

**Mayor's column for
The Beacon and The Enterprise
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Last week I wrote about the genesis of “roof modulation,” which allows a building to add five feet of height in return for what the 1997 City Council hoped would be a more attractive product. This week I’m taking a look at a new proposal to raise the building height an additional 36 inches in exchange for several design modifications.

The Planning Board has made its recommendation to the City Council on the suggestion to raise the building-height limit 36 inches in parts of downtown Edmonds. A case was made before them that the first-floor ceiling heights of new construction in mixed-use buildings was too low for effective retailing, and that if the building height was raised 36 inches, it would create more user-friendly retail space on the ground floor, with two floors of housing units above. People living and shopping downtown meets any number of goals that our comprehensive plan calls for. A thriving downtown feeds upon itself and creates a space that all of Edmonds’ residents can enjoy, not just those who live downtown. And, of course, the economic and sales tax benefit to the City is a positive thing.

The Planning Board also added several provisions for building design if a builder wanted to take advantage of the extra 36 inches. For each foot in height, the building must be set back from the sidewalk the same distance. So, up three feet in height, back three feet from the sidewalk. That would create wider sidewalks downtown, which I clearly would welcome. The design also has to provide for first-floor weather protection above the public sidewalks. And, of course, the first floor will have 12-foot ceilings to accommodate retail space. (In my mind, it should specifically be retail not commercial space. Retailers need 12-foot ceilings, whereas real estate firms, insurance agencies, and other service businesses do not.) The Planning Board also added design guidelines to eliminate “big box” buildings.

My staff and some Councilmembers have recently asked me where I stand on this issue. I have responded that first and foremost it is a City Council policy decision, not a mayoral decision, not a staff decision. For the record, I have mixed feelings. Read on.

Does the Planning Board’s proposal make sense? Let’s take a quick look. I believe that three-story buildings make economic sense from the City’s perspective. We have had three-story buildings around town for quite some time. Should there be four-story buildings in the BC zone? I don’t believe so, nor has anyone proposed them. Retail and/or commercial use on the ground floor is an acceptable and preferred use in the downtown business district. And housing units on the second and third floors is the acceptable and preferred use of the upper stories in the downtown core.

So, then, what is the downside? Over the past several months there was considerable public comment, and some folks even gathered signatures on a petition asking that the additional 36 inches not be considered. The most notable and reasonable objection was the possibility of view blockage from existing buildings. Although no one has yet defined what a “view” is, for this discussion, let’s consider a view to encompass the Sound and Olympic Mountains. It is certainly possible that adding 36 inches in height to a new building could block somebody’s view. The construction of a new building

downtown under today's codes has blocked some views, and this will continue to happen even without a code amendment to allow 36 more inches.

While I can easily see the City's economic gain created by the additional 36 inches, I struggle with an ordinance that may instantly block someone's view. So how do we go about protecting the views of those who bought their property in good faith only to have the rules changed after their purchase?

Many times over my nine years as an elected official I have thought, because of the sensitivity of the building-height/view issue in Edmonds, that each new proposed building should be looked at individually on its own merits rather than just be approved or rejected by code language. I've wanted to propose to the City Council that if they approve the recommendations of the Planning Board they also consider adding a step in the process that I believe would offer affected property owners one more line of defense: whenever a project was designed that would take advantage of the extra 36 inches in height, it would be subject to a public hearing and City Council approval. Those allowed to testify at the public hearing would be only those folks within 300 feet of the proposed project. Why only those folks, you may ask.

The increased building height issue has become such a lightning rod that it has turned emotional rather than rational. A newly proposed building has an immediate and longstanding effect on a finite group of individuals, those who live adjacent to it. Three hundred feet is a long ways when you are talking about how a building affects its neighbors. The idea of Council approval and a public hearing to hear from those who are truly affected isolates each project on its own merits, its location, and the people who are most affected. My thought being that only those citizens truly affected should weigh in on a project's merits.

However, in the building/planning/engineering world, rules have to be black and white. When I proposed this idea to staff, they asked some hard questions, such as, under what rules could the City Council turn the project down? My answer was that if it blocked someone's view, they could vote no, and if it didn't block a view, they could vote yes. I was told that wasn't a legal criterion to turn down a project. If the code said a builder could utilize the extra 36 inches, a Council couldn't turn it down over view blockage. So much for that idea!

Then I asked why the Council couldn't just go parcel by parcel in the BC zone and designate certain properties eligible to go to 33 feet while others, those which would create view blockage, would be required to stay at the current 25 feet, or 30 feet if roof-modulated. Again I was stymied by the law. That would be called "spot zoning" and is illegal. A property owner could sue if his building was not allowed to do what other property owners could do.

So just how many new buildings are we talking about that would potentially create view blockage? Many mixed-use buildings have been built over the past several years, and they won't be replaced for 50 years or so. In addition, the Planning Board suggests that the buildings at Fifth and Main be exempt from the new ordinance. So, in an effort to see the potential impact for myself, I recently walked around the entire BC zone. I observed the age and height of the existing buildings. I paid attention to upland sites and imagined what might happen if a 33-foot-tall building were constructed on certain parcels. Clearly, there are some parcels where a 33-foot-tall building would block views, and others where it would not.

My staff estimates that an average of one of these projects would be built per year. Therefore, if the Council approves of the Planning Board's recommendation, I suggest that this proposal/ordinance be reviewed one year after its implementation, and every year thereafter to determine its effects. By reviewing yearly, it gives everyone an opportunity to take a rational, logical, year-long look at how the process is working. And the Council could move quickly to repeal the ordinance if they found it detrimental.

This will be a very difficult and emotional decision for the City Council. As I've thought about it, I see the pros and cons. My strongest recommendation to the Council (and anyone else interested) would be do what I did last week: take a map of the BC zone and walk the entire zone. After doing so, I came away with an interesting perspective. First of all, there are some areas that I would remove from the proposed 36-inch-height increase zone. Secondly, I was less concerned with height than with potential lot-line-to-lot-line development and building massing.

I tried to find some middle ground on this subject that would make everyone happy. I failed, but I haven't given up yet. So if you have any ideas, let me know. I hope the Council can find a solution that balances the concerns of all. Of course, it's easy to say "keep the code as it is today," and just as easy to say "raise it 36 inches and move on." It's also easy to make your case for either of those positions. The real answer, the right policy, is to try to find a happy medium that appeases everyone. That may be impossible here. I'm glad I don't have to make this decision.

As I did last month, I invite you to contact the Councilmembers and let them know how you feel. They will hold a public hearing on this topic next Tuesday, February 15 in Council Chambers. I wish them the best of luck as they deliberate. And I leave you with my request for you to walk the BC zone and draw your own conclusions.