

# EDMONDS CITY COUNCIL APPROVED MINUTES

## May 3, 2005

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Marin in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Richard Marin, Mayor Pro Tem  
Dave Orvis, Council President Pro Tem  
Michael Plunkett, Councilmember  
Mauri Moore, Councilmember  
Peggy Pritchard Olson, Councilmember  
Deanna Dawson, Councilmember

### ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor  
Jeff Wilson, Councilmember

### STAFF PRESENT

David Stern, Chief of Police  
Duane Bowman, Development Serv. Director  
Stephen Clifton, Community Services Director  
Noel Miller, Public Works Director  
Rob Chave, Planning Manager  
Linda Hynd, Deputy City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Approval  
of agenda

#### 1. APPROVAL OF AGENDA

**COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM ORVIS, FOR APPROVAL OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

#### 2. CONSENT AGENDA ITEMS

**COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

(A) **ROLL CALL**

(B) **APPROVAL OF CITY COUNCIL MEETING MINUTES OF APRIL 26, 2005**

(C) **APPROVAL OF CLAIM CHECKS #79099 THROUGH #79264 FOR THE WEEK OF APRIL 25, 2005, IN THE AMOUNT OF \$405,278.53. APPROVAL OF RETROACTIVE PAYROLL CHECKS #40600 THROUGH #40648 FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$28,925.76.**

(D) **PROPOSED ORDINANCE APPROVING THE REZONE OF CERTAIN REAL PROPERTY FRONTING THE SOUTH SIDE OF EDMONDS WAY BETWEEN 97<sup>TH</sup> AVENUE WEST AND 95<sup>TH</sup> PLACE WEST FROM RS-8 (SINGLE-FAMILY RESIDENTIAL) TO RM-1.5 (MULTI-FAMILY RESIDENTIAL).**

Approval  
of 4/26/05  
Minutes

Approve  
Claim Checks

Ordinance No.  
3550 – Rezone  
RS-8 to RM-  
1.5

Proclamation  
National Day  
of Prayer

Proclamation  
Native Plant  
Appreciation  
Week

Proclamation  
on Days of  
Remembrance

Bid Report  
on 2004  
Waterline  
Replace-  
ment  
Program

- (E) **PROCLAMATION IN HONOR OF NATIONAL DAY OF PRAYER, THURSDAY, MAY 5, 2005**
- (F) **PROCLAMATION IN HONOR OF NATIVE PLANT APPRECIATION WEEK, MAY 1-7, 2005**
- (G) **PROCLAMATION IN HONOR OF DAYS OF REMEMBRANCE, "FROM LIBERTY TO THE PURSUIT OF JUSTICE," MAY 1 - 8, 2005**
- (H) **REPORT ON BIDS OPENED APRIL 27, 2005 FOR THE 2004 WATERLINE REPLACEMENT PROGRAM/PHASE 1 – 79<sup>TH</sup> PLACE WEST PROJECT AND AWARD OF CONTRACT TO D & G BACKHOE, INC. (\$65,415.74)**

**3. AUDIENCE COMMENTS**

**Natalie Shippen, 1022 Euclid, Edmonds**, referred to Councilmember Wilson’s comment in the minutes to forget about specific numbers for heights, all that was necessary was good design. She asked Councilmember Wilson why gothic cathedrals, which are not German but are French cathedrals, were called gothic.

Audience  
Comments

**Ron Wambolt, 530 Dayton Street, Edmonds**, explained he was skeptical when he heard the City planned to hire a consultant to assist the Council with developing design guidelines as the City’s past use of consultants has not been productive because staff was generally more capable of doing what the consultant was retained to do. However, after listening to the presentation by Mark Hinshaw, LMN Architects, last week, he was confident the City had retained a consultant who would add significant value and would tell the Council what they needed to hear, not just what they wanted to hear. He commended Mayor Pro Tem Marin and others involved in Mr. Hinshaw’s selection, noting the Planning Board could have benefited from hiring Mr. Hinshaw rather than Heartland to perform an economic analysis more appropriately done by a developer. He suggested the Comprehensive Plan be overhauled with Mr. Hinshaw’s guidance. He noted it was obvious from Mr. Hinshaw’s presentation last week that he had done his homework; he particularly liked Mr. Hinshaw’s comments regarding retail supply matching consumer demand, the need for continuity of shops along the street, not allowing sandwich boards in the center of the sidewalk, requiring wider sidewalks, investment by developers needing to be respectful to the City, and change that was needed in the methodology for measuring building heights as stair-stepped buildings on sloped lots would be preferable to increased height on one end. With regard to sidewalk widths, although he agreed sidewalks needed to be wider, he was opposed to allowing higher building height in exchange for a wider sidewalk. He pointed out that no setbacks were required in the BC zone and lot line to lot line buildings were allowed which should be sufficient to mandate 3-foot wider sidewalks that would largely be used by the building’s occupants.

**4. MAYOR’S COMMENTS**

Mayor’s  
Comments

Mayor Pro Tem Marin explained the difficulty with the recording equipment at last week’s Council meeting was apparently caused by unsecured equipment that had been disconnected and not reconnected properly.

**5. COUNCIL COMMENTS**

Council  
Comments

Council President Pro Tem Orvis referred to his report last week regarding the Port’s Destination Edmonds program that encouraged boaters to visit Edmonds. He advised that an article regarding the Port also appeared in *Norwesting* magazine.

Because the announcement regarding the Cascade Symphony was not televised last week, Councilmember Dawson announced the Symphony's "Celebration of Edmonds" event at Benaroya Hall on May 23. She encouraged the public to attend, noting 25% of the ticket sales would be donated to the Edmonds Center for the Arts. She advised that tickets were available at Benaroya Hall, Ticketmaster, Chamber of Commerce, the log cabin, and from Cascade Symphony members.

Work  
Session on  
Code  
Revisions

6. WORK SESSION ON CODE REVISIONS TO SUPPORT THE COMPREHENSIVE PLAN

**Mark Hinshaw, LMN**, provided a recap of the discussion at the April 26 workshop due to the technical difficulties with the video. He recalled a great discussion with the Council where he listed a number of qualities/characteristics he observed in the City's documents, several under the category of uses/activities and several under the category of design elements. Before the discussion proceeded, he sought the confirmation from the Council that those were accurate and reflected the direction the Council wished to proceed.

Mr. Hinshaw recalled one point of discussion last week was his notion that it was not just a matter of picking a number for heights, but that issues associated with making downtowns work, particularly Edmonds' downtown, were more complex than selecting a number. He commented the first horizontal and vertical 12-15 foot space, a three-dimensional shared public living room, was the space that most people related to and was vital to the success of the downtown. He urged the Council to focus their attention on this area, noting that many communities have found the health of the community suffered when this space was ignored. He commented on the irony of this, noting that this culture/society has always known how to build good towns, as evidenced by great cities, towns and streets, and what happened in the decade or so following the depression and WWII, the time-tested, classic rules of good places were forgotten and other rules from traffic manuals were instituted. The result over the next 40 years was that cities built streets instead of sidewalks and public spaces. He noted that has occurred long enough that the result is obvious and many cities now recognize the importance of retuning to earlier, more classic rules of building good places.

Mayor Pro Tem Marin asked Mr. Hinshaw to comment on stair-stepping buildings on a sloped site. Mr. Hinshaw explained it was not just a matter of picking a number but also defining how to treat height. He noted many communities measured heights the same way Edmonds did, the method was not wrong, but he recommended that the method should reflect the City's topography. The result over time as development occurred would be to reinforce the topography with stair-stepped, terraced buildings, rather than flat-topped buildings marching down the hill. He noted this was not occurring now because of the way the City has measured height, however, a method that could produce that result could be crafted.

At Councilmember Moore's request, Mr. Hinshaw commented on modulation, explaining that Edmonds was one of 2-3 communities in the region that had begun using design review early. Now there were 50-100 communities using design review due to the usefulness of it as a tool for guiding development. He noted in the early years, when criterion was being developed, the term modulation was developed. He noted modulation presumes a better building would result by jogging buildings in and out, when in fact older buildings are flat against the back of the sidewalk with no modulation. He noted that that was where downtown buildings belonged, against the back of the sidewalk, not jogging in and out. He commented on the relationship of storefronts to passers-by so that they could see the merchandise and people inside and interact with the goods and services on a personal level. He noted as soon as a storefront was pushed back more than a few feet, the connection was lost.

With regard to roof modulation, Mr. Hinshaw stated he was not aware of any other communities who use that design feature. He found that all roof modulation did was to force developers to make notches in the

roofline, which also was not a part of classic architecture as evidenced by older buildings that are simply capped off with a cornice line, parapet, decorative detail, etc. He concluded both the horizontal and roof modulation made no sense and recommended that be the first thing that is removed from the code. He found modulation contorted buildings in a manner that was counter-productive to the economic health of downtown. He noted Edmonds was nearly to a point where damage had been done to the downtown, several of the modulated buildings downtown created an unfriendly environment for shopkeepers as the storefronts were too far away from the pedestrian passerby.

Mayor Pro Tem Marin recalled Mr. Hinshaw's comment that the code be reviewed for outdated regulations. Mr. Hinshaw responded in other communities he has treated the code similar to zero-based budgeting – assume none of the code is needed and start over, rebuilding and redrafting the code. He found that by doing that communities found they only needed a fraction of what they thought was needed and could often get more with less by simplifying the regulations, making regulations clearer and more focused. Because regulations could not cover everything, he recommended selecting 5-7 things that were absolutely important to the community and being persistent with regard to those elements. He recommended the City then let go of the other elements, allowing developers to add their own idiosyncratic, individualized permutations, so that the unique handprint of a merchant, property owner, business person is stamped on their building. He noted there were many examples of these individual touches in the downtown, such as flower pots, signs, displays, etc. He concluded that those were what made a community a one-of-a-kind place that was unlike a shopping center.

Councilmember Dawson asked Mr. Hinshaw's opinion with regard to providing height incentives in exchange for design elements. Mr. Hinshaw explained that people doing development want assurances regarding what they will get; they want to be able to review a document in a fairly short amount of time and determine the yield. He noted one of the things that frustrated developers were discretionary decisions that could not be taken to the bank. He recommended a system that combined ministerial objective, numerical calculations that established the yield and then standards and guidelines that ensure character, quality, style, and whatever else the City finds important.

Councilmember Dawson clarified incentives based on aesthetics may not work for developers as it made it more difficult for them to determine up front whether a project was workable. Mr. Hinshaw answered that he has crafted codes that include incentives but the incentives must be structured clearly and be calculable, for example, if the developer does X, he gets Y. He recommended if the City used incentives, their use should not require review and approval by a board. He explained design review was also discretionary but it was in regard to the quality and details of a development and it was rare that a project was denied via the design review process.

Development Services Director Duane Bowman advised Councilmembers Marin and Olson, Community Services Director Stephen Clifton and he were meeting with a planner in Fairhaven on Friday to tour the city. He planned to provide photographs of examples of good and bad development in Fairhaven at the next week's Council meeting.

Mr. Hinshaw provided photographs of several buildings downtown, noting there were some areas where the storefronts were as good as they could get, where the shop was open to the sidewalk, merchandise and services were spilled to the sidewalk and storefronts were highly visible. He identified features of these storefronts were highly visible, with a lot of glass, a sill line below 2½ feet, 7-foot exterior doors, and 10-foot windows. He identified the ghost of old clear stories in older buildings that had been plastered over. He noted the increased interior height allowing light to reach the rear of the store.

Mr. Hinshaw drew a cross-section of a building front and the area in front of the building, identifying in the vertical space the optimum sill height, 9 to 10-foot windows, and horizontal space above the window for signage. He also identified within the horizontal space the 2-foot area in front of the building for window boxes, carts, pots, benches, display racks; then a 5-foot sidewalk area with adequate space for passersby to pass and allow for each person's personal space, and then a 3-4 foot area for street trees, street lights, signs, etc. He pointed out the walking area/zone where the City should prohibit sandwich boards, tables, etc., noting that sandwich board signs should be in the 3 to 4-foot area along the street. He concluded this horizontal and vertical space represented the shared linear outdoor living room.

Mr. Hinshaw displayed examples of mixing commercial and residential uses downtown, noting most developers either built residential or commercial, but few did both. He noted financing, insurance, marketing, etc. was even set up to separate the uses. He noted banks may also discount the commercial space, basing their financing on the residential space alone, requiring the developer to finance the commercial space. He pointed out the importance of developers following the rules of ground floor retail that include generous windows, multiple entrances, appropriate sill line heights – all the details that happen within the outdoor living room that made the space viable. He noted, absent those elements, the ground level was not conducive to retail.

Mr. Hinshaw pointed out retail could not be on the ground floor everywhere; retail required a lot of people to support it; therefore, it may be necessary to consider other uses for the ground floor that could still contribute positively to the downtown. He suggested some streets may be appropriate for ground level housing. In those areas, the ground level could include stoops, steps, gardens, or other small human habitation touches that could be equally charming and interesting. Then the retail could be focused in areas where it made the greatest amount of sense – side-by-side and critical mass that include a wide variety of choices within a smaller area. He noted ground level office was sometimes not good either when the blinds are kept closed and there was nothing interesting to look at. He suggested it may be better to have a nice wall with artwork than offices where the blinds were always closed. He noted one of the tasks for the Council would be to determine what streets were most appropriate and desirable for retail, keeping that number low, and not forcing mixed use in areas where it was not appropriate.

Councilmember Dawson asked for examples of ground floor residential in other cities. Mr. Hinshaw recalled an area in Bellevue on NE 11<sup>th</sup> where there was a row of units with stoops that abut the sidewalk. He noted planners have perhaps oversold the concept of mixed-use so examples of ground floor residential were somewhat limited. He offered to provide a list of examples to staff. He noted Vancouver concluded after a decade of forcing mixed-use that people looking for places to live in a downtown were looking for the same things anyone else looked for in a residence – privacy, security, knowing their neighbors, and quiet at night. He noted sometimes when active uses were forced adjacent to residential, the uses conflicted. Vancouver has recently begun putting housing in residential districts and then have retail a few blocks away, within walking distance, but not necessarily adjacent. He noted some people have a higher tolerance for the noise of a commercial use, therefore, mixed use should not be prohibited, but forcing it often did not work well. He suggested having the retail a few blocks away was more beneficial as residents were walking around the neighborhood, giving life to the area. He recalled the most successful ground floor residential was in Portland, such as the Pearl District, where there are wonderful ground floor housing units with gardens along the street.

Mr. Hinshaw explained ground floor residential needed to be pushed back a few feet from the sidewalk to provide privacy. He noted it was worthwhile to have more tailored zoning such as sub-districts within the downtown, some that emphasize commercial and others that emphasize residential, rather than one-size-fits-all zoning.

Councilmember Moore asked whether a developer could build first floor space that was convertible from commercial to residential. Mr. Hinshaw replied it was usually the residential developer who did not want to develop commercial space. In his opinion, the environment for a home was much different than for a business including the plumbing, lighting, security, etc. He recalled an attempt to do that in the neighborhood where he lives – live/work units – but there was not enough privacy. The result was the blinds on the residential units were always closed or attempts were made to create privacy, such as translucent glass, etc. He noted that this was why it was important to determine areas that were appropriate for residential on the ground floor and areas where ground floor retail was appropriate.

Mr. Hinshaw provided examples of new development versus redevelopment in downtown, noting below grade space would not work for retail purposes. He commented it would be better to rent/lease below grade space as inexpensive residential space because it was definitely not retail frontage. He noted the below grade space would not work for retail because it did not have direct access or direct exposure. He recalled this was an example of space that was discounted by the bank providing the financing.

Mr. Hinshaw displayed a photograph of what he characterized as a classic pattern for ground floor retail – generous windows with low sill heights, location at the back of the sidewalk with 1-2 feet of space for displays, and slightly recessed doorways. He noted even in this example there was a need for more detail from the storefront into the area beyond. He displayed a photograph looking down a retail street, identifying it as an example of a strong retail core that blended the old with the new to create continuity with the past. He displayed an example of buildings that illustrated the history and scale of a small town setting such as a turret. He commented that the desire to have a one-size-fits-all, reducing design to a number, dissuaded developers from doing such elements. He suggested the City encourage new buildings that reflect historic elements. He hoped the houses in the Art District would develop with commercial uses within the existing houses.

Mr. Hinshaw provided historic examples of pedestrian scale/human scale buildings that included generous storefronts, low sill heights, overhangs, slightly recessed entrances, small scale signs directed toward pedestrians, noting these were elements that had worked in towns and cities of all sizes for hundreds of years without exception. He noted when design varied from these elements, such as being crunched down, pushed back, modulated in and out, it stopped working. He noted there were only 5-6 things that made the storefront work, things that most people could understand. He noted there were a number of good examples in the City of pedestrian/human scale. He cautioned against locating something next to such a space that would detract from it.

Mr. Hinshaw displayed examples of windows/weather protection, noting he was uncertain whether weather protection was important enough to be on the list of required design elements. He noted awnings tended to create an unattractive linear line, as well as shadow the space; perhaps an awning at the entrance would be appropriate or it could be optional. He pointed out how columns along a storefront, when viewed from up the street, tended to close up and simulate a solid wall. He recommended spending money where it counted, on the ground floor, to make it “sparkle” and listed ways to dress up the front of a building, such as a tile inset, a unique light fixture, etc.

Mr. Hinshaw provided examples of good first floor differentiation, pointing out the change in materials, more textures, more color, more light, etc., a combination that could differ for every storefront. He recommended design review focus on the first floor space. He provided examples of street walls/edges, pointing out the contrast between a store at the sidewalk and a space that was set back and usable for retail. He provided examples of outdoor spaces, commenting that the City needed to nurture privately provided public spaces and publicly provided public spaces. He pointed out the cornice at the top of a

building that created an edge/sense of detail on the building, noting without the cornice it would be a more severe looking building. He provided examples of modulation versus building detail.

Mr. Hinshaw displayed a page from another community's regulations that contained a photographic example and a drawing of what was desired. He noted the regulations contained the subject, intent statement, a set of simple guidelines from which a developer could choose four from a list of ten, the goal being for a developer to be able to read the City's regulations in a few minutes and "get it" – plain English that told a verbal and visual story. He reiterated the ideal was 4-5 pages identifying the 5-6 things the City wanted to focus on.

Council President Pro Tem Orvis noted he was intrigued with the focus on businesses and with the concept of eliminating modulation. He pointed out that Chanterelle's, a restaurant everyone loves, has no modulation.

Mayor Pro Tem Marin commented the trim on the Windermere building resembled crown molding. He described buildings on Hwy. 99, the former United Furniture Warehouse building, where architectural details have been added to a previously flat, walled building. He also described improvements being made to a strip mall at the corner of 164<sup>th</sup> and Hwy. 99, where the front of the building was removed, stucco work and elevated fronts added to the building, and the recent installation of crown molding that resulted in a dramatic difference in the appearance of the building.

Council President Pro Tem Orvis asked whether Mr. Hinshaw's intent with regard to ground floor residential was that the entire floor would be residential. Mr. Hinshaw answered yes. Council President Pro Tem Orvis recalled the Council has discussed commercial on the ground floor to a certain depth with residential uses behind it. Mr. Hinshaw answered that he had not seen that done, anticipating it would be awkward to put living units behind that could potentially face undesirable uses. He noted the trick to making ground floor residential more private was to raise the floor level 1-2 feet above the sidewalk so that passersby could not look directly into the windows, as well as pushing the building back to provide privacy and distance. He noted a building with ground floor residential need not be as tall because three floors of residential could be achieved in less overall height.

Councilmember Moore clarified the areas Mr. Hinshaw highlighted as important included not having retail everywhere, nurturing the first floor, revising the City's method of measuring height, clarifying and improving the predictability of the code and encouraging individuality.

Mayor Pro Tem Marin commented the Council would be reviewing the Design Guidelines soon, a document of which a tremendous amount of work had been invested. He noted Mr. Hinshaw's recommendation was that the guidelines be shorter rather than longer. He suggested Mr. Hinshaw review the Design Guidelines and identify key guidelines and guidelines that could be eliminated. Mr. Hinshaw agreed to review the Design Guidelines, noting that there were likely some that were fine, some that could be made more clear and illustrated, others that could be standards rather than guidelines, and others that might be nice but not necessary. He concluded there were many issues that were not important enough to spend time regulating.

Mr. Hinshaw explained on a Design Review Board that he chairs, their operating rules for the past seven years have been that no project will take more than three meetings to review and no meeting on a project will last longer than 90 minutes, including public comment. He noted this rule has only been broken 2-3 times in the past seven years. He explained the board's review was prefaced by a statement about the issues the board could consider, inviting participants to pursue other forums that were available to address other issues, such as zoning, parking, building height, etc., and inviting comments on how to make the

building fit more compatibly within the context of the area. He noted the board received great information from the public that was usually incorporated into the design. He commented that training of the board's chair was essential to the efficient operation of the board.

Councilmember Plunkett referred to Mr. Hinshaw's comments that heights didn't matter, noting that he agreed as long as the height was within the existing height limits but would disagree if the intent was for taller buildings.

Councilmember Dawson commented the buildings the Council liked were the older buildings and none of the taller/larger buildings Mr. Hinshaw displayed were examples of good development. She noted the Council could agree on what they wanted the first floor to look like; the disagreement was the building height. She noted the problem has been with what occurs on the first floor to achieve the overall building height.

Council President Pro Tem Orvis agreed the issue was height. He preferred to consider entryways independent of heights.

Councilmember Olson commented that most of the buildings the Council did not like were built that way because of design regulations, such as modulation and allowing a height of 25 feet, plus 5 feet, in exchange for modulation. Mr. Hinshaw commented, on a sloping site, the current method of averaging resulted in a box that was tall on the low side and shorter on the high side. He suggested the City develop a method that would result in buildings stair-stepping down the slope, which would reduce the building mass.

With no further business, the Council meeting was adjourned at 8:43 p.m.