

APPROVED SEPTEMBER 26TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

September 12, 2012

Chair Lovell called the meeting of the Edmonds Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
John Reed
Neil Tibbott
Ian Duncan

STAFF PRESENT

Rob Chave, Development Services Director
Kernen Lien, Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Valerie Stewart, Vice Chair

READING/APPROVAL OF MINUTES

BOARD MEMBER TIBBOTT MOVED THAT THE MINUTES OF AUGUST 22, 2012 BE APPROVED AS AMENDED. BOARD MEMBER REED SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

Dave Buelow, Edmonds, said he lives on 4th Avenue South. He was out of town for the recent Harbor Square workshop, but Board Member Reed gave the Board copies of some information he prepared that included pictures from his living room, a couple of real estate sales brochures for units that happen to be for sale on 2nd and 3rd Avenues South, and a cross-hatch portrayal of the impact the proposed Port buildings would have on the water view seen in each picture. While not a slick presentation like the Port's view study that showed virtually no impact on public views, the pictures demonstrate the huge negative impact the Harbor Square Master Plan (HSMP) would have on the water views of many private property owners in the lower bowl area.

Mr. Buelow said the cross hatching on the pictures is shown at 60 feet. He explained that besides being easy to determine since the 60-foot flagpole is visible in each picture, it is also what the Port is really asking for. While the Port consistently talks about 55-foot building heights, the HSMP language actually calls for buildings at 55 feet, plus rooftop equipment, towers and architectural features. He suggested that such vague language is an open invitation for a hard-driving, profit-oriented developer to build up to 60 feet in a heartbeat. He expressed his belief that even if the Port focuses on average overall building height at Harbor Square to placate critics, once a massive wall of residential towers at 55 feet or greater is

built between the water and private homes, no one will care if parking garages on the other side are only two stories high with tennis courts on top. While this type of configuration will mathematically generate an average building height in the 40-foot range and provide water views for residents of the new residential towers, the damage will have already been done for neighboring property owners in the bowl, and their views will be gone forever.

Mr. Buelow voiced concern that private owners will each suffer property value decreases ranging from \$50,000 to \$150,000 or more. This is particularly egregious because these financial hits will only be incurred if the City approves a redevelopment plan that is nothing more than a financial bailout for the Port. While the Port has explained that cash flow from Harbor Square is great and they may even pay the debt off early, debt service is not the financial problem they have to solve. The Port's problem is that their balance sheet reflects \$15 million in costs for property that their own valuation studies have indicated is only worth \$5 million. The Port will have to recognize this financial deficiency eventually and market these assets to value unless the City bails them out by changing the zoning at Harbor Square to allow for residential construction and buildings at 55 feet or greater. This action would magically remedy the Port's \$10 million shortfall.

Mr. Buelow advised that he watched the workshop meeting on television and was struck by concern that including 55-foot buildings in the City's Comprehensive Plan could mean that specific projects must be approved in the future. Whatever the legalities, he suggested the Board has the right to be uncomfortable. While the City's immediate actions may not technically convey rights to the Port or others, the Board is fooling themselves if they think the 55-foot height limit, if provided for a tax-supported public entity like the Port, won't be aggressively fought for, and probably litigated for, so private developers can enjoy the same benefits. He reminded the Board that the Port already enjoys the highest building height limit in the bowl at 35 feet. Any redevelopment should be done within the existing limit. He urged the Board to do the right thing and recommend the City Council deny the Port's request to incorporate the HSMP into the City's Comprehensive Plan.

PUBLIC HEARING ON A PROPOSED PLAN AND FORM-BASED CODE GUIDING FUTURE COMMERCIAL AND MIXED-USE DEVELOPMENT IN THE WESTGATE COMMERCIAL AREA

Mr. Chave reviewed that the Board has had three meetings in 2012 regarding form-based codes and the draft Westgate Plan and code proposal. He emphasized that tonight's hearing is the first opportunity for the public to comment in a formal hearing, but it will not be the last hearing before the Board regarding the Westgate Plan and form-based code proposal. The Board will have at least one more work session followed by an additional public hearing before forwarding a recommendation to the City Council. It is typically the City Council's practice to also conduct a public hearing before making a final decision. Mr. Chave referred to the August 29, 2012 draft of the Westgate District Plan and form-based code which is titled, "Revisions Westgate: A District Plan and Form-Based Code." He briefly reviewed the document, particularly highlighting the following:

- The goals of the plan include creating a mixed-use, walkable, and compact development that is economically viable, attractive and community friendly; improving connectivity for pedestrian and bicycle users; prioritizing amenity spaces and open spaces; and emphasizing green building construction, stormwater infiltration, and a variety of green features.
- Rather than establishing mandatory new development levels, the proposed form-based code approach is intended to provide options for potential future development that is consistent with the goals for the Westgate area. Staff does not envision wholesale redevelopment of the Westgate area in the near future, but the proposed Westgate District Plan opens possibilities if and when changes start to occur.
- The University of Washington team, along with the Cascade Land Conservancy, conducted background research, looking at such things as economics, moving traffic and pedestrians through the area, opportunities to improve sidewalks and walking connections between Westgate and surrounding neighborhoods, and ways to improve bicycling opportunities through the area.
- The process involved an extensive public outreach program that included surveys and hands-on workshops to solicit feedback from the public about features they would like to see long term at Westgate. The team used this information to identify a number of different alternatives, and the plan currently before the Board is the culmination of this work.

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- The site plan contained in the Westgate District Plan is illustrative and intended to show one possibility for future redevelopment, but it is not the only option. In this type of form-based code and plan, it is very important to make sure the development that does occur adheres to the general form and layout envisioned in the plan, which talks about the relationship of buildings to the street, to other buildings, and to pedestrian areas.
- The plan stresses the need for better circulation for traffic, pedestrians and bicyclists. It would be preferable for people to park in one location and be able to walk to a number of different businesses.
- There is already a fair amount of pedestrian traffic at Westgate. One purpose of the plan is to make the pedestrian connections clearer so people feel safer and are encouraged to use the available pedestrian opportunities.
- The proposed form-based code includes core concepts such as green space and buffers between the Westgate commercial areas and the surrounding residential areas. The existing hillsides are very important to the character of Westgate and form a buffer between the commercial and residential development.
- A form-based code focuses closely on the form factor, or how buildings are arranged or constructed throughout the site. The central idea is to have different choices for building types rather than limiting development to any one particular building type or use.
- Two main arterials intersect at Westgate (100th Avenue and SR 104). There is also an internal drive, which is important particularly in the northeast quadrant. The plan recognizes that an internal drive would benefit the businesses by providing better on-site circulation so people do not have to go back onto the arterials to access different businesses. The internal drive is not designed to be a cut-through street to avoid the intersection.
- The plan provides numerous examples of building types that would be appropriate for Westgate, and illustrations of each of the types are provided.
- The plan provides a generic site plan to show what an arrangement of uses might look like. The site plan identifies substantial surface parking, with buildings located closer to the street rather than pushed back into the properties. This allows development to take advantage of the existing walkways and provides a better separation of internal circulation from particular activities that are associated with open space.
- The plan does not anticipate that Westgate will become a pedestrian-oriented area. Westgate serves two purposes; it provides services to people living in the local neighborhood, but it also takes advantage of the SR-104 traffic. The existing anchor businesses make Westgate a regional destination, and the plan recognizes that automobile access is still very important.
- The plan talks about the relationship of buildings to surrounding sidewalks, streets and other buildings. The plan provides some suggestions about what revised or updated street cross sections or rights-of-way might look like. For example, SR 104 would retain the five lanes of traffic, but sidewalks could be enhanced and additional amenity areas could be provided. The buildings would be set back a bit to provide some active space and take advantage of the existing right-of-way space. The plan shows the potential for bicycle lanes on 100th Avenue, as well as on on-street parking and through lanes in some locations.
- Staff has nearly completed a traffic analysis that will indicate whether the ideas proposed in the plan are feasible or not. The City should not allow development that is detrimental to the traffic flow in favor of a particular activity or amenity. The goal is for both to work together.
- The plan identifies a different way to look at landscaping. The proposed point system emphasizes the importance of amenities and green features so sites are more pleasant and function better. The plan provides more flexibility in site design and gets away from the cookie cutter landscaping that has occurred in the past. The goal is to encourage developers to look holistically at a site to arrange amenities so they integrate with the space.

- The plan provides standards for open space and amenity space such as lawns plaza, sidewalks, and green open space. It emphasizes the need to retain vegetation on the slopes.
- All future development would be required to conform to the plan, which limits development to a maximum of four stories. However, the plan also includes a provision that allows development of up to five stories in some areas near the slope if a developer provides more green features, amenities, etc. This concept is something the Board needs to discuss and refine further.

Chair Lovell opened the public hearing.

Roger Hertrich, Edmonds, said he has followed the Westgate planning process for the past several months. He said he is disappointed with the results and felt the ideas proposed by the University of Washington team are out of touch with reality, particularly regarding traffic. He pointed out that a business district needs customers to be successful, and Westgate is successful because of its geographic location on two major arterials. The cars make the difference, not pedestrians. The plan talks about walkability; but realistically, people go to Westgate by car and park and shop in a specific location. Rarely would a person cross over to another quadrant. He emphasized that traffic is already in short supply at Westgate, and traffic accessing the site from 100th Avenue has created significant congestion. The plan should place an emphasis on addressing parking and circulation issues.

Mr. Hertrich said he is also opposed to the concept of locating buildings closer to the street, given the heavy traffic that already exists. The plan should focus on how to get traffic through the area to its destination rather than trying to make Westgate pedestrian friendly. He compared the new veterinary clinic that was recently constructed near Westgate with the new bank building that is currently under construction. He noted that the veterinary clinic is set back from the street, and the bank building is not. He expressed his belief that placing buildings closer to the street will result in a wall of buildings as opposed to a pleasant, semi-landscaped street.

Again Mr. Hertrich expressed his belief that the University of Washington teams' work is out of touch with reality. He suggested the Board start the planning process again, using automobile traffic as a basis. The Westgate area would be unsuccessful without automobiles and customers coming from around the region. He expressed concern that form-based codes are basically codes without a lot of rules and they tend to be very confusing. The City's effort in this direction allows a liberal approach to what is developed at Westgate in the future. Future redevelopment at Westgate needs to be realistic and fit the needs of the community, and that is not the case with the current proposal.

The public portion of the hearing was closed.

Mr. Chave said staff's intent is that the Board would have another study session to talk about traffic and the relationship of the slope to the proposed height limit. He said that, contrary to Mr. Hertrich's opinion, the proposed plan is intended to preserve traffic circulation and enhance the relationship between traffic and how people walk throughout the site. Staff has nearly completed the traffic analysis, which will identify the overall traffic level associated with potential redevelopment. The analysis also tests the University of Washington team's ideas for new street cross sections for 100th to see if they are reasonable and/or feasible or if some other configuration would be better.

Chair Lovell announced that he recently walked the Westgate area with Council Member Petso. He said her major concerns are more related to parking than traffic. She expressed concern that the existing parking is already being tested, and QFC employees park along 100th Avenue adjacent to the cemetery to leave on-site parking space for customers. She voiced concern that introducing more residential elements would create a greater demand for parking and perhaps penalize the parking that is available for the commercial uses. While he heard her concern, he reminded the Board that at a recent presentation, the University of Washington team emphasized that they anticipate automobile traffic will continue to govern the area, and they expect that many people will drive to the area to shop. The extent to which people will park in one quadrant and visit businesses in another quadrant without moving their vehicles depends on how pedestrian friendly the area can become. He said both he and Council Member Petso agreed that the proposed plan appears to support the concept of greater walkability and internal circulation.

Chair Lovell recalled that at an earlier version plan presented by the University of Washington team identified a fairly substantial parking garage in the northeast quadrant, and there was significant public concern. Some citizens did not believe that people would park in the garage and then walk to other quadrants since crossing the busy arterials could be challenging. In response to this concern, the team updated the plan to place greater emphasis on internal circulation and providing more parking within each of the quadrant, particularly to accommodate residential uses. In addition, the plan identifies a three-story building where the QFC is currently located. This would allow the property owner to add additional stories to the building to increase the parking capacity of the site. Mr. Chave agreed that the conceptual plan identifies various parking locations within each quadrant. He reminded the Board that the plan is conceptual. He said the plan recognizes, but does not require, the regional trend of adding additional stories to existing structures to accommodate parking. This would be a market decision, but the plan provides an opportunity for the Westgate area to accommodate this type of development and still meet the goals of the City.

Mr. Chave explained that, up to this point, the Westgate District Plan and form-based code are contained in a single document. Before the Board's next work meeting, staff will try to identify how the various elements of the current document will be incorporated into the City's Comprehensive Plan and Development Code (zoning). The new version should be available for Board's review on October 10th. Chair Lovell noted that the Westgate District Plan is scheduled for additional Board review on October 10th, with a tentative hearing scheduled for October 24th.

Chair Lovell said he also had a discussion with Council Member Petso that the Westgate area is currently zoned Neighborhood Business (BN), which allows a limited amount of residential development. Mr. Chave pointed out that the Comprehensive Plan identifies the Westgate area as Commercial Business (BC). However, because the area serves not only the local neighborhood, but also the region, BN zone is not a good fit. Whether or not the Board agrees with the University of Washington's proposal, the zoning needs to be changed to be consistent with the Comprehensive Plan.

Board Member Reed pointed out that the Westgate area is discussed on Pages 76 and 77 of the Comprehensive Plan. He asked if staff anticipates the language on these pages will also need to be changed to be consistent with the newly adopted Westgate District Plan. Mr. Chave agreed that this section would have to be updated accordingly. However, the Comprehensive Plan already discusses many of the concepts discussed in the proposed plan. .

Board Member Reed asked if the plan would propose specific parking standards for the Westgate area. Mr. Chave explained that the City used to address parking requirements based on use, and each use had its own parking standard. However, when the Downtown Plan was updated in 2006, the parking requirement for all commercial uses was eliminated. This change was consistent with a parking study that showed a great reservoir of parking in the downtown. He noted that parking is still required for any new residential use in the downtown. He summarized that parking standards are different depending on the area. The proposed plan calls out consistent residential and commercial parking standards, regardless of the uses proposed. He explained that when the City regulated parking based on use, developers often constructed buildings assuming a certain use that needed the least amount of parking. After construction, potential tenants often needed more parking than what the development was designed to provide. This resulted in a cycle of building that put in too little parking and then had to turn away potential tenants. A uniform parking standard regardless of the type of use is a much better way of approaching parking in general. The trick is to identify the uniform standard that makes the most sense, which will differ district by district.

Board Member Tibbott asked staff to describe how the streetscape improvements will be sequenced. He recalled Mr. Chave's earlier comment that it could be years before there is significant redevelopment. He asked if it is possible for the landscaping to be done in advance of redevelopment. Mr. Chave explained that streetscape improvements consistent with the plan will be required for any new development or redevelopment. Incremental changes will occur parcel-by-parcel over time. Board Member Tibbott observed that the streetscape improvements could look very hodgepodge if they are done incrementally as development occurs. Mr. Chave said wholesale right-of-way improvements could only occur if the City had sufficient funds to pay for the work. He noted there may be opportunities for grant funding for right-of-way improvements on SR-104 at some point in the future.

Board Member Clarke said it is difficult to wrestle with how the new mixed-use development with greater building heights will fit in with the local existing inventory of real estate. Unfortunately, there are very few examples in the community for the Board to look at. While the slide show provided by the University of Washington team was helpful, the Board can learn

so much more from a site visit to see how the various components of a development interact with each other. He suggested the Board visit actual sites as a group, particularly to get a better understanding about four, five and six-story buildings. It would be helpful to meet with developers to discuss the pros and cons of their projects. He pointed out that real estate is a capital-intensive investment, and most retail projects have an economic life of 40 to 50 years, so it is very important to be sensitive to all the different dynamics.

Board Member Clarke stressed that parking and vehicular transportation is critical and will have an impact on way of life. There are changes happening that most people do not understand. For example, the International Council of Shopping Centers used to have a parking standard for different types of shopping centers. Developers expressed concern that parking lots were underutilized and people were driving smaller cars. As a result, the council reduced the parking standard and allowed for more compact stalls. It is difficult for larger vehicles to fit in the smaller spaces. Smaller parking areas have also become a problem as demographics have changed and there is a greater demand for parking space at retail businesses (particularly grocery stores) during the evening hours. He observed that if real estate is under parked, it will suffer functional obsolescence. This could potentially occur in the Westgate area because grocery and drug stores are typically auto-dependent businesses.

Board Member Clarke expressed concern that several issues were not addressed by the University of Washington's proposal. Rather than pushing the plan ahead quickly, he suggested the Board take time to get a better handle on the unresolved issues.

Chair Lovell agreed that site visits are valuable. He said he has visited a number of sites and taken pictures of good example of development that could potentially occur at Westgate. He agreed to provide these pictures when the Board continues their discussion on October 10th.

CONTINUED DISCUSSION ON THE PORT OF EDMONDS REQUEST TO INCORPORATE THE HARBOR SQUARE MASTER PLAN (HSMP) INTO THE CITY OF EDMONDS COMPREHENSIVE PLAN (FILE NUMBER AMD20110009)

Chair Lovell recalled that at their August 22nd meeting, the Board requested that the Port schedule times for Board Members to tour the Harbor Square site, and several Board members took advantage of this opportunity. He said he found his visit to be valuable, not only in terms of what currently exists, but to understand the site's potential. It was particularly interesting to understand the site's relationship to what could happen elsewhere in the rest of the downtown.

Mr. Lien reviewed that at their August 22nd work session, the Board provided numerous comments and suggestions, and the Port addressed many during the work session. At the end of the work session, the Planning Board scheduled a public hearing for September 26th, and notices for the hearing were mailed out on September 10th using an expanded public notice area (James Street, Dayton Street, 5th Avenue, and SR 104). More than 1,200 notices were mailed out.

Mr. Lien reported that the public hearing notice that was sent out on September 10th included a pre-threshold determination comment period for the State Environmental Policy Act (SEPA) review. The City indicated in the notice that it would likely issue a Mitigated Determination of Nonsignificance (MDNS) with three potential mitigation measures:

1. That a traffic impact analysis must be done at the project level.
2. The average height allowed would be 45 feet, as described in the updated Harbor Square Master Plan.
3. That specific building design and site layout shall consider potential impacts on climate change such as sea level rise, and potential for flooding.

Mr. Lien said the SEPA comment period ends of September 24th, and staff will provide a summary of the comments at the Board's September 26th meeting. He said the public hearing and SEPA notices have been published on the City's website, as well.

Bob McChesney, Port of Edmonds Executive Director, thanked the Board for the opportunity to continue the discussion related to the Port's request to incorporate the HSMP into the City's Comprehensive Plan. He reported that since the workshop discussion on August 22nd, the Port has made changes to the HSMP to reflect the comments and suggestions

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provided by the Board. The changes are intended to expand on the existing plan elements and have been approved by the Port Commission. He reviewed each of the changes as follows:

- The word vegetation was added to Item 12 on Page 4 to clarify that vegetation buffers would be improved to protect and enhance the marsh.
- An additional bullet was added on Page 5 to read, “Provide for bicycle circulation with shared use trails, bike lanes and/or safe shared lanes on internal streets. This is consistent with the Board’s request that the master plan expand provisions for bicycle access.
- Additional language was added at the end of the 1st Bullet on Page 5 to read, “and also create a pedestrian focus such as a village green or public plaza in the center of Harbor Square that provides space for public activities such as concerts, performances, fairs or an outdoor market.” This additional language is intended to expand upon what is meant by “public amenities.”
- An additional bullet was added on Page 6 to read, “Include bicycle connections and facilities (e.g. storage racks) in circulation and open space planning. Again, this change was made to address the Board’s concern that the plan provide more provisions for bicycle access.
- Upon the recommendation of the Planning Board, new language was added to the “Sustainability” section on Pages 6 through 8 to reference the Community Sustainability Element in the Edmonds Comprehensive Plan. It specifically lists the policies that are most relevant to the HSMP, and explains how the HSMP responds to each one. In addition, the previous language related to low-impact development techniques was amended to provide clarity. Specifically, the 2nd Bullet on Page 7 was added to read, “Employ alternative systems and techniques, such as life-cycle cost analysis, designed to maximize investments and/or reduce ongoing maintenance and facility costs.” The 3rd Bullet was modified by inserting the word “vegetation” before “buffers.” The 4th Bullet was modified by adding “to reduce undesirable runoff.”
- A schematic drawing was added on Page 10 to illustrate the intent of the HSMP to modulate building height to average 45 feet. While some buildings would be up to 55 feet in height; others, particularly those along Dayton Street, would be of a lesser height. A new paragraph was added to explain the concept of average building height, making it clear that the average building height for all development on the Harbor Square site would not exceed 45 feet.
- An additional paragraph was added on Page 10 to make it clear that all development within the shoreline jurisdiction would be subject to the provisions of the Edmonds Shoreline Master Program (SMP). It also emphasizes the Port’s commitment to improve the ecological health of the marsh. He reminded the Board that the Port has worked with the Department of Ecology’s (DOE) Shoreline Management Division and Friends of the Edmonds Marsh to address issues related to the marsh.
- Language was added in the 2nd Bullet on Page 11 regarding the SR-104 Frontage. As discussed at the last Board Meeting, if the Washington State Department of Transportation (WSDOT) is amenable, the Port would enter into an agreement with them to improve the west side of the SR-104 right-of-way to provide a much better streetscape, development edge and entry into downtown. These improvements could include street trees, landscaping, and perhaps a shared-use trail. He noted the Port already has permission from WSDOT to manage the right-of-way and keep the landscaping tidy.
- Additional language was added on Pages 11 and 12 to outline the Port’s proposal for calculating “average building height.”

Board Member Reed asked the procedure the Port used to amend their HSMP. Mr. McChesney answered that after the August 22nd Planning Board meeting, Port staff met with their consulting team and the City’s Planning Division staff to discuss how the plan could be amended to address the issues raised by the Planning Board. Because the plan has already been approved by the Port Commission and submitted in the application to the City for a Comprehensive Plan amendment,

Port staff felt it necessary to present the changes to the Commission for approval. The Commission approved the changes on September 10th and authorized staff to update their Comprehensive Plan amendment application accordingly. He explained that the Commission agreed that the changes were not substantial and would not fundamentally change the plan significantly enough to warrant a new SEPA review or another public hearing.

Chair Lovell specifically noted that the staff report included the following attachments:

- Attachment 6 – A letter from Jack Tawney, Harbor Square Athletic Club, in support of the proposed HSMP.
- Attachment 7 – View images submitted provided by Dave Buelow and submitted by John Reed at the August 22nd Planning Board Meeting.
- Attachment 8 – A letter from Mark Trumper, MaverickLabel.Com, expressing support for the proposed HSMP.
- Attachment 9 – A letter from Allen Hendricks expressing support for the proposed HSMP.
- Attachment 10 – An email and images submitted by Phil Lovell to describe his assessment of potential impacts to private views.

Chair Lovell cautioned that as the Board continues the public hearing process and their deliberation to form a recommendation to the City Council regarding the proposed Comprehensive Plan amendment, they must be careful not to reach too far ahead of what the process is for this particular proposal. Many elements have not been answered yet because the information is not available or it is too soon in the continuum of any future redevelopment that might take place on the Harbor Square site.

Chair Lovell advised that he and Board Member Clarke attended the Saturday tour of the Harbor Square site and discussed the following items:

- Board Member Clarke provided numerous historic documents related to the property. He particularly referenced the contract rezone agreement, which includes specific survey information and criteria related to buffers and setbacks. The group agreed that the buffers and setbacks identified in the contract rezone agreement should be preserved, and they should also be consistent with the Shoreline Master Program (SMP). They further agreed that redevelopment should not occupy more land than what the current zoning agreement allows.
- The group had a lengthy discussion about how redevelopment of Harbor Square could potentially impact redevelopment of the property on the other side of Dayton Street. It was noted that it is not possible to predict exactly what will happen on either site at this point in time. However, they agreed that a private/public partnership for a catalyst project such as a parking structure at Harbor Square would have a significant influence on how the property on the other side of Dayton Street is eventually redeveloped.
- The group discussed options to address drainage problems that exist in the area. The site currently drains untreated into the marsh. Any future development agreement should require that stormwater runoff be treated to preserve and enhance the marsh.
- The group considered the future of the health club. It appears the health club's main building will stay in its current location for quite some time. Further discussion would need to take place between the health club owners and the Port to determine the club's long-term future.
- The group had some discussion about the status of the existing buildings, as well as the existing soil conditions.

Chair Lovell said the group also noted that the multi-modal transportation center (Edmonds Crossing) project is discussed extensively in the Downtown Waterfront Element of the Comprehensive Plan. Questions were raised as to whether this represents reality. It was suggested that perhaps the Comprehensive Plan should be amended to eliminate this project. He noted that some elements of the Edmonds Crossing project (i.e. new train station, new bus turn around, new ramp at the ferry terminal) have already been implemented. Mr. Chave cautioned against making changes to the Comprehensive Plan related to the Edmonds Crossing Project at this time. He reported that discussions are currently underway between the City and the DOE regarding this issue, and a lot of work is being done to evaluate the various alternatives to determine the best route. He

noted that many of the projects that have been implemented were intended to be temporary in anticipation of a new multi-modal facility at some point in the future. He summarized that the Edmonds Crossing Project is still valid, but it will take some time to figure out how it will go forward. Amending the Comprehensive Plan now to eliminate the project would not be prudent. He recommended that the HSMP should be considered on its own merits irrespective of what happens with the Edmonds Crossing Project.

Board Member Ellis said that as he toured the Harbor Square site, he was struck by the amount of work it takes the Port to manage and maintain the buildings. He pointed out that it is currently within the Port's right to sell the property as it is, but it is in the best interest of the taxpayers to have a plan that makes the property more valuable. He expressed his belief that the Port's plan appears to extend beyond pure economic interest. The Port is thinking about the City of Edmonds and how the Harbor Square development should fit in with the rest of the City and the waterfront. The Port has made an effort to include the community in the process and to incorporate elements in the plan that are not economically driven.

Board Member Ellis recalled that at their August 22nd meeting, there was some discussion about whether or not adopting the HSMP as part of the City's Comprehensive Plan would essentially endorse a height limit and residential use that is not presently provided for. He reminded staff that the Board requested a legal opinion from the City Attorney regarding this matter. Mr. Chave said this question has been relayed to the City Attorney, but he has not yet issued an opinion. Chair Lovell also recalled that the Board requested a legal opinion as to the City's obligation to preserve private views.

Board Member Clarke suggested the Board slow the process down. He reminded the Board that they have been appointed to be the fact finding and thought process, and they have an obligation to find answers to all the pertinent questions before making a recommendation to the City Council. He expressed frustration when the City Council send items back to the Board because there are additional questions and they need more information. He suggested the Board needs to have answers to their questions prior to the public hearing so the public has ample opportunity to comment on the answers that are provided.

Board Member Clarke pointed out that the Comprehensive Plan divides the Downtown/Waterfront Activity Center into separate districts, and specific language is provided for each one. He referred to Item C on Page 44, which calls for "promoting downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region." He noted that the Port's proposed HSMP does not include any language that addresses how the plan would accomplish this goal.

Board Member Clarke also referred to the second paragraph on Page 55 of the Comprehensive Plan that specifically describes the Downtown Master Plan District, which encompasses the properties between SR-104 and the railroad tracks, including Harbor Square, the Edmonds Shopping Center, and extending past the commuter rail parking area up to Main Street. He noted that nowhere in the paragraph does it suggest that residential development would be appropriate for the Downtown Master Plan District. Instead, it talks about a mix of uses that take advantage of the properties' strategic location between the waterfront and the downtown. He questioned if "mix of uses" was intended to include only retail, office, entertainment and associated businesses and not residential. He summarized that while the Comprehensive Plan acknowledges high-density residential development within the larger Downtown/Waterfront Activity Center, it does not acknowledge the use in the Downtown Master Plan District. He questioned if approving the Port's HSMP would lead the other three property owners within the Downtown Master Plan District to automatically assume they would also have the right to develop residential uses to the height limit talked about in the HSMP. He suggested it would be appropriate for the City Attorney to provide a legal opinion as to how approval of the HSMP would impact the remaining properties within the Downtown Master Plan District.

Board Member Clarke recommended that the public hearing on the HSMP be postponed until the Board has received answers to all of their legal questions. It was discussed that the public hearing has already been advertised for September 26th. It was noted that the Board could have additional discussion after the public hearing, and another public hearing could be held to solicit additional feedback from the public before the Board formulates a recommendation for the City Council.

Board Member Clarke referred to Section 2.b on Page 58 of the Comprehensive Plan, which states that "unless more specific provisions are contained in the descriptions for specific downtown districts, buildings shall be generally two stories in exterior appearance, design and character." This section further states that "incentives or design standards may be adopted which are consistent with the pedestrian scale of downtown Edmonds and which allow an additional height that does not

impact the generally two-story pedestrian-scale appearance of the public streetscape.” The section also notes that “the Downtown Master Plan District could allow a design which provides for higher buildings outside current view corridors.” He raised concern that the height proposed in the HSMP may not be consistent with this specific policy. He suggested it would behoove the Board to carefully review each section of the Downtown/Waterfront Activity Center Element to determine if the proposed HSMP is consistent. He explained that what the Port is proposing may be a great alternative for the rest of the Downtown Master Plan District to provide more versatility and new development potential.

Board Member Clarke reminded the Board that the Comprehensive Plan trumps the Development Code (zoning). If the Comprehensive Plan allows five-story buildings at Harbor Square and the Development Code does not, the property owner can request a rezone to make the two documents consistent. If the HSMP is approved, allowing buildings up to 55 feet in height, it seems that other property owners in the Downtown Master Plan District would also have the legal right to request the additional height limit apply to their property, as well.

Mr. Chave pointed out that the language on Page 58 of the Comprehensive Plan states that building height should generally be two stories, unless provisions contained in the description for specific downtown districts says otherwise. The note at the end of the paragraph further states that higher buildings outside current view corridors may be allowed in the Downtown Master Plan District. He pointed out that the proposed HSMP provides more specific information than the generic two-story language found in the last paragraph on Page 58.

Board Member Clarke asked if it is reasonable to assume that the language in the last paragraph on Page 58 of the Comprehensive Plan implies that taller buildings could be allowed in the Downtown Master Plan District, but buildings on either side of Dayton and Main Streets must be no greater than two-stories in order to maintain the pedestrian-oriented environment and the public view corridor. Mr. Chave replied that the proposed HSMP acknowledges that Dayton Street is a pedestrian-oriented public view corridor. Board Member Clarke noted that the HSMP shows four-story buildings along Dayton Street, with the top story being stepped back from the street. He pointed out that the HSMP Steering Committee specifically recommended that buildings over 55 feet in height on either side of Dayton would create a canyon effect. The illustrations provided in the Port’s HSMP show 35-foot buildings along the Dayton Street frontage, with an additional story that is stepped back from the street. Again, he said it is important to explore the question of whether allowing additional height at Harbor Square would require the City to allow a similar height for the property on the other side of Dayton Street.

Board Member Reed advised that the 3rd sentence in the 2nd paragraph on Page 55 of the Comprehensive Plan alludes to the potential for taller buildings in the Downtown Master Plan District. Board Member Clarke agreed but questioned how this would be reconciled with language on Page 58 of the Comprehensive Plan, which states that buildings should be limited to two stories. Again, he expressed his belief that allowing a greater height on the Harbor Square site would require the City to allow a greater height on the remaining properties in the Downtown Master Plan District.

Board Member Tibbott questioned if the Comprehensive Plan language needs to be amended to identify an actual height limit rather than using the term “two stories.” Board Member Clarke agreed that the Board needs to have this conversation at some point. He said that while he likes the Port’s proposal for calculating average height, he would like more information about why they are proposing an average height limit of 45 feet. He also asked the Port to indicate whether the 45-foot average height limit would include mechanical equipment, etc.

Board Member Clarke reviewed that economic development is a critical mandate associated with Washington State ports. Legislation grants ports special authority to increase economic development by creating jobs. He asked the Port to provide more information about the Port’s special authority and how the proposed HSMP would accomplish this mandate. He asked the Port to provide feedback about whether or not it is legal for ports to develop residential uses. He pointed out that the City’s Strategic Planning process shows that the City’s top four priorities are: business development, employment, attracting and retaining businesses, and taking advantage of the City’s fiber optic capabilities. He pointed out that the properties in the Downtown Master Plan District are the last pieces of commercial properties that allow for significant job creation so that Edmonds residents can work close to home rather than commuting outside of the city. He said he would like the Board to have some discussion about whether or not this portion of the Downtown/Waterfront Activity Center should remain commercial in nature.

Board Member Reed observed that Pages 4, 7 and 10 of the HSMP make reference to vegetation buffers and setback requirements. He noted that the draft SMP update states that 25-foot buffers would be required, with a footnote that allows flexibility. He asked if the Port has discussed how far back from the shoreline construction would occur. Mr. McChesney replied that the proposed HSMP suggests that redevelopment at Harbor Square would create an opportunity to make the marsh better, and this includes improving the existing buffers. He reminded the Board that the SMP process and run parallel with the HSMP process, and the Port has worked with City staff to make sure the two documents are consistent. The Port has not done a final site plan to answer precisely how the buffers will be delineated except to say they will not be smaller than what already exists. In some locations the buffers will be greater. He reminded the Board that the Port has worked closely with Friends of the Edmonds Marsh regarding habitat restoration and eliminating invasive species. Restoring the buffers is compatible with the proposed HSMP.

Board Member Reed noted that the SMP is scheduled on the Board's extended agenda for additional discussion and a public hearing. The current draft SMP identifies specific distances for buffers, building setback and parking setbacks. Absent any guidance from the Port, the Board must come up with appropriate numbers. Some Board members have suggested that buffers and setbacks should be expanded to be greater than what is currently required. Mr. McChesney said the Port has been working with City staff to define this issue, but they do not have an answer for the Board at this time. Board Member Reed recalled that at their August 22nd meeting, the Port's Consultant, Mr. Owen, agreed to get back to the Board with a recommendation for an actual number that is acceptable to the DOE. At that time, he noted that the conceptual drawings currently assume an approximately 50-foot setback. Mr. Lien said the Port has not received written approval from the DOE for the setbacks proposed in the draft SMP, but they have given verbal approval for the proposed 25-foot setback from the marsh for buildings, parking and recreational uses.

Board Member Clarke pointed out that the Port currently allows parking on a gravel lot that is located within the setback area and identified in the Contract Rezone as open space. He emphasized that this use is illegal as this property is supposed to remain undeveloped and protected. He asked the Port to clarify how the buffer and setback from the marsh would be measured. Mr. Lien said the ecological buffer is measured from the edge of the marsh, and the setback is measured from the ordinary high water mark. The 200-foot shoreline jurisdiction is measured from the shoreline. He emphasized that it is important to use the correct terminology when discussing setbacks, buffers and shoreline jurisdictions. Board Member Clarke suggested it would be helpful for staff to provide a map that shows the setbacks required by the Development Code, as well as the setbacks proposed in the draft SMP. Mr. Lien recalled that he previously provided an illustration of buffers, setbacks and shoreline jurisdictions, but he did not include the zoning. He agreed to provide this additional information when the SMP is brought back to the Board for further discussion.

Board Member Clarke observed that the Port's proposed HSMP does not address future zoning issues. Mr. Lien explained that, typically, when a property owner wants to rezone a piece of property to something that is inconsistent with the Comprehensive Plan, the first step is to request an amendment to the Comprehensive Plan. If the Comprehensive Plan amendment is approved, the property owner can move forward with a rezone application. The two actions are not typically done simultaneously. He further explained that the Comprehensive Plan is the overarching document, and zoning must be consistent. While the existing zoning at Harbor Square would not be inconsistent with the proposed Comprehensive Plan amendment, it would allow for a future rezone or development agreement that is more consistent with the master plan.

Board Member Clarke commented that because the area surrounding the marsh is environmentally sensitive, the Open Space (OS) designation should remain in place in perpetuity. Mr. Chave said that unless there is a zone that is more protective, it is unlikely the zoning designation around the marsh would change. Board Member Clarke suggested that the zoning around the marsh should be specifically addressed in the HSMP.

Board Member Reed said he is uncomfortable adopting the HSMP into the Comprehensive Plan by reference because things tend to get lost. He suggested the entire HSMP should be incorporated into the Comprehensive Plan so that it is readily available for public view.

Board Member Reed said that while he understands that the Comprehensive Plan amendment and a future development agreement are two separate issues, it is important that the two are consistent with each other. Mr. Chave explained that the Comprehensive Plan is the overall guide, but the Development Code and zoning are intended to implement the Comprehensive Plan so there is consistency. It is not that one supersedes the other; they have to mesh together.

Board Member Reed said that while the Port's current proposal to limit height at Harbor Square to an average of 45 feet is a step in the right direction, he felt that 45 feet is too much. He also suggested that the plan should identify a maximum height for buildings that front on Dayton Street, and then identify exactly how far back a building must be located from Dayton Street to obtain additional height. He agreed with Board Member Clarke, that approval of the HSMP will have some influence on how the properties on the other side of Dayton Street are eventually redeveloped.

Board Member Tibbott asked if a lower average height would address Board Member Reed's concerns. Board Member Reed questioned if that is the best approach for addressing height. Again, he suggested the Board consider limiting the height of the buildings that front on Dayton Street and SR 104. Chair Lovell reminded the Board that the Port is proposing a minimum sidewalk width of 15 feet along Dayton Street. He noted there are no other sidewalks in the City that are 15 feet wide.

Mr. Lien pointed out that the current contract rezone allows 35-foot buildings along Dayton Street, and the proposed HSMP would require one foot of horizontal step back for every additional foot of height above 35 feet for buildings along Dayton Street. The proposed plan would also limit the stepped back portion of buildings along Dayton Street to be no greater than 45 feet in height. Chair Lovell commented that Dayton Street is not a narrow roadway. The 15-foot sidewalk and the 35-foot height limit for buildings along Dayton Street, would create a streetscape that is favorable relative to the downtown.

Board Member Duncan suggested that rather than modifying the height limit for the Harbor Square site, the issue could be dealt with by requiring Architectural Design Board review of any development proposal.

Chair Lovell reminded the Board that the proposed Comprehensive Plan amendment would require a development agreement between the Port and a developer to address the requirements of the HSMP. Specific design would be approved on a project-by-project basis. The parcels on the other side of Dayton Street are different and a Harbor Square development agreement would by no means entitle these property owners to the same criteria contained in the HSMP. Board Member Clarke said he would like an opinion from the City Attorney regarding this issue.

Board Member Cloutier suggested the Board provide specific direction regarding the proposed 35-foot height limit for buildings along Dayton Street, with an additional 10 feet in height for the portion of building that is stepped back 10 feet from the sidewalk. He suggested that if the Board does not support the provision, they should have a hardy discussion with specific recommendations rather than just stating their concerns. He proposed that the provision is adequate and they move on to the other points of discussion. The Board should be clear about what is meant by pedestrian scale and preserving public views along Dayton Street.

Once again, Board Member Clarke pointed out that the Comprehensive Plan states that buildings shall be generally two stories in exterior appearance, design and character unless more specific provisions are contained in the descriptions for specific downtown districts. Again, he requested a legal opinion about how the proposed HSMP would be consistent with this provision in the Comprehensive Plan. Mr. Chave advised that he wrote the Downtown/Waterfront Activity Center Element, which was thoroughly discussed by the Board and the City Council. The common understanding was that a master plan would be considered a "more specific provision." The two-story provision was only intended to apply unless otherwise specified.

Board Member Reed proposed that the maximum average height be reduced to 35 feet. The maximum height of buildings on Dayton Street should be reduced to 25 feet, and the maximum height of buildings on the site should be limited to 45 feet. Board Member Duncan reminded the Board that the current zoning already allows 35 feet in height for buildings fronting on Dayton Street. Board Member Reed agreed to bring a specific proposal to the September 26th meeting for the Board's consideration.

The Board discussed whether or not they should proceed with the public hearing on September 26th given the number of issues that still need to be resolved. Mr. Chave suggested the Board hold the public hearing, which has already been advertised. Because the materials are already available on the City's website and people will be testifying on the information that has been posted thus far, the Board should wait to consider changes until after the public hearing. The Board could hold an additional work session to discuss potential changes, and a second public hearing could be held to allow the public to testify. He noted that the September 26th hearing would likely be televised.

APPROVED

Board Member Clarke said the Board still needs to discuss whether the area of the master plan should focus on commercial uses or other activities that are non-residential or if a residential component should be introduced. Mr. Chave responded that the mixture of uses identified in the language pertaining to the Downtown Master Plan District was not intended to exclude residential uses. Board Member Cloutier asked if there are special rules that apply when adding residential uses to a property that were not previously allowed.

REVIEW OF EXTENDED AGENDA

Mr. Chave advised that the City Attorney's Public Meetings Act presentation has been postponed to an October meeting. The entire September 26 agenda would be dedicated to the Port's proposal to incorporate the HSMP into the Comprehensive Plan. Three public hearings are scheduled on October 10th (Odgers rezone, street vacation, and Capital Improvement and Capital Facilities Plans). He said the draft Capital Improvement Plan (CIP) and draft Capital Facilities Plan (CFP) would be provided to the Board prior to the meeting for review. Chair Lovell urged the Board to review the draft CIP and CFP and hold them up against the available Strategic Plan information.

Board Member Reed asked when the Strategic Plan would be presented to the Planning Board for review. Mr. Chave said the plan would likely be presented at a joint City Council/Planning Board/Economic Development Commission meeting.

The Board discussed a recommendation from the Community Services/Economic Development Director that the Board visit a particular area in Kirkland in preparation for their discussion regarding ground floor uses in the Downtown Business (BD1) zone. Chair Lovell noted that Vice Chair Stewart and Council Member Johnson agreed to update the matrix that maps out the uses in the BD1 zone.

Mr. Lien announced that the Board would have one more workshop discussion on the Shoreline Master Program before it is scheduled for a public hearing. They still need to discuss and resolve issues related to buffer and setback requirements. Chair Lovell said it would be helpful for staff to provide a drawing to illustrate how the buffer and setback requirements would be imposed on the Harbor Square property. Board Member Clarke suggested it would also be helpful to review the drawings provided in the contract rezone, as well as the drawings provided by Lovell Sauerland and the Snohomish County assessor.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell referred to an email from Vice Chair Stewart announcing that a candidate for Planning Board student representative has been identified and interviewed. The Board agreed to move forward with the appointment.

PLANNING BOARD MEMBER COMMENTS

Board Member Reed referred to an email Vice Chair Stewart sent to Board Members just prior to the meeting regarding the Port's proposed Comprehensive Plan amendment. She specifically asked how the average height concept would be affected by portions of the property that are not proposed for redevelopment in the near future. If the Board supports the 45-foot average height proposed by the Port, they should make sure a future development agreement is iron clad on how the concept would work so it functions as a true constraint. Chair Lovell suggested the Board discuss these two issues at their next meeting.

Board Member Reed advised that the City Council now publishes their draft minutes as soon as they are available. He questioned if the Planning Board should do the same. It was noted that the draft minutes are published as part of the Board's packet, which is available the Friday before each meeting.

Board Member Duncan suggested that the Port's proposal would be easier to deal with using a variance approach. He cautioned that it is difficult to implement the mixed-use concept on multiple parcels. It is critical that the site be developed by a single developer.

APPROVED

Board Member Tibbott reported that he recently met with the principal of Meadowdale High School to discuss the student representative position. The principal was intrigued with the idea and suggested the position could become part of a senior project.

ADJOURNMENT

The Board meeting was adjourned at 10:02 p.m.

APPROVED