfront (i.e. Harbor Square and the Antique Mall). Some are related to the public's desire for amenities and others are related to logistical and engineering challenges. He asked the presenters to provide input on how these challenges could be addressed as part of a development plan. He also asked Ms. Hope to share Mountlake Terrace's strategy for funding the plaza that is proposed as part of their Town Square Plan. Ms. Hope answered that the City Council adopted impact fees that would be dedicated to the development of the plaza. When enough fees have been collected, the city will move forward with the public process, acquiring the property and developing the plaza. She explained that in addition to regulations, there are other important things that help key areas develop. This can include city-sponsored projects such as street or frontage improvements. The city is also seeking grant funding for public infrastructure projects, and developers are required to provide the frontage improvements spelled out in the code and pay their share of the impact fees.

Commissioner Witenberg asked the presenters to talk about the similarities and differences between contract rezones and development agreements. Mr. Wolfe responded that a development agreement is a GMA term, and there are some parameters within GMA about what development agreements should include. A contract rezone is an old school tool that accomplishes similar results. Mr. Tovar agreed that contract rezones are similar to development agreements. However,

contract rezones require developers and designers to do much of the work up front before making an application. Development agreement can be worked out at the conceptual level and community concerns can be addressed early in the process. He emphasized that development agreements can be major components of project approval since future development on the site would not require SEPA review if it is consistent with the overall scheme of the approved development agreement.

Board Member Clarke observed that underground parking is not possible on the Harbor Square and Antique Mall properties because of the high water table. He questioned how a form-based zoning approach would provide flexibility to accommodate an above-grade parking structure given the current height limit. He said the community is struggling to understand the challenges of redeveloping these sites effectively and economically while keeping the height at 25 and 30 feet. Ms. Hope said that Mountlake Terrace has created different building districts that allow different things based on area. Another option is to identify certain exceptions and create a process for considering whether the exception should be allowed or not. Other communities face this same problem, which certainly complicates the matter. She noted that many jurisdictions do not require underground parking. Instead, they have regulations that prohibit parking lots that are visible from the main street. Mr. Wolfe added that a city may, through a community process, define a form of building that is appropriate with those issues in mind, but it must be fair and based on the urban ecology of the surroundings. While form-based codes cannot be used to address the permissibility of subsurface parking, they can address the relationship of the parking to the street. Mr. Tovar said that the City of Kirkland resolved this issue by creating a fee-in-lieu-of program that allowed applicants to pay into a fund that was used to construct a parking garage.

Mr. Clifton thanked the presenters for giving their time to help the Edmonds community better understands the concept of form-based zoning. He also thanked the Planning Board, City Council, Economic Development Commission, and citizens for their attendance at the meeting.

ADJOURNMENT

The Board meeting was adjourned at 9:10 p.m.