

PLANNING BOARD MINUTES

February 13, 2002

Chair John Dewhirst 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
Beverly Lindh
Joanne Noel

ABSENT

Cary Guenther

STAFF PRESENT

Steve Bullock, Associate Planner
Kathleen Taylor, Planner
Arvilla Ohlde, Parks & Recreation Manager
Karin Noyes, Recorder

Mr. Guenther was excused from the meeting.

APPROVAL OF MINUTES

MOTION BY MS. CASSUTT, SECONDED BY MS. LINDH, TO APPROVE THE MINUTES OF JANUARY 23, 2002 AS CORRECTED. MOTION CARRIED.

ANNOUNCEMENT OF AGENDA

No changes were made to the proposed agenda.

REQUESTS FROM THE AUDIENCE

There was no one in the audience who desired to address the Board during this portion of the meeting.

UPDATE ON PUBLIC URBAN DESIGN

Ms. Ohlde provided the Board with preliminary draft copies of the Edmonds Urban Design Study and the Edmonds Street Tree Plan. She emphasized that these plans are in their very early design stages. Her role is to facilitate the development team consisting of staff from the various departments (engineering, planning, building, streets, parks and recreation), as well as the Community Services Director. The purpose of the team is to identify what is happening in the public urban areas and determine how they can strengthen the qualities and amenities that already exist. This effort was divided into three categories: downtown corridor, street tree plan and gateways to the community.

Ms. Ohlde explained that the team focused on key issues, goals and actions. The document that has been provided reads in general terms and is broken into 14 categories for recommendations. She asked that the Board provide their feedback as the team continues to work on the draft document. She noted that she presented the document to the City Council Community

Service Committee last night and will next present it to the downtown merchants for their input, as well. She advised that the Board would have more opportunities to review the draft during the next phases of development.

Mr. Dewhirst inquired regarding the process for the plan. Ms. Ohlde said that once the team gets all of the comments they can from the Board, the downtown merchants and the City Council, they will prepare another draft and present the issue to the public in a series of public workshops. These could possibly be held in various locations throughout the City. At these meetings staff will provide a power point presentation to portray all of the contents of the draft document. The document will then go through the public hearing process, including a hearing before the Board, the City Council and the ADB before it is adopted into the Comprehensive Plan.

Ms. Lindh said she is really excited about the potential plans for the Five Corners area. She noted that this is one of the ugliest points in Edmonds right now. A roundabout in this location would give direction. Ms. Ohlde agreed, and noted that this recommendation came from the traffic engineer and street department.

Ms. Cassutt said there was one section regarding parking that confused her. She said it sounds like the City is proposing to do away with the striping for the parking on the streets. Ms. Ohlde explained that the parking concept referenced in the plan would provide more parking spaces. She referred to Third Avenue as an example, and said that there are opportunities for additional on-street parking in this area by using a better parking configuration. There was no intent to lose any parking at all in any of the design. The intent was to consider the consolidation of curb cuts. Mr. Bullock further explained that he is not aware of any reference to eliminating on-street parking, but he has heard discussion about consolidating the entrances and reducing the driveway cuts to provide more space for on-street parking. Ms. Ohlde said she would make sure that this issue is clarified in the document so that it is not misunderstood.

Mr. Dewhirst agreed that specific design elements to enhance the gateways are needed because those areas have been ignored in the past. He asked that staff provide some sketches of these areas using the examples that are being proposed. He suggested that the street tree plan needs to be specific. He noted that there have been a few situations where street trees and grates appear to have been placed backwards. The trees are located up against the building instead of next to the curb. He said he is troubled by this because as the trees get bigger their roots will have an impact on the foundation of the buildings. He also said this seems to go against the intent of requiring street trees in the first place.

Next, Mr. Dewhirst said the size of grates going around the trees seem to be too big in some situations. There is not enough room for a person in a wheel chair to pass another person coming from the other direction. Mr. Bullock said staff has discussed this concern, and he fully expects this to be addressed in the draft document.

Ms. Cassutt inquired how the City plans to pay for the maintenance of the street trees and medians that are being proposed. Ms. Ohlde advised that has not been addressed yet. Ideally, the street tree program should be maintained by a separate tree division of the Parks Department, but she did not think this would likely happen.

Mr. Dewhirst inquired how the street tree plan would be applied to State highways such as SR-104. Ms. Ohlde answered that she does not exactly know how the permitting would work for that highway. Mr. Dewhirst asked that this issue be addressed in the draft document.

The Board agreed that the draft document is a good start in the right direction.

UPDATE ON ADULT ENTERTAINMENT

Mr. Bullock advised that there are some Board members who were not on the Board when they went through the process of adopting the adult entertainment ordinance. He referred to the text of that particular ordinance as well as the map that was provided in the packet. He explained that the map identifies those areas in the commercial zones along Highway 99 that are not within 300 feet of an RS zone or other restrictive use such as a church, school or within 500 feet of a bar or tavern. The sections of orange on the map indicate the area in which adult entertainment establishments could be located within the City. He noted that no uses have been established along Highway 99 that would further restrict these areas. Therefore, staff does

not recommend any changes to the ordinance, as currently written. He suggested that the reason adult entertainment establishments do not locate in Edmonds is probably due more to the licensing restrictions than to the zoning restrictions.

PUBLIC HEARING ON CONTRACT REZONE APPLICATION BY ROBERT HALE FOR SOMERSET COURT (FILE NO. R-2001-180)

Mr. Dewhirst inquired if anyone in the audience wanted to challenge the participation of any of the Board members in the public hearing process. No one in the audience voiced a concern.

Kathleen Taylor advised that she reviewed the application for the contract rezone as submitted and provided a staff report for the Board's review. She explained that the application is for a contract rezone and the applicant is requesting to rezone the property from RS-8 to RM-1.5. The specific contract rezone would allow the construction of an 80-unit assisted living facility. She referred to a copy of the proposed contract that was provided in the staff report.

Ms. Taylor provided overhead maps to review the existing site and surrounding property zones and uses. She said the subject property is currently developed with three single-family residential units, one on each of the three lots. Multi-family zoning is located to the east and south of the subject property, with single-family zoning to the north and west. She pointed out where the multi-family, single-family and church development currently exist. She also pointed out that the topography of the property is such that it seems to give a feel at the top that you are in a totally different area. It has the look and feel of a single-family residential neighborhood. The natural topography of the property makes it difficult to visualize the proposal as it exists now.

Ms. Taylor used a copy of the Comprehensive Plan Map to identify the areas that are designated as single-family residential land use, as well as those that are identified as corridor development, which allow both commercial and multi-family development. She noted that the adopted map does not clearly identify where the boundary falls on the subject property. Using the Transportation Plan Designation Map, Ms. Taylor specifically identified 84th as a collector street and 238th as a minor arterial. She noted that one of the policies found in the Comprehensive Plan is that multi-family development must be located on either a collector or arterial street, neither of which exists around the subject property.

Next, Ms. Taylor referred to the packet of information titled, "Somerset Court," which provides a visual of what the applicant is planning to do. She said she has not received any elevation views and the illustrations are a bit misleading because landscaping gives the appearance that the property is located in the woods, when it is not. She noted that a site plan can be found on Page 7 of that document, and provides a good visual of what the proposal is at this time. She noted that the building is set back 56 feet from the west property line. Judging from the illustration provided on the cover of the document, it gives the impression of a large three-story structure, which does not have a lot of modulation. As presently proposed, she felt it would be a bit overwhelming next to the single-family residences.

Next, Ms. Taylor briefly reviewed the staff's analysis of the project, using the six factors that must be considered to determine whether or not the proposed rezone would comply with all of the City codes and requirements or not (see staff report). Additional factors that were not identified in the staff report include the following requirements: A multi-family development must be located near a collector or arterial street and the height of multi-family development that abuts an RS zone shall be similar to the height permitted in the abutting RS zone except where the existing vegetation or topography would screen one use from the other. She made the following observations about each of the six factors as follows:

Comprehensive Plan: In order for the proposal to comply with the Comprehensive Plan, it would require some specific design requirements to fit in with the single-family neighborhood. In addition, the existing development appears to follow the natural topography of the area. Specifically, the multi-family development is currently located on a hill which slopes downward from the site to Highway 99. The site itself is relatively flat, and so are the neighboring single-family properties. Also, changing the pitch of the roof or other design elements to give the appearance of a less massive structure would also help the project blend into the neighborhood. To protect the single-family residential properties, the applicant would provide landscaping as a buffer. The applicant has submitted a traffic plan that reflects an estimated 11 PM peak hour traffic trips per day. This type of use would generate less traffic than a typical multi-family development, which would be good for the

neighborhood. It could also function as a transition zone between the higher density residential and single-family density uses. The City received some comments from neighboring property owners concerning noise impacts. However, it is likely that the proposed use would have lower noise impacts than a traditional multi-family development. Also, the engineering department has indicated that the applicant would likely be required to add sidewalks in the area. She concluded that while the proposal is not necessarily incompatible with the surrounding properties, it would fit in better if it were designed to address some of the impacts identified. The proposed project uses very few of the design techniques identified in the design guidelines to help it blend in with the existing neighborhood.

Zoning Code: Approval of the contract rezone would eliminate three single-family residences, but would still maintain the residential environment by adding another type of housing to the area.

Surrounding Area: The site is surrounded by both single-family and multi-family development. The project could potentially fit in with the surrounding area and make a nice transition between the two uses if designed appropriately.

Changes: The surrounding area has undergone a variety of changes in recent years, some of which are currently under construction. An addition to the apartment complex to the east is currently under construction. New townhouses were constructed northeast of the site in unincorporated Snohomish County. A new apartment complex will be built at the southeast corner of 84th Avenue West and 236th Street Southwest. A new condominium complex on the eastern side of 84th Avenue West and north of 238th Street Southwest was recently constructed, as well. Staff concludes that there are other multi-family developments occurring in the surrounding area. On paper, the subject property appears to make sense to allow some sort of change on the subject property, as well.

Suitability: The site appears suitable for redevelopment, and the proposed use could provide a nice transition between the existing single-family and multi-family development. It appears that the subject property is suitable for redevelopment into either a single or multi-family residential use. If the rezone is not approved, the property could be subdivided into nine single-family residential lots. The applicant's representative has mentioned that perhaps one of the properties could apply for a rezone on its own to some sort of multi-family zoning designation.

Value: The proposal would provide housing for the elderly, and would transition well between the existing single-family development. It would generate less traffic than a typical multi-family complex. The higher use of the property would also provide increased revenue to the City. However, if not designed correctly, the facility could be somewhat overwhelming to the existing single-family neighborhood. The existing single-family neighborhood appears to be a quiet community even though it is right next to existing multi-family development. Because of that, and the existing topography of the property that is developed as multi-family development, it is difficult to envision the proposed project on the subject property.

Ms. Taylor noted that the staff report did not include a recommendation because she felt the decision could go either way. If approved, the project would need to have some design changes to make it fit into the neighborhood. However, after further consideration she would recommend that the Board err on the side of caution and recommend denial of the application.

Mr. Dewhirst requested that staff explain the Board's ability to add conditions to the proposed contract rezone. Ms. Taylor said there are two types of rezones: a standard rezone and a contract rezone. With a standard rezone, no specific proposal is required. If the rezone is granted, the property could be developed into anything that is allowed in that zone. If the subject property were to be rezoned to RM-1.5 with a standard rezone application, 48 units could be constructed on the site. With a contract rezone, the applicant supplies a specific contract stating the intent of what they plan on doing with the site. While the applicant can make the contract as specific as they want, the Planning Board cannot set conditions. They can, however, give suggestions to the applicant. It is up to the applicant to change the contract, and the Planning Board's responsibility is to recommend denial or approval of the contract. Mr. Bullock added that the Planning Board has to act on the proposal before them. If, when considering the proposal, the Board identifies areas of concern, the applicant has the ability to ask the Board to continue the public hearing to a future date to allow them to come back with a proposal that would address these concerns. The Board could then act on the revised application. He emphasized that any restriction placed in the contract rezone has to be initiated by the applicant.

John Bissell, John Bissell and Associates, 19239 Aurora Avenue North, Shoreline 98133, explained that the subject property is currently three single-family lots—each about 80 feet wide by about 300 feet deep for a total of about 25,000 square feet per individual lot. The proposal is to combine the lots into one for construction of an 80-unit assisted living facility. This project seems large, but an assisted living facility would have very little impact on the surrounding properties. The noise from an assisted living facility is extremely low. In fact, single-family residential development has the potential of having a greater noise factor. If the site were developed as multi-family, the noise factor would be even greater.

Mr. Bissell advised that a traffic study was done for the site to determine the amount of traffic that would be generated by this type of facility. The study indicates that the impact would be quite low. Most people living in this facility would not drive. The operator provides a van for people to use. The traffic study was performed by a traffic engineering using standards from the ITE Manual. The PM peak trips for this facility are assumed to be around 14 per day, and the average daily trips are estimated at 172 per day. The same manual identifies a figure of 9.7 for the average daily PM trips for a single-family residential use. If just nine single-family homes were constructed, the average daily trips would be about 100. If the site were to be developed as multi-family on at least a portion of the property, there would be a dramatic increase to over 200 average daily trips. The proposed facility would have very low impact.

Mr. Bissell noted that staff discussed a lot of design characteristics of the proposal, and he concurred that they have not provided a lot of design information at this point because they are still required to go before the ADB. The ADB will be responsible to make sure the design elements are taken care of. The building is proposed to be 28 feet in height, and the height limit for a single-family zone is 25 feet. In a multi-family zone, an additional five feet is allowed with a pitched roof. Therefore, the proposed facility would not be any greater in height than what is allowed in a standard multi-family zone. The information that was provided may make the project appear to be a large building, but it would be smaller than the building to the east and smaller than other multi-family developments that could be located on the site in regard to height.

Mr. Bissell advised that the proposal places the building 56 feet from the western property line. If this were developed as three different sites, the likely scenario is that the lots would be divided into three lots each. The western boundary would have a 7½-foot setback with a 25-foot height limit. He suggested that massing is a feeling you get by proximity. If the buildings are 25 feet tall with a 7½-foot setback, they will feel a lot bigger and more massive than a building that is 28 feet tall but set back 56 feet from the property line. The applicant is proposing a great deal of separation between the residential development and the proposed development.

Mr. Bissell said staff also discussed the concept of transition quite a bit. One of the elements discussed in Ms. Taylor's presentation was the idea of topographical breaks causing a natural transition between one type of use and another. However, this is not as pronounced as one might think. The building to the east is a large multi-family structure with a current addition taking place. The building goes beyond cresting the top of the hill and the setbacks are not dramatic from the western property line. If the subject property were to develop as a single-family development, there would be a transition problem with the building to the east. As the zoning stands now, the topographical break between the multi and single-family zones does not actually exist in this area. It does exist, to some degree, further south. The neighborhood directly to the north is currently developed as single-family residential. The lot sizes are small enough that they will likely stay single-family. It is currently part of Snohomish County, and they allow zoning changes on these properties routinely. That being the case, the Board should look at the neighborhood to the north with a grain of salt because the City does not have control over the zoning and land use designations for these properties.

Mr. Bissell referred to the Comprehensive Plan Land Use Map that was provided by staff for the purposes of the hearing. The Comprehensive Plan Map does not provide a clear line identifying where the single-family residential land use is separated from the more intense uses. He said his guess is that the line passes on the intersection of the western property line of the eastern lot. That is about 80 feet from where it is drawn on the staff's map. He said it is difficult to try and figure out where the line really is. The legal problem before the City is that the Growth Management Act requires the zoning to be consistent with the Comprehensive Plan. RS-8 zoning is not consistent with the land use designation of corridor development that applies to about half of the subject property. The City is obligated to change the zoning outright for these properties.

Mr. Bissell explained that if the eastern lot were rezoned to RM-1.5, 16 units could be constructed on the site. Three residential units would be allowed on the western lot, and the middle lot's potential is unclear because the land use designation for this property is not clear. If the middle lot is developed with only three units, the total daily trips would be 210 and the average PM peak hour trips would be 22. This is the least development that could be expected on the combined sites, and this would generate more traffic impact to the site than the proposed assisted living facility.

Mr. Bissell said staff referenced the requirement that multi-family development must be located on arterial or collector streets. The purpose of this requirement is to off-set traffic impacts, but this issue is irrelevant in this case because the traffic impacts would not be substantial. He pointed out that the Comprehensive Plan requires that multi-family development be located near arterial or collector streets, and this one is. He said it is also important to know that the City is well aware that their arterial and collector street designations are highly inaccurate. For example, Ninth Avenue North is functioning all the time as an arterial because of its traffic volumes, but it is designated as a local access street. The City needs to look more at traffic volumes than traffic designations until the City's street designations are updated. He said that 84th Avenue functions more as an arterial than a collector. 234th Street should be a collector street according the engineering manual based on the volume of traffic. The engineering staff is aware of this problem, and they are trying to come up with a plan to correct the situation. However, because the peak trip generation of this proposal is less than what could otherwise be placed on the property, the argument is no longer valid.

Mr. Bissell said the other issues raised by staff are primarily related to design. This facility could provide a good transition for the single-family residential neighborhoods. It could also provide a low impact use, as well as address another element identified in the Comprehensive Plan to keep diversity in the neighborhoods. There needs to be facilities to provide a step in between for elderly citizens to continue to live in the community once they can no longer live on their own. It is important for these people to be able to remain in the area. Therefore, it makes sense to allow this type of medium size facility in the neighborhood, and in fact, the Comprehensive Plan supports this idea.

Robert Hale, 1243 Northeast 152nd Street, Seattle, 98155, said that he lives and operates his business out of Minot, North Dakota, but he grew up in the Seattle area. He said he has worked for more than a year with the City staff trying to put together a proposal for the Board's consideration. He thought they had a fairly good proposal, but they did not do a full blown architectural design drawing. They did, however, meet all of the modulation requirements identified in the design manual that is currently in the process for adoption. The proposal would meet the landscaping and building envelope requirements. They also tried to address the neighborhood concerns of bulk and that is why they positioned the building to create a large setback.

Mr. Hale said the citizens must accept that the demographics of the area indicate that the population is getting older. Statistically, six of every seven people who die of natural old age causes lived independently, with some assistance, until the last 90 days. It has been their experience that the people living in the assisted living facilities come from a ten-minute driving radius from the facility. These people can no longer stay in their homes because they can no longer care for themselves properly. The proposed facility would be for elderly care, and the residents would be independent to a large extent. The facility would offer food service, house keeping, help with medication, etc. so that these people could live on their own. They are attempting to locate facilities in the neighborhoods that the elderly people have lived all of their lives or where their children live, and do so with as minimal an impact as possible to the existing development. He said this use is significantly different than other types of multi-family development.

Rozella Klevin, 8230 – 234th Street Southwest, said she has owned property on the west side of the subject property for the past 30 years. The neighborhood is filled with children now, and it is not a dying neighborhood. Previously, a developer attempted to develop the entire area to the south of the subject property into multi-family units. That proposal was turned down, and now this area is filled with homes and children. Edmonds needs single-family residential homes as much as they need any other kind of development.

Ms. Klevin advised that when 234th Street was resurfaced, it was done with rock and oil. It was not resurfaced with pavement. The City has assured the residents in this area that the two entrances into the new multi-family development would not be accessed from 234th Street. This access will have to come off of 236th Street. She said it does not look like this will happen because the entrance on 236th Street is very narrow. Also, they built the sidewalk right up to the pavement with

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no shoulder at all. If this continues all the way up the road, it could be a problem. She said she would like this property to remain single-family zoning. She does not want massive apartments or a three-story building located on this property.

Steve Zukaitis, 23326 – 82nd Place West, said he lives right across the street from the subject property. He referred to Mr. Bissell's statement about massing and about a feeling that is given off by a building. If any of the Board members have been through the neighborhood, they would understand that the feeling given off by a building like that proposed is probably not what they would want to have next to their home. He said Mr. Bissell has also stated that the property that is currently part of unincorporated Snohomish County could be easily rezoned, is not necessarily true. In reality, proposals to change the zoning on this property have been denied by Snohomish County in the past. He suggested that this statement was used as a scare tactic.

Mr. Zukaitis recalled that one of Ms. Ohlde's previous statements in regards to the Urban Design Plan was related to how the City treats people who are moving through the City and how people driving through will view the City. The City also needs to ask the same question about people already living in Edmonds. How do they view the neighborhoods? Ms. Lindh mentioned something about the lack of attractiveness at Five Corners and the neighbors view the proposed building as lacking in attractiveness to them. Mr. Zukaitis also noted that the trip generation figures that the City identified are different than those identified by the applicant. He questioned this inconsistency.

Lastly, Mr. Zukaitis said there are already a few assisted living facilities in the Edmonds area and they have been opened in the last two or three years. However, neither of these facilities are close to full occupancy. He questioned the need for more of these facilities, when the ones that already exist are not being utilized to their full extent. He inquired if these units could be changed to some other type of use if it is found that assisted living units are not viable. If so, would these uses have a greater impact to the neighborhood.

Ruth Werner, 23312 – 82nd Avenue West, thanked Ms. Taylor for her sensitivity towards their neighborhood. These are their homes, and the big, massive structure that is being proposed would have commercial vehicles, ambulances etc. accessing the site where their children play. She said the developer makes it seem like these encroachments on the single-family character of their neighborhood are inevitable, and that the change will happen regardless. But it seems the Board is sensitive to the issue of neighborhood impacts, and the proposed development would not be an asset to their neighborhood. It is not proper for the applicant to infer that if the neighbors do not accept the proposed facility, they will have to accept something even worse. She said she is in favor of maintaining the established character they have built up as a neighborhood.

Roger Hertrich, 1020 Puget Drive, said he has sympathy for the people who are trying to look out for their neighborhood. He referred to the City of Edmonds zoning map and noted that on the east side of Highway 99 there is a buffer zone of RM-2.4 zoning between the Highway and the residential areas to the east. But on the west side of the highway, there is commercial, RM-1.5 and RS-8 zoning. There is no attempt in the area to create a buffer between the multi-family and single-family zones. He said it is possible to use the subject property as a buffer if some type of medium-density residential zoning were to be applied. This would accomplish some of the transition and reduce the intensity of the proposal. The facility is not on a bus line, so he said he assumes that most of the people living in the facility would have a car. He suggested that the proposed development appears to be a high end retirement home with conveniences located within the facility.

Mr. Hertrich pointed out that the existing multi-family developments in the area are two and three stories, but they are not as large and massive as the structure being proposed. He said he would not want to have this type of development located adjacent to his single-family property. Mr. Hertrich also questioned if the trip calculations included the staff and delivery trucks that would be coming to the site. He said he believes the number of parking spaces on the facility are somewhat limit, as well. Something could be done in the rezone process that would take care of the split zoning on the property that is not as intense as what is being proposed. This would possibly make the people living in the area more comfortable that there would be some sort of buffer between their neighborhood and the more intense uses.

Matthew Lyons, 23311 – 82nd Place West, noted that the proposal includes a total of 44, two and three-bedroom units. He questioned how many people would be living in each of the units. He suggested that the units sound a bit like condominiums. He questioned about the traffic that would be created by the extra bedrooms being used by family and guests

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who are staying with the tenants. He questioned whether this use was also calculated into the traffic count. He said that if the occupants of the facility will be independent, they will probably want to travel around the area. However, the steep slopes leading from the development to the businesses along Highway 99 would make walking difficult. Access to the shopping areas to the west would also be dangerous because of the narrow streets, with no sidewalks. While Mr. Bissell mentioned that 234th should be identified as a collector street, it actually ends at 84th Avenue. There is not a high volume of traffic using this street. He agreed that 236th Street acts as a minor arterial connecting SR-104 to Highway 99.

Mr. Bissell defended his statement about how Snohomish County zoning operates. The codes that Snohomish County uses were enacted in 1995. He said he cannot attest to the quality of the applications that were turned down by Snohomish County, but the existing land use designation for the adjacent property that is within unincorporated Snohomish County would support a multi-family use. Therefore, Snohomish County would likely approve a rezone application to multi-family if the application could meet all of the criteria.

Mr. Bissell said he understands that the neighbors have some concerns that the project would harm their neighborhood. But the people who would be living in the new facility would be real people, too. He said the neighborhoods in the City have tried so hard to become homogenous that they are having to send the elderly away when they can no longer live in their homes. It seems that neighborhoods with able-bodied citizens are considered appropriate, but they don't want to have the older people living near them because this would constitute a change that the neighborhoods are not used to.

Mr. Bissell said the concern was brought up by Mr. Hertrich related to parking. Mr. Hertrich stated that the people living in the facility would have cars, but in fact, most people living in the facility would not. This is an assisted living facility for semi-independent individuals. It is not a hotel or convalescent hospital. The people living in the facility would not typically drive. The facility would provide a bus to get the people out to the places that they need to go.

Regarding the concerns raised about the large size of some of the units, Mr. Bissell said that people who are old and cannot get around easily should not necessarily have to live in studio-sized apartments. There are elderly people who need assisted living who have the means to pay for the larger units. This allows these people to live in a manner close to what they are used to and comfortable with. He said the parking that is provided for the facility will meet the code requirements. He suggested that it would not make sense to develop a facility with inadequate parking. However, studies indicate that the amount of parking proposed is adequate for the facility.

Mr. Bissell asked that the Board forward a recommendation of approval to the Council. He noted that the project would still require approval by the ADB to make sure that all of the design elements are provided.

Mr. Hale said the residents in the facility would not be out walking around the neighborhoods. They would not be able to do so, and that is why the facility would provide bus transportation, food service, etc. As to the size of the units, Mr. Hale said there would be people moving to the facility from four and five-bedroom larger homes, and some may want the additional space that they have grown comfortable with. Also, some of the units will be double occupancy. The rental rates for the units would be in the range of between \$1,900 and \$2,900 per month for double occupancy, including meals. He concluded by stating that the internal waiting list for the larger units is very long.

Regarding the issue of inconsistent trip generation figures, Ms. Taylor advised that according to the traffic review done by the applicant's consultant, which is consistent with the ITE Manual, the total peak hour trips would be 14, minus the three peak hour trips that would exist if the property were to develop as single-family as the zoning currently exists. This results in 11 peak hour trips.

Ms. Taylor referred to the map that was provided by Mr. Bissell reflecting the potential development opportunities for the subject property. If the eastern lot were rezoned to RM-1.5, the site would accommodate 16 units. She said it is important to remember that this is a transition area and RM-1.5 is not a guaranteed zone for the subject property. A rezone to RM-2.4 or RM-3 would be a more likely designation for a transition area.

Regarding the neighbor's concerns related to the parking requirements, Ms. Taylor advised that the parking requirements would be one space per every three beds. The proposed project calculates into 119 beds, which is about 40 –parking spaces. The plan reflects close to that number.

Ms. Taylor advised that while the applicant has indicated that they have responded to the design guidelines, she has not seen any drawings to reflect that is the case. Also, the area north of the subject property is part of unincorporated Snohomish County and has been designated on their Comprehensive Plan as residential zoning with between 6 and 12 units per acre. This allows lots sizes of between 3,630 and 7,200 square feet. If the eastern portion of the subject property is rezoned to RM-3, the estimated peak hour trips would be 8. Added to the three peak hour trips for each of the other lots if they are not rezoned, the total peak hour trips would be 14, which is the same as the peak hour trips estimated for the proposed project.

Ms. Taylor clarified that the proposed contract rezone reflects the height of the buildings as 29¾ feet, and Mr. Bissell has said that the height would actually be 28 feet. If the applicant is proposing a 28-foot height, they need to change the contract rezone to reflect the lower height. Also, the contract needs to clarify the setback requirements. Because there are some street dedication requirements, the north building setback would actually be less than 54 feet. Mr. Dewhirst inquired regarding the height limitations for the proposed zoning district. Ms. Taylor said the proposed zone would allow a 25-foot height, with an additional five feet if a pitched roof is provided.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Ms. Lindh inquired if an assisted living facility would have the same requirements as a standard multi-family development. Ms. Taylor answered that an assisted living facility would be different than a typical multi-family development, which can only have the number of unites allowed in the RM zone. An assisted living facility could have more units than typically allowed in an RM zone.

Ms. Noel inquired if the applicant would be allowed to change the use of at least a portion of the facility if they are unable to rent out all of the space as an assisted living facility. Ms. Taylor answered that the contract rezone would require that the facility function as an assisted living use. Any changes in the use would require another rezone. She also noted that an assisted living facility would require a conditional use permit, and that is how the density allowed for the project is determined. Mr. Dewhirst clarified that if the contract rezone is approved, the applicant would have to go before the Hearing Examiner for a conditional use permit before taking the project to the ADB for review and approval. Ms. Taylor advised that these two reviews would be consolidated. The ADB would review the application first, with no public comment. They would make a recommendation to the Hearing Examiner, who would make a final decision on the ADB recommendation and the conditional use permit after holding a public hearing.

Mr. Dewhirst explained that the conditions in the contract rezone specify such things as setback, height, etc as proposed by the applicant. Neither the Board nor the City Council have the ability to impose additional conditions. He inquired if the ADB is similarly limited as they make design recommendations regarding the project. Ms. Taylor said the ADB reviews the project according to the adopted design guidelines and the Comprehensive Plan. Their hands are not tied in terms of the design of the building, but the height and setback limits are whatever was adopted as part of the contract rezone. The ADB cannot change these provisions. She cautioned that it would be difficult for the ADB to require that a certain portion of the structure be two-stories and the rest three stories—especially if the contract is adopted at a certain height.

Ms. Lindh said the picture that was provided on the cover of the document from the applicant looks like a hotel sort of structure. The drawing was not well planned. On the other hand, she is in support of assisted living facilities and there is a real need for more of this type of development. She said she would not want something this big in her neighborhood. But on the other hand, she has a house two doors down from her that is very large and out of character with the other houses in the neighborhood. She said she is undecided at this time.

Ms. Cassutt said she would like to see the project as a two-story building, but she can understand that the cost of property makes it important to get as much space on the site as possible. She felt that the cost of the units that are being proposed would be reasonable. She said she can also understand how people living in these facilities would want to have two bedrooms.

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Mr. Crim said that using the subject property as a buffer between the existing single and multi-family developments is fine, but the design of the proposed project is such that right now he cannot support the project. If the wing to the west were to be two stories and the east wing three stories, he would be more inclined to support the project. He said he would like to see some firm elevation plans.

Ms. Lindh said she feels the community has a need for assisted living facilities, and if designed properly, the project would be a good transition from the apartment complex next door. Traffic would be less than multi-family development, but the three-story design next to a single-family neighborhood is something she cannot support. Ms. Cassutt agreed.

Mr. Dewhirst said he is also undecided. He is not convinced this site is appropriate for this particular use. The traffic issue is really mute, and it comes down to land use and design. He said that Ms. Werner had a very interesting point in that this area already provides affordable housing, which is becoming an endangered species in Edmonds. Given that there are duplexes to the west of the subject property, the area is definitely in a transition state. He did not feel the subject property would likely develop as straight single-family development. However, the scale, size and massing that is appropriate for this type of facility is not suitable for this particular site.

Mr. Crim said that as the project proposal now stands, he would have to move that the Board recommend denial. The question is whether or not the applicant wants the Board to continue the hearing to allow them to address some of the concerns identified by the Board and provide some added design stipulations in the proposed contract rezone. The other option would be for the Board to make a recommendation now and move the issue to the City Council for a decision.

MOTION BY MR. CRIM, SECONDED BY MS. LINDH, TO OPEN THE PUBLIC HEARING TO ALLOW THE APPLICANT TO RESPOND AS TO WHETHER THEY WOULD WANT TO EXTEND THE HEARING TO A LATER DATE OR HAVE THE BOARD FORWARD THEIR RECOMMENDATION TO THE COUNCIL NOW. MOTION CARRIED UNANIMOUSLY.

THE BOARD TOOK A TEN-MINUTE BREAK AT 9:20 TO ALLOW THE APPLICANT'S REPRESENTATIVE AND THE APPLICANT TO CONFER.

Mr. Bissell said it appears the Board is undecided. The applicant has a problem in that with a standard multi-family project, it is easy to calculate a percentage revenue based on the cost of land, development costs and what the units can be sold for. However, in the case of an assisted living facility, there are breaks in terms of the number of units and whether a project can work or not. If the roofline of the proposed project is lowered as suggested by the Board, the unit count would drop to a level that the project would not longer be economical. He said the applicant is not confident that a solution can be reached at the Board level. The proposed assisted living facility would provide relatively economically living opportunities. However, if it is required to locate in another area in the community, the cost might not be as affordable.

Mr. Bissell said that if the applicant cannot convince the Board that the unit count makes sense, then it would be pointless to continue the hearing. They would like the Board to make a recommendation and move the issue forward to the Council for a decision. The project would not work with fewer than 80 units. If the Council tells them they have to cut down the height of the project, it would no longer be feasible and the applicant would be forced to try and come back with something different such as attached dwelling units.

THE PUBLIC PORTION OF THE HEARING WAS AGAIN CLOSED.

MOTION BY MS. CASSUTT, SECONDED BY MR. CRIM, TO RECOMMEND THE CITY COUNCIL DENY FILE NO. R-2001-180 (A CONTRACT REZONE APPLICATION BY ROBERT HALE FOR SOMERSET COURT) AS PROPOSED. MOTION CARRIED UNANIMOUSLY.

Mr. Dewhirst advised that this issue would be forwarded to the Council for final deliberation. Mr. Bullock added that the Board's recommendation would likely be scheduled on the Council's agenda in mid March. He said staff would try to get a

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list of findings to Mr. Dewhirst to sign and forward to the Council regarding why the Board recommended denial of the project.

PUBLIC HEARING ON PROPOSED AMENDMENT TO ECDC 20.91.030 TO AUTHORIZE A PROCEEDURAL CONTINUANCE DURING THE CITY COUNCIL'S DELIBERATION OF A PARTICULAR ZONING ACTION (FILE NO. CDC-2002-10)

Mr. Bullock advised that this issue was discussed by the Board at the previous meeting. The draft ordinance would give the City Council the ability to continue projects before them when the applicant has requested a continuance without requiring the applicant to be present at the meeting. The staff and City Council feel this is a common sense approach to the situation.

THERE WAS NO ONE IN THE AUDIENCE WISHING TO ADDRESS THE BOARD REGARDING THE PROPOSED ORDINANCE, AND THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

MOTION BY MS. CASSUTT, SECONDED BY MS. LINDH, TO RECOMMEND THE CITY COUNCIL APPROVE FILE CDC-2002-10 AS PROPOSED TO AUTHOIRZE A PROCEDURAL CONTINUANCE DURING THE CITY COUNCIL'S CONSIDERATION OF A PARTICULAR ZONING ACTION. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

Mr. Dewhirst recalled that the Board was supposed to get a draft letter at this meeting that would be sent to all of the people interested in the mixed-use zoning proposal. Mr. Bullock apologized. He said he misunderstood the Board's request. Mr. Dewhirst said staff was going to create a letter to sent out to the public explaining where the issue stands now and provide a draft of the changes that have been made to date as well outlining the process. Mr. Bullock said he would get this letter drafted as soon as possible.

REVIEW OF EXTENDED AGENDA

Mr. Dewhirst advised that at the next meeting, the Board will have a presentation from the Historical Preservation Advisory Committee. There will also be public hearings on the ADB process and an amendment to an approved contract rezone (R-97-28). In addition, staff will present the annual CIP update and the draft water comprehensive plan.

Mr. Dewhirst inquired if there is something extra the City can do to advertise the public hearing regarding the ADB process. Mr. Bullock advised that staff would place display ads in the newspapers, as opposed to the normal legal notice for the Board meetings. In addition, he would talk with Mr. Chave about getting something on the City's web site and public access channel. He advised that staff would incorporate the last issues raised by the Board and provide the draft document to the Board for consideration prior to their next meeting. Mr. Bullock suggested that at the March 13 meeting the Board could review the comments made at the public hearing, then the process and guidelines could be combined at that time and a public hearing could be held on the entire package on March 27. The Board agreed.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst announced that he attended the open house for the transportation plan, but it was not well attended by the public. The staff is now trying to figure out a way to get more people involved in the process. They were counting on getting local people and neighborhoods together to bring up specific circulation problems that need to be addressed.

Ms. Cassutt suggested that if the City were to hold meetings at different schools throughout the City, they would probably be able to obtain more public participation in the transportation plan process. She said she does not think the last meeting was very well advertised. The Board agreed.

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MOTION BY MR. CRIM, SECONDED BY MS. CASSUTT, TO ADJOURN THE MEETING AT 9:50 P.M. MOTION CARRIED.

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