

PLANNING BOARD MINUTES

July 24, 2002

Vice Chair Jim Crim called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

PRESENT

John Dewhirst, Chair
Jim Crim, Vice Chair
Virginia Cassutt
Cary Guenther
James Young
Janice Freeman
Wayne Zhan

ABSENT

Joanne Noel

STAFF PRESENT

Rob Chave, Planning Division Manager
Karin Noyes, Recorder

Ms. Noel was excused from the meeting.

READING/APPROVAL OF MINUTES

MOTION BY MR. CRIM, SECONDED BY MS. CASSUTT, TO APPROVE THE MINUTES OF JULY 10, 2002 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

REQUESTS FROM THE AUDIENCE

Ron Gard, 1114 – 8th Avenue South, asked that two corrections be made to the June 26 minutes. His property is shy 120 square feet of land, not 125 square feet as the minutes indicate. Also, the minutes he referred to were dated October 25, 2000, not October 25, 1999.

Mr. Gard noted that a discussion of the Comprehensive Plan amendments is schedule on the Board's agenda as new business. He said he assumes that the buildable lands report will be part of this discussion and be applicable to his request to change the lot size requirements to allow him to subdivide his property.

Mr. Dewhirst answered that as the necessary information becomes available from the staff, the Board will deal with the buildable lands issue. They do not have a definite schedule for this process. It is possible that the Board will proceed with the Comprehensive Plan amendments independent of the buildable lands report.

PUBLIC HEARING ON FILE NO. R-2002-101

The following is a verbatim transcript of the public hearing.

Mr. Dewhirst: Before we get into this, I am required to ask. Does anybody in the audience have any problem with any of the Board members hearing and deliberating on this issue? Seeing none, proceed with File No. R-2002-101—an application by AD Shapiro Architects for a contract rezone from Single-Family Residential (RS-6) to Community Business (BC). The proposed rezone is to allow for an underground parking garage and mixed-use development on the western-most 15 feet of the lot. The property is located at the vacant lot east of 515 – 5th Avenue South. Staff.

Mr. Chave: Okay. This is, again, a rezone application, such is a quasi-judicial recommendation by the Planning Board to the City Council. The City Council holds a closed-record review of the Planning Board's recommendation. So, essentially, they will get a transcript of your hearing. So anyone who is interested in making a point in favor or against this item, it would behoove them to do it tonight because you are not going to be able to bring up anything new at the City Council. That being said, the other point to note here is this is an application for a contract rezone, in that there is a specific set of stipulations that the applicant is offering to the City in order to clarify or amend the zoning classification so as to be more consistent, for example, with the City's Comprehensive Plan. I think when the Board gets to questions about the proposal, and so forth, I think the thing you have to remember is you can't add conditions or modify the conditions that the applicant is offering. You can ask questions, indicate whether you are in favor of or finding fault with some of the findings and so forth. If the applicant chooses to offer additional conditions, and so forth, that is up to them. But it is not something you, as a Board can impose. So just a reminder. That being said, I think it is also helpful, under these kinds of circumstances, if during the applicant's presentation you direct questions and so forth regarding their contract and conditions and so forth, at the applicant. Have that discussion with the applicant. You can do that when they give their presentation at the beginning of the hearing.

Mr. Chave: In any case, at this point, I just wanted to call your attention to the staff report. The Comprehensive Plan, as you are aware, does not have a hard line. In other words, there isn't an indication in the plan whether or not this particular property should be zoned commercial or residential. It is on the border, so you have some flexibility or discretion in ultimately deciding what it should be zoned. I think that is, in good part, the reason for the applicant bringing forth the conditions they have. So in other words, they are trying to use this property, in staff's opinion, truly as a buffer between the commercial property, which fronts on 5th Avenue, and the residential properties, which march up Holly Drive. You will notice in their proposal, essentially, there will be development activity subsurface (below the surface of the lot), but the majority of the property between the current commercial property and the residences further east is actually going to be buffer. Considering that a single-family home could otherwise be built on this property, this probably affords more of a buffer between the adjoining single-family development and the commercial on 5th Avenue than simply building a house on the property would accomplish. So from that standpoint, it seems to be a situation where, under the terms of the contract, there would actually be an improved buffer between the commercial and the neighborhood. Beyond that, I think if you have any questions, I would be happy to respond. Otherwise, the details are in the report.

Mr. Dewhirst: Does anyone have any questions of staff at this point? Okay. I will open the public hearing and give the applicant a chance to address the Board.

Mr. Gregg: My name is Bob Gregg, and I am the applicant for this property. Picking up on what Rob has said, I think the two points we would like to make are what the current zoning is versus what we propose it to be. The first point is our foundation and why we are asking for a change. To orient everyone, this is the corner of 5th and Holly. The house is right here, and the vacant lot behind it is this area right here. The dimensions on this property we are developing from here to here are 99 feet. On the development on 5th and Walnut, which I am also doing, they are 110 feet. The dimensions east to west are 117 feet here versus 120. What is relevant about that being three feet shallower and 11 feet narrower, it is extremely difficult to get the ramp into the underground parking. The 5th and Walnut project has the maximum grade ramp that can be done, and even with that, you can't park across the east wall. So it is not a very efficient parking lot, and it is barely doable. With 3 feet less in one direction and 11 feet less in the other, it makes the 5th and Holly property pretty difficult to do underground parking. With the extra lot behind it, our primary motivation is to use that as underground parking. In fact, rather than building less parking than is required by the zoning and tying off the spaces for the tenants, they are actually

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proposing to build more parking than is required by zoning. That is unique. It is not necessary to provide this additional parking, but it does help the development as well as the community.

Mr. Gregg: The current zoning would allow a single-family residence to be built in either an east/west or north/south or some configuration to within five feet of the property line. The current zoning code would require a five-foot setback here. If we were asking for an actual rezone of the property to BC, it increases the five feet to 15 feet. But we are not asking for a rezone of the property. We are asking for a contract rezone, which limits the use to what we offer in the contract. That is to increase the buffer not from 5 feet to 15 feet but from 5 feet to 45 feet. So the proposal . . . The first line is what the current zoning is, and this is what we are asking it to be. Here is the buffer we propose. This is about a 45-foot buffer under which there would be a parking garage, not visible above grade. Another significant difference is the access. We propose the access to be off of 5th Avenue, the same way that the development is being built, as opposed to off of Holly Drive, which current zoning would allow still here. If left as it was, someone could build a house here eventually, and they could put in a 3-car garage, with a teenager, you know, 3, 4 or 5 cars could be used in this. It is kind of good to point out that Holly is bigger than an alley, but it is smaller than a regular street. I think we accurately assessed the neighborhood's view that they would rather not have access here for either the current zoning or this. We are proposing not to have that, so that would be a permanent covenant to block the access from this development from Holly. It is also a permanent covenant that this would remain as a 45-foot buffer.

Mr. Gregg: So we are trying to figure out what the trade offs and benefits are. It is simply better all the way around to use this as underground parking with access from 5th Avenue and give up the active use of the property and turn it into a permanent green space than it is to try and develop a building there. It is not much more complicated than that. With the current zoning, two structures, proposed zoning one structure. Current zoning, 5-foot setback, proposed zoning, 45-foot setback. Current zoning, access from Holly, proposed zoning, access from 5th.

Mr. Chave: If I could just ask that any overheads or exhibits and so forth, if we could get a copy for the record before you leave.

Mr. Dewhirst: Who will control that open space in the future?

Mr. Gregg: This open space would still be part of the private property. It would be controlled by the condominium association for this development.

Mr. Dewhirst: Okay. Any other questions of the applicant at this time? Okay, you will have a chance for rebuttal.

Mr. Shapiro: I am Tony Shapiro, AD Shapiro Architects, 600 Main Street, Edmonds, 98020. I just wanted to make one clarification to Mr. Gregg. We would propose to have access off of Holly just for garbage and kind of maintenance type pick up. We would not be accessing the garage from Holly, whatsoever. But in our preliminary layout of the building, this seemed to be the only area where we could get garbage access. So, that is what we are thinking at this point. Again, we have not really developed this site in any detail, but I just didn't want to leave any misunderstanding on the Board's part that we would have no access whatsoever on Holly Drive except perhaps garbage pickup like the neighbors already have up and down Holly.

Mr. Dewhirst: Okay. Is there anybody who would like to address the Board on this issue, either pro or con? Step up please, and state your name and address for the record.

Mr. Driscoll: My name is Bob Driscoll and I live at 514 Holly Drive. I have a couple of concerns. I read the City's requirements, and we have also read the architect's proposal. On your recommendation, you clearly stated it will be 15 feet in. On his proposal, he said approximately 15 feet. When the contract rezone is written up, will it be written up that it will, indeed, be 15 feet into the contract rezone property? The other problem I have is that it was stated that in the Comprehensive Plan it is hard to define the boundaries of that vacant lot. That leads me to another question. If it is hard to define, would it be a proposal. . . I mean it may be 18 feet, it may be 20 feet, it may be 30 feet. Those are my concerns.

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Mr. Driscoll: The other concern I have is that part of the policy to keep these goals and do the following. Support the mix of uses downtown without encroaching into single-family neighborhoods. That is contrary to the proposal the architect is presenting. The other part of the policy to achieve these goals is to extend downtown westward and connect to the shoreline. We are going east. This is just another of my questions and concerns. The other part is it says they will not put parking on Holly Drive. There is no parking available on Holly Drive. Even if they build on the business/commercial lot, if they have outside parking, it would have to be on the footprint or it would have to be under the building. That lot is still not zoned business/commercial no contract zone. You can't put it on the street, because that street is only 15-feet wide. When the condominium went in south of that road, they brought the road in a little bit so when we came out we had a little bit more access to see. They also put a sidewalk in. But that whole strip outside of the curb area says no parking. We have constant people parking there. Have you ever tried to go left? We were able to get the parking in front of the condominium because we felt . . . We got them to move it back about six feet based on 25-miles an hour coming down. People don't go 25-miles an hour. Try going out of that street on a Saturday, turning left, let alone turning right. You almost get hit. My question is, if they have that building and they said they won't have parking out in there (the bus now parks there when picking up people) what is to restrict them from parking there. Those are my concerns. Thank you.

Mr. Dewhirst: Can you point out on the diagram where you . . . We are having a hard time following you.

Mr. Driscoll: As far as . . .

Ms. Cassutt: You are talking about somebody else is going to park in the bus place?

Mr. Driscoll: Right now, on 5th Avenue there is a condominium here. There is some parking out there. We got the City to move that six to eight feet based on your equation of 25-miles per hour in line of sight. If you park over here, the bus will pick up and drop off. They say they won't move that. Will they or won't they. If the buses are there. . . If you have retail in here, what is to prevent them from parking there. Most of the people on the block are retired and elderly try to go out there, and they cannot see.

Ms. Cassutt: I can't believe that somebody is going to park in the bus zone. I mean, the first time they are towed away, they would learn.

Mr. Driscoll: It has happened on numerous occasions.

Ms. Cassutt: Did they tow them away?

Mr. Driscoll: They give them warnings—verbal warnings. I have never seen a ticket. There is constant parking in the area that is painted on the curb yellow. They have already been taught to not park there. We tell people to turn right, but many people coming up the block thinking this is a throughway and then they turn left instead of right. We hear screeching quite often. The bus zone is great if they don't park in it. But once you put a retail there, if they want to make a quick in and out, they are going to park there.

Mr. Dewhirst: Okay. Thank you. Anybody else?

Ms. Lightfoot: My name is Linda Lightfoot. I live at 504 Holly Drive, which is the condominium that is south of the proposed project. A couple of things. I don't know that I am totally against it, but I am not totally for it. Bob has mentioned some of the concerns that I have relative to this. Staff talked about the Comp Plan being. . . There is no real defined line in terms of where mixed-use goes and where the single-family zoning is. Therefore, there is flexibility. But there is just as much flexibility in keeping this lot single-family as there is flexibility in using part of it as part of this project. The only question I had was in the applicant's SEPA checklist, it was indicated that there was . . . It was referenced that there was no water within 200 feet. No streams or water within 200 feet of this project. I am not so certain that that is true. I don't know how wide our lot is. I didn't measure personally, but knowing the width of a football field, there is a stream just on the other side of the condominium project, south from where I live, and it is within 50 feet for sure of our project. I am not sure the wetlands issue has been totally addressed here, without someone specifically measuring that distance. They said there was

no wetlands. I am assuming that there was no wetlands study done, but I am assuming that something would be checked as far as that is concerned.

Ms. Lightfoot: I also share some of the same concerns that Bob mentioned in terms of specifics. I think the concept of creating a buffer between the commercial and the residential is a good idea. I support that concept. The 15 feet seems an okay reasonable amount of space, although I go for ten. Nevertheless, in reading the contract rezone agreement, itself, which I assume is the only real document we have to make this final. . . The contract rezone agreement is not at all specific in terms of . . . I would much rather see the rezone agreement read, “An extension of the mixed-use building along the western approximate 15 feet of the site.” I would rather see it say “no greater than 15 feet of that site” and then above grade open space on the east property line of approximately 45 feet—at least 45 feet should be open space. That is not cut and dried. That was referenced in more than one place within the contract rezone agreement as being approximate and not definite.

Ms. Lightfoot: The other thing that was mentioned in that is that the maximum height permitted for the structure shall be 30 feet as measured from an average grade according to the City of Edmonds Community Development Code requirements. Well, I don’t understand for sure as far as what the zone requirements are in determining that 30 feet. Is it from the far east line of the lot we are rezoning or is it from a line 15 feet in to that vacant lot. What is the point from which that 30 feet is being established.

Ms. Lightfoot: Also along those same lines, I was on the internet today just trying to do a little bit of research trying to get the agenda for tonight’s meeting. I thought, “Well, I will just look at the minutes from the last meeting.” Mr. Gregg had mentioned that new guidelines were being developed for architectural design review, and that he had addressed the Board concerning that whole review process. It appears as though there was some discussion about an increase of five feet in height being allowed under those new architectural design review. . . No, I can see him shaking his head. That is not the case. Then I misinterpreted that. It will still remain 30 feet?

Mr. Dewhirst: The basic height limit is 25 feet. If they do certain things with the roof they can go an additional five feet. Thirty is the absolute max.

Ms. Lightfoot: So that five feet referenced in there is the difference between the 25 and the 30?

Mr. Dewhirst: Correct.

Ms. Lightfoot: The other concern I have about that whole thing is Mr. Gregg willing to be the guinea pig on this project for that whole design review process. I am not sure I am simply in favor of having a project go in. . .

Mr. Dewhirst: That won’t happen. The Council has not adopted anything yet. This Board just sent it to the Council our last meeting. The Council has a long process before any adoption. If he files for a building application in the next six to eight months, it will not fall under the new guidelines.

Mr. Chave: Just to clarify. It depends on their timing of development. If they develop five years from now and we have new design guidelines, they would most certainly fall under them. I think the Planning Board, and the Architectural Design Board, when they were reviewing these new guidelines, the intent of those was to provide more specificity not less guidance. In other words, the protection is supposed to be greater than we currently have under our design regulations, which are fairly vague. The idea under the new design guidelines was to be more specific and probably get better-designed buildings as a result. That certainly is the intent.

Ms. Lightfoot: Is the intent to allow more public input or less public input?

Mr. Chave: I think under the process the Planning Board approved, it is essentially the same level of public input. A building of this type of size would still have a hearing.

Ms. Lightfoot: With that, I share Bob’s concerns about parking issues and the effects of retail. This is located in a partially single-family zoned area and then adding retail, if I am correct, on both the west and south sides.

Mr. Shapiro: Not on the south. (He was not at the microphone, so I cannot pick up what else he said. He said something to the effect that retail would be facing 5th Avenue and that the visual link to Holly Drive would be minimal.)

Mr. Chave: Tony, we need to get you on the mike, so if you would reserve your answers for later.

Ms. Lightfoot: My concern about. . . The concern I have about additional parking, is whether additional parking is going to address retail needs in that area. Gerardi's is already there, and parking is already an issue in that area. The Chinese restaurant put out signs for people not to park there because there is limited parking in that area. If we add additional retail, and the fact that the bus stop is there, my concern is that you are going to get parking along Holly, and that is already a somewhat narrow street. People will park in there to go to the retail shops. I don't know that the traffic study has been completed yet to know what the effects of that proposed study will reveal, but these are definite concerns. We have some older people who live in the condo unit that I live in, and they darn near get creamed because of visibility on that corner. That doesn't mean that something can't be done about it, but to do something about it means restricting more parking again. Thank you.

Mr. Dewhirst: Thank you. Anybody else.

Mr. Gard: Ron Gard, 1114 – 8th Avenue South. I guess I find it a little ironic that the City seems to be jumping on this request, when I have been trying for five years to do something with my property. My property is just on the west end—excuse me, east end—of Holly. At the time I proposed a multi-family, the City was totally against it and of course the neighbors were. I understand, and I appreciate that, too. I just don't understand why it is significant to allow this. Basically, it seems like year after year the City discourages single-family housing. They keep encroaching on single-families. Holly is a very narrow road, and it is very dangerous. The neighbors have already stated as such. A lot of elderly people do live there. I just don't find the need for this. I understand, again, where this comes from. But I am totally opposed to it based on our property experience with the City. I guess I have to have answers as to what the justification is and why the rezone request is so important to the City.

Mr. Dewhirst: Thank you.

Ms. Beck: I am Melinda Beck and I live at 550 Holly Drive. (I can't hear her comments on the tape, but using my shorthand notes, I was able to summarize. She pointed out that Holly Drive has always been a single-family neighborhood, and she would like to keep it that way. She said that Mr. Gard wanted to completely change the zoning on his property to allow for multi-family development. The neighbors spent a lot of money to uphold the community development code, and now Mr. Gard wants to put two houses on a piece of property that is zoned for only one. She concluded that Mr. Gard's request is different than the proposed contract rezone.)

Mr. Dwyer: I am Joseph Dwyer, 529 Holly Drive. I have lived on Holly Drive since 1976. If people are familiar with Walnut Street from 5th Avenue to 6th, on the south side of Walnut there were single-family houses all along that whole section. Now there are condominiums. No one on Holly Drive objected to the condominiums being built because they were legal. Now they want to put a building on this vacant lot, which really bothers me when it is described as a vacant lot on 5th Avenue. It is on Holly Drive. Holly Drive has single-family residents all the way up to the top of the hill, and I don't think there is any reason why the category should be changed. They could put a building on that site using the zoning that is available. If they want to make the building larger it should not be at the expense of single-family residents. If they include the single-family lots, Holly Drive has a grade that encompasses that single-family lot and would raise the grade based on the City's height calculations. This could result in additional building height. I live in the second house up from the vacant lot. The greater the height of the building, the greater the view loss will be for me. When they built the first condominiums on Walnut east of the Hong Kong Garden, he lost most of his view, but he didn't raise an objection because it was legal. When the assessor came around the following year he asked if anything had change. We said yes, we lost our view. He gave us a \$5,000 reduction in our assessment. Any increase in the height of the building will cause more of a loss of view for us. I see no reason, other than someone trying to make more money. I am against the proposal.

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Mr. Dewhirst: Thank you. I will give the applicant a chance to rebut some of the statements that have been made.

Mr. Gregg: My comments are more of the nature of clarification than actual rebuttal. I think we can start with the question that was raised about the new guidelines. As we stated, it was the process that was going to change. The process was to include more public input. While it didn't get approved to be changed, we were willing to be the guinea pig on it and to participate in having more public input earlier on in the design and development of a project. We have attempted to do that by inviting the neighbors in despite that it is not required. We will do it again during the design process even though it is not required. That is just our clarification.

Mr. Gregg: In regard to the plus or minus 15 feet. That is not in there to leave room for hidden agendas. It is because the single-family lot is approximately 61 feet. It is not exactly 60 and it is not exactly 61, it is approximately 61 feet. Our intention is to make it clear, and I understand that we can offer things that you may not be able to ask for. We would like to share with the community that the buffer would be 45 feet or greater. Our intention is not to encroach more. Our intention is to adjust out that 61 plus or minus feet that the lot is going to survey out at.

Mr. Chave: Are you saying B on your second page of your contract would be changed to read "will provide a 45-foot or greater open space.

Mr. Gregg: Correct. I believe that would clarify and take out any . . . There is no intention of a hidden agenda, and this would preclude this problem.

Mr. Gregg: With regard to the stream question, there are two issues that were raised. One was a wetlands issue and one was a stream issue. They are separate. There is not a wetlands issue there at all. There is a potential issue of distance from a stream. But the intent of that ordinance is that it is actually the condominium that the lady lived in near the stream . . . When that was built, the idea of building that was not to encroach or impede or damage the bank of the stream above. That condominium would probably not be allowed in the current zone, but it was built under previous zoning. Our project is buffered by Holly Drive and by the existing development that is between us and the stream.

Mr. Gregg: In regards to parking, we will do everything we can. I can't keep people from parking in the bus zone, but the City can. I think that the design review process that will occur subsequent to the contract rezone will give ample opportunity to address the parking issues and help mitigate the parking issues. There will have to be a traffic study done by an independent engineer. Issues such as how to provide sight lines coming out of Holly Drive north or south will be addressed in that traffic study, which is part of the public process, as well. They will have ample opportunity to try and address those concerns and deal with them. I think the parking will be adequately addressed in the design review process.

Mr. Gregg: With regards to the height, we haven't designed the building, itself. They haven't determined what the exact height of the elevations will be. What would be allowed would be taking the average of these four corners. I will just state that our intentions actually. . . Instead of doing the maximum we could request, our intentions are to take the two corners that are out on Walnut that will actually lower the height of the buildings. The building will end up being lower than the height that would actually be allowed on the site. The future thinking is that if the Hong Kong Restaurant comes available, it would be added to the development. You can't build this building to the maximum height possible because these are at a lower height. Height would be a design review issue, and the public will have an opportunity, again, to address the height of the building. I am just telling you in advance that our intention is not to use the four corners, which would technically be allowed, but to use the four corners. . .

Mr. Dewhirst: Any Board member have any questions?

Mr. Young: This should probably correctly be addressed to Mr. Shapiro, but you can take a shot at it too. Now, the way I understand this, you are going to basically consolidate a lot that is already zoned BC. Your proposal is to consolidate a lot that fronts on 5th Avenue and is already zoned BC. You are going to construct a building somewhere within a footprint no greater east than the westerly 15 feet of the current property line of the lot in question. Now, underneath all of that is open landscaped area, which is about 45 feet wide, you are going to have parking that will be in excess, did I understand it correctly, of what the code would require for the commercial building that you are proposing on that corner?

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Mr. Gregg: The exact count of the parking, how much in excess it is, is related partly to what uses the space gets used for. If an architect rents it, his parking requirements, by code, are lower than if a hair salon rents it. But if we take the maximum case, assuming these are all retail where you are using a 1 per 200 square foot, you would need to provide parking for the condominiums and one stall for every 200 square feet of retail. That would be the maximum. But then Edmonds has an additional caveat that you can also provide fewer parking spots if a developer pays an in lieu of fee. Our goal is that if they can't park on the back row, they will be down to just barely meeting the code requirements. But if they can use the back row for parking, they would be able to provide more parking than is required even if they had full retail and full condominiums.

Mr. Young: Basically, it sounds like a really good idea. I mean, the point about it being farther setback from the house next on the lot to the east by a factor of whatever the minimum setback is there. What did we say, 5 feet, 10 feet or whatever. Whatever is going to get built is going to be several times farther removed from the house on the east than it would be if it was sold as a single-family lot and developed. Probably, if you are addressing the parking by considerably extending the parking beyond the above grade footprint of the building, the parking certainly isn't going to be any worse for this building than it is now, and it could conceivably be even better. As far as the traffic generated by a single-family home, I mean you have no control over that because, like you say, you don't know how many . . . I mean a family could move in there with a kid like mine who loves his cars, and could put several of them in there and have his friends coming and going. The garbage access, I mean, to me that is almost a non issue. The garbage truck is going up and down Holly Drive anyway. It is just one more stop. Now, unless I am missing something, what you have got is 45 feet as a lid over covered parking.

Mr. Gregg: That's correct. I guess the other comment that I should have made is that I think this is a little bit of a misnomer that this is being up zoned from single-family. It is not being up zoned from single-family, it is being down zoned from single-family to no-family. This is going to never be developed above grade. We are not pulling a multi-family back into a single-family. We are putting underground parking that cannot be seen from above grade. I thought I would make it absolutely clear. This is not grade level parking that you are going to see. This is true underground parking.

Mr. Young: There is no planning definition for down zoning and up zoning. It is kind of in the eye of the beholder. I just wanted to clarify for the benefit of the audience. Parking and views are hardly new issues down there, but what you have got is a situation where there is more parking provided than there would be if that lot were developed by itself and that was left as a single-family lot to the east. I wanted to verify that I was interpreting that correctly.

Mr. Gregg: You are absolutely correct. The buffer will be increased from five feet to 45 feet, which is nine times greater. If we were asking for this to be just up zoned to BC and that we be allowed to do whatever we want, we would still be offering three times the current buffer. We are trying to address the major buffer between the mixed-use commercial that is going to be built here and the single-families that are back here. When we talk about building from the west towards the water, this lot is one of the ones that is slated by the master plan to be redeveloped.

Mr. Dewhirst: Any more questions?

Mr. Chave: I have just one technical suggestion. The top of the second page of the contract has an item that says the "maximum height permitted in a structure shall be 30 feet as measured from an average grade according to the City of Edmonds Community Development Code Requirements." My suggestion would be not to reference the 30 feet because the code requires 25 feet plus five for modulate roofs. To avoid confusion, I think it would be better to have it stated as "the maximum height permitted in a structure shall be as permitted in the BC zone and as measured from an average grade according to the Development Code."

Mr. Gregg: That is our absolute intention and . . .

Mr. Chave: I think that is the intent and would clarify what is intended.

Mr. Dewhirst: Okay, we will close the public hearing. I have a question for staff. Rob, height has come up and how you want to measure height from a non-flat parcel. Could you just sort of inform folks about that please?

Mr. Chave: The height in the City is measured by essentially taking the four corners of a structure and taking the average grade of where those four corners are. For example, if two of the corners are down at an elevation of 100 feet and the other two corners are at an elevation of 110 feet and there was an even grade on the property, the average grade would be in between 100 and 110 or roughly 105 feet, and you would go up from that 105-foot baseline. Since this property is sloping, you would be dealing with an average situation where the height would be calculated from. . . That being said, I would also point out that when you are dealing with two separate lots, the currently zoned BC lot facing 5th and the residential lot further up Holly Drive, you would be dealing with two different height calculations. In other words, the single-family home would be calculating its 25 feet from a higher point baseline than would the commercial building situated down on 5th Avenue. Under their proposal, if they are constructing one building, it would be a single building that would have the footprint calculated that way.

Mr. Young: So in other words, then if I could, and I think something that should come up in the architectural design review, as well. The preservation of whatever remains of the folks view to the west, people who live to the east of there, is actually better under this proposal than it would be if somebody built a fully built out single-family dwelling on that street because you are taking your 25 feet starting from a higher point to begin with. I think that is the point you were getting at, isn't it Rob?

Mr. Chave: Yeah. I mean without having a detailed survey of the contours, we can't be certain. But that would be the implication that probably what you are getting in this instance is a larger buffer and an overall building that is no higher than the combination of the house and the building that you would have otherwise.

Mr. Dewhirst: Okay, I will remand it to the Board. Any further discussion or questions?

Mr. Crim: I live on Hemlock Way, so I am very familiar with the problems of traffic pulling out onto 5th, and I can certainly understand that concern. But I do think that the time to deal with that is during the architectural design review and the sight lines and so on that are coming out. I really think that this proposal provides a very desirable buffer between the BC zone and the single-family residences to the east. So I would be in favor of sending this on to the Council with a recommendation for approval.

Mr. Young: Is that a motion?

Mr. Crim: No.

Mr. Young: Okay. I guess my only question is, is the language in here clear enough to keep that 45-foot buffer. Did we clarify that? I know there was some question about that.

Mr. Crim: I thought we did. Item D on the second page of the contract rezone, I rewrote mine to say "in exchange for the contract rezone, the owner will provide a 45 foot or greater open space from the east property line."

Mr. Young: Okay. I thought I had heard that. Just so long as we have got it in there.

Mr. Crim: I didn't get a wording on how or if we were changing Item C on the maximum height.

Mr. Chave: I think the applicant, there stated he was offering an amendment so it would read, "The maximum height permitted in a structure shall be as permitted in the BC zone and as measured from an average grade according to the City of Edmonds Community Development requirements." There would be no reference to 30 feet. The 25-foot height limit in the BC zone would apply plus five feet for a modulated roof.

Mr. Dewhirst: Just for consistency, add the "or greater" in Number 4 and 5 on that same page.

Mr. Chave: Is that the intent of the applicant? Okay.

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Mr. Crim: Just to get this off and running, I would move that we forward the contract rezone onto the City Council with a recommendation for approval.

Mr. Young: I will second that.

Mr. Dewhirst: Okay. We have a motion and a second for approval of this. All those in favor say I. (The motion was approved unanimously.)

Mr. Dewhirst: Okay. This will go to the City Council with a unanimous recommendation for approval. They will be advertising another public hearing at the Council on their agenda.

Mr. Chave: It will be scheduled before the City Council, and anybody who is present here will receive a notice. Anybody who testified here is also able to testify at the City Council. You won't be able to raise any new issues, but you can speak to any that you did raise tonight or that are part of the record.

Mr. Dewhirst: Do you have an approximate time this might be on the Council agenda.

Mr. Chave: Typically, it takes anywhere from 30 to 45 days. Something in that range.

This concludes the verbatim transcripts of the public hearing.

SUMMARY OF SPECIFIC COMPREHENSIVE PLAN AMENDMENTS AND REQUESTS FOR 2002

Mr. Chave referred the Board to the document provided by staff outlining the proposed Comprehensive Plan amendments that the Board will be considering this year. He advised that the Board members should expect to receive more information on each of the items over the next few months.

Mr. Chave advised that some of the more significant amendments will be associated with the comprehensive update of the Comprehensive Plan Map, which would transform the conceptual plan map "bubble" into parcel-based "hard-edged" boundaries. As previously discussed with the Board, the conceptual plan has served the City well since its initial adoption in 1995, but as a regulatory tool, hard-edged plan designation boundaries make the plan map easier to understand and interpret. Since the plan map and the zoning pattern seem to be very stable, staff is now proposing amendments that would make the plan map more definitive.

Mr. Dewhirst inquired how the staff intends to advertise the amendments to the plan map. Mr. Chave answered that if there are no implied or proposed changes in a zoning designation, only general advertising will be provided. Where there is a potential, based on the existing zoning, that a change in the map might imply that a change in zoning could result, the City will provide specific notice to these property owners, as well as adjoining property owners. Staff does not anticipate that many significant changes would be proposed. He further explained that if staff, when drawing the new map lines, find that an underlying zoning designation is not consistent, they will specifically advertise the proposed amendment to the property owners. Staff will clearly identify all of the properties affected before the public hearing is advertised.

Mr. Chave advised that another set of amendments are related to the Transportation Element. This is scheduled to come before the Board at their first meeting in September. At that time, a substantial amount of material will be presented by the consultant and staff, including information related to proposed projects and system improvements.

Mr. Chave reminded the Board that another significant amendment is the Public Urban Design Plan. The Parks Department should be ready to present a draft plan to the Board during the third quarter of the year. An update has been scheduled for the second meeting in September.

Mr. Chave said that also on the list of proposed amendments are two specific rezone requests. The first is for property located at 410 4th Avenue North, which is currently zoned public. The request is to change the plan map designation and

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zoning to high-density multi-family (RM-1.5). The applicant is the property owner, Puget Sound Christian College. The second rezone request is for property located at 9521-31 Edmonds Way, which is currently zoned single-family (RS-8). The applicant, H.P. Lammersdorf, is requesting to rezone the property to high-density multi-family (RM-1.5). Mr. Chave reminded the Board that since these two issues are both quasi-judicial matters, the Board members should refrain from having any ex-parte discussions prior to the public hearings.

In addition to the major amendments that have been outlined in the memorandum, Mr. Chave said staff also intends to review the Comprehensive Plan to identify the minor inconsistencies, and propose corrective amendments. The Board will also be considering the new zoning proposal (BR—Business and Residential Mixed-Use zone) for the property in the vicinity of the hospital/medical activity center. He reminded the Commission that they agreed to table this item until further information was available from the transportation plan update, since traffic was raised as a potential issue during previous Board hearings on the proposal.

Mr. Chave distributed large copies of the proposed Comprehensive Plan Map, identifying the work in progress. He said the intent is to adopt this type of map as part of the Comprehensive Plan to clearly identify the land use designations. He said that in addition to the new BR zoning proposal, the Board would also be reviewing the park and open space and public zones. Right now, the plan designates parks and open space and public areas separately. When the City Council considered the community facilities regulations, it was their intent that the regulations would result in a zoning change to remove the public use designation from the various school sites. The challenge before the Board is to either identify the school sites on the map as public uses but provide text to clarify that the underlying zoning is residential or to identify the school sites as residential, and then make notations on the map identifying them as school sites. He said staff's inclination is to do the latter.

Mr. Crim inquired if the maps could be reproduced into something that could be projected on the screen during the Planning Board Meetings. Mr. Chave answered that staff could place the maps in a computer program that would allow the Board members to have access to all of the maps on their own computers. He said that this project is proceeding quickly, and it is staff's goal to have a map showing all of the proposed land use lines for the Board's review at their meeting in August. He noted that a review of specific areas of concern on the plan map is scheduled on the September 11 agenda. This will allow the Board to review the map and highlight parcels that are of particular concern to them.

Mr. Young recalled Mr. Gard's request that the Board consider an amendment that would allow him to subdivide his lot, even though it is a little shy of the space needed to subdivide at this time. He inquired when this issue would be placed on the Board's agenda for consideration. Mr. Chave answered that Mr. Gard has always had the ability to apply for a code amendment on his own. Staff has also advised Mr. Gard that this issue could be one of the discussion items as part of the Board's buildable lands review since the Board will be reviewing a laundry list of actions the City could take to increase and encourage single-family infill development. However, staff has been clear that the Board does not have to recommend any changes to the lot size requirements this year. Mr. Young recalled that it appeared to be the Board's general consensus that these types of issues are the kinds of decisions staff is capable of making if the code requirements are changed to allow the use to occur.

Mr. Chave explained that there are other provisions in the code for non-conforming lots that allow a property owner with two lots that were subdivided years ago to develop even if the lot sizes do not meet the code requirements. Ms. Freeman inquired if there are code requirements to ensure that the development on substandard lots is in proportion to the lot size. Mr. Chave explained that there are lot coverage and setback requirements that still must be met.

Mr. Crim inquired if it is possible for Mr. Gard to apply for a contract rezone to allow him to subdivide his property into two lots. Mr. Chave answered affirmatively. Mr. Crim asked that Mr. Chave provide the Board with a brief history of this property to date. Mr. Chave suggested that staff provide the minutes from the meetings in which this property was previously discussed by the Board. The Board agreed that this information would be helpful.

Mr. Young said he would still like the Board to consider whether or not Mr. Gard's request is something the Board may want to encourage. He said that, theoretically, the Board should be encouraging this type of infill development. He felt that giving the staff some latitude to make these decisions would be appropriate.

Mr. Chave said that at one time, the City allowed setback adjustments where property owners were allowed to modify the setbacks. This process was removed because the City found there was no criteria to use when determining whether a setback adjustment should be allowed or not. They found that setback adjustments were actually being used to build larger buildings than what was normally allowed in the zone. He suggested that setback adjustments, if criteria is provided, would be a better method than variances for tweaking the location of buildings to avoid view and tree issues, etc.

STAFF REPORT

Mr. Chave reported that the City Council approved the rezone request by a vote of 5 to 1 for the UNOCAL property as recommended by the Board.

Mr. Chave advised that at a recent Council Community Services Committee meeting, citizens expressed their concerns about the PRD ordinance. As a result, the Committee came up with a short list of things they would like the Board to review as quickly as possible. Staff will try to schedule these items on the Board's next meeting agenda.

Ms. Cassutt recalled that a few Councilmembers wanted a complete moratorium on PRD's, but the motion failed. Mr. Chave added that since the new PRD ordinance has been in place, the City has not had an application run its course. He suggested that there appears to be some confusion amongst the public between the old and new PRD ordinances. He said the majority of the Council felt it was premature to impose a moratorium, but they agreed that some issues needed to be considered further by the Board.

Mr. Chave said another issue addressed recently by the City Council was related to secure community transition facilities, which are designed for sexual predators who are transitioning from prison back into the community. A recent court decision mandated that the State come up with programs and facilities throughout the State that would allow these offenders to get treatment while being securely held. The intent is for these people to eventually get to a point where they can be released back into the community. Under the new law, various jurisdictions are required to site these facilities. Snohomish County has to site facilities that will handle between three and seven offenders. King County has to provide for up to 15. This number is tied to how many offenders are sent into the system from these counties.

Mr. Chave explained that according to the new law, the City has the option of either creating their own regulations or allowing the State laws to preempt the City's ability to regulate the use. Most of the jurisdictions in Snohomish County have chosen to preempt, and have concluded that there is very little they can influence on a regulatory basis. This essentially sets a jurisdiction up as an agent of the State. He explained that if the City were to create their own regulations and they were found to be stricter than the State regulations, the City could be open to legal action. If the City chooses not to regulate, they can represent their citizens through the mitigation process to impose more criteria than what would normally be required. The City Council decided not to regulate and requested that the City Attorney prepare a resolution authorizing staff to react quickly to any proposals from the State.

Mr. Chave advised that the City Council has also asked the Board to review the regulations for construction signs. After consulting with the City Attorney and considering the Board's schedule, staff felt the most prudent option would be to bring an interim ordinance before the City Council for approval. This would allow the Board up to six additional months to complete their review of the issue. He said staff is close to having proposed language available for the Board's consideration and the issue could likely be scheduled on the August 14 agenda as a public hearing.

Mr. Chave referred to the memorandum from staff addressing the master builders comments regarding the Design Guidelines and design review process. This document would be forwarded to the City Council for their consideration.

REVIEW OF EXTENDED AGENDA

The Board discussed that the August 14 agenda would include a public hearing on the construction sign regulations and additional information regarding buildable lands. They agreed that the August 14 meeting agenda should also include a

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discussion regarding the PRD ordinance, and that it should be advertised for public input but not as a public hearing. They agreed that it is difficult to hold a public hearing on the issue without having a clear understanding of what the public concerns are.

The Board agreed that the second meeting in August would be cancelled.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst advised that he would be meeting with Mayor Haakenson on Monday, and Board members should forward any issues they would like him to discuss as soon as possible.

PLANNING BOARD MEMBER COMMENTS

There was no one on the Board who desired to provide comments during this portion of the meeting.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

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