

PLANNING BOARD MINUTES

June 12, 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
James Young
Virginia Cassutt
Cary Guenther
Joanne Noel
Janice Freeman

ABSENT

Wayne Zhan
Jim Crim, Vice Chair

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Associate Planner
Karin Noyes, Recorder

Mr. Dewhirst welcomed Ms. Freeman to the Board, and asked her to briefly introduce herself. Ms. Freeman said that she moved to Edmonds five years ago, and has been interested in public affairs for many years. She said she was involved in the Friends of the Library campaign to save the library. She became interested in public service because she is very interested in the Brightwater issue.

APPROVAL OF MINUTES

Approval of the minutes was postponed because there was not a quorum of members available who attended the last meeting.

ANNOUNCEMENT OF AGENDA

There were no changes 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.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE IN ORDER TO ESTABLISH A REVISED PROCESS AND GUIDELINES FOR ARCHITECTURAL DESIGN REVIEW (FILE NO. CDC-00-153/CDC-01-27)

Mr. Chave explained that the public hearing is related to a combined set of code amendments: one would adopt the new set of design guidelines in the Development Code and the other would implement a new design review process. He said that under the proposed design review process, “major” projects which require SEPA would require a public workshop and

findings by the Architectural Design Board (ADB). All other design approvals would be administrative decisions issued by City staff and based on the requirements of the new design guidelines. There would be no formal public hearing on design decisions unless an appeal is filed. For major projects, a public workshop with the ADB would be held early in the review process and findings would be developed by the ADB as a result of that meeting. At some point in time, the applicant would then present a complete application to the City for review, and staff would review the application for consistency with the ADB findings and with all of the other City codes and requirements. He emphasized that the staff's decision would have to be consistent with the findings of the ADB, and could be appealed to the Hearing Examiner.

Mr. Chave pointed out that the difference between the proposed process and the current process is that there is no public hearing as part of the initial approval of the development. Instead, there would be a public workshop early in the process, which staff believes would meet the intent and purpose of the Council's initial guidance as well as the various recommendations that were provided in the reports that were done a few years ago.

Mr. Bullock provided a flow chart of the proposed process and walked the Commission and audience through each of the steps as follows:

- **Conceptual Design:** During this step the potential developer considers different options and narrows them down to a couple of preferred proposals.
- **Pre-Application Meeting:** A preliminary meeting between the applicant and the potential interested departments within the City is held to identify critical issues that likely will be associated with the project. If the project is a major project that includes one or more departures from the design guidelines, the pre-application meeting would be required.
- **ADB Public Workshop:** The ADB will hold a public workshop to consider the one or more preferred development proposals. This workshop will require notice and the general public will have an opportunity to give input about items they consider to be key issues related to the development of the site. The ADB will issue findings to address their review of the project and its compliance with the Design Guidelines.
- **Detailed Design:** The applicant takes the feedback from the pre-application meeting and the ADB workshop and incorporates it into their detailed design.
- **Application to the City:** The applicant makes a formal design review application with the City to review the detailed design of their proposal.
- **Staff Review:** Upon receiving an application for the formal design review of a proposal, the City staff will provide notice of a formal application and announce a comment period by which any interested party can indicate their support or opposition. The City staff will review the proposal for compliance with City codes, the Design Guidelines and the previous direction of the ADB as described in their findings. The SEPA review will also be completed at this time.
- **Design Decision:** The Planning Department staff will issue a report that addresses all of the pertinent codes, ADB findings and public comments, and the report will be the final decision for the project. This decision is subject to a 14-day appeal period.
- **Appeal:** An appeal of a staff decision goes to the Hearing Examiner, as does any appeal of an environmental determination or other consolidated permit application. In the case of a design review approval only, the Examiner will hold the first open record hearing on the project and make a decision on the appeal.

Mr. Bullock explained that because the proposed process allows the ADB to review projects and provide comments early in the process, the applicant more likely be willing to make the changes recommended by the ADB. With the current process, the City requires a high level of detail from an applicant when they come forward with an application for design review, and they have to invest a significant amount of money and time into the project. While they are usually willing to make cosmetic changes, they are not as enthusiastic about significant changes to the massing, size of the buildings, etc.

Mr. Guenther recalled that the Board previously discussed the need to place a limit on the amount of time the ADB is allowed to prepare and issue their findings. However, he said he does not see this in the proposed language. Mr. Chave referred the Board to Page 7 under "Findings." This section states that the ADB chair or designee would have the findings out within two weeks of the public workshop.

MR. DEWHIRST OPENED THE PUBLIC HEARING.

Bob Gregg, said he has lived in the North Seattle area all his life, and in Edmonds for the past 20 years. He said he is the developer for the project that is currently being built at Fifth and Walnut. When he took this project through the current design review process, they were grateful and appreciative of the cooperation they received from the City staff and the ADB in the pre-design process. They ended up receiving unanimous approval from the ADB for the project, and despite appeals, the City backed the project. He said he is an advocate of design review, and has participated on the Greenlake Design Review Board.

Mr. Gregg said he currently has a new application into the City for development of the property at Fifth and Holly, and he is prepared to be the “guinea pig” and run the project through the new process to see how it works. He said he is willing to endorse the proposed process. He has enough confidence in the City that they will be able to iron out the wrinkles in time. However, he said he does have some concerns regarding the proposed Design Guidelines. He reviewed each of his concerns as follows:

- **Throughout the Document:** The pictures that are used throughout the document are illustrations of excellent ideas, but they are illustrations of buildings that exceed 30 feet in height, which is not allowed in Edmonds.
- **Section 20.12.010—Height:** There is a standard for modulation of sloped or pitched roofs in order to have the additional five feet in height, and then there is another standard for flat roofs, as well. However, he has found that there is no such thing as a modulated flat roof. You either have a pitched roof or a sloped roof that is modulated, or you have a flat roof. During his last application for a project he found that there is a huge amount of confusion as to what types of design are allowed to have the extra five-feet in height. This section needs to be clarified.
- **Roof Enclosures:** All of the references to enclosures for rooftop equipment should actually be changed to screening. An enclosure would require a roof, but screening would only require four walls.
- **Section 20.12.040.B.2—Wall Modulation:** The design of the building he is currently constructing has significant modulation because the flat roof and the 30-foot height was an issue. While he supports modulation, five feet is too much, and is substantially more than he was required to provide for his current project. Mr. Bullock pointed out that this section relates to auto-oriented development like Highway 99. Section C just below applies to small-scale commercial and residential development, which is what his development is. Only two feet of modulation is required.
- **Section 20.12.040.E.2—Wall Modulation:** This section requires walls over 20 feet long that face single-family and multi-family lots to have a variety of windows and/or façade treatment to reduce the monotony of blank walls. He suggested that this section should be more flexible. The adjoining property owner may not necessarily want window or façade treatment.
- **Section 20.12.040.G.1—Alternatives to Wall Modulation:** This section is too lenient and goes too far in the other direction. Allowing permanent weather protection to replace the wall modulation requirement could allow a developer to build a boxy structure with a canopy instead of modulation.
- **Section 20.12.040.G.1.a—Alternatives to Wall Modulation:** Does this section require canopies that are made of both glass and steel or would it allow for either a glass canopy or a steel canopy?
- **Section 20.12.040.G.2—Alternatives to Wall Modulation:** Exempting new buildings from the massing and wall modulation requirements if an existing historic building is retained, restored or moved to the site could open a lot of loopholes for developers to get around the modulation requirements.
- **Section 20.12.010.A.1 and A.4—Heights:** The references to view preservation should be deleted from the document. He said that residents of Edmonds combined have spent about \$90,000 to go to the Hearing Examiner to prove that a property owner does not have any right to view that hasn't been contracted for. People must realize that the City cannot protect views through someone else's property unless they have contracted for that protection. If a development meets the code requirements, the City cannot deny the project because it blocks the view of someone upland.
- **Section 20.12.010.C.1.b.ii:** The maximum distance between wall modulation elements should be enlarged from 30 feet to 35 or 40 feet.

- **Section 20.12.010.C.1.b.iii:** Again, rather than enclosing all rooftop equipment, the term should be changed to “screening.”
- **Section 20.12.010.D:** Requiring that the top floor of a structure be setback ten additional feet is onerous. He specifically referred to the picture on Page 29.
- **Section 20.12.020.B.3.b--Massing:** Requiring offsets from the main structure of ten feet to break up the foundation line would significantly reduce the footprint of the building. He said the concepts provided in this section and the examples shown are extremely onerous in terms of lost space. In addition, construction engineers have indicated that weather proofing professionals do not like surfaces that are terraced because every additional line has to be waterproofed. Obtaining insurance for mixed-use development is difficult, and one of the reasons is associated with waterproofing problems. He concluded that developers should not be required to construct multiple layers. The two illustrations provided at the top of Page 30 would end up costing the developer a significant amount of money because of lost space.
- **Section 20.12.020.D.2--Massing:** Again, allowing a developer an exemption from the massing and wall modulation requirements if they retain or reuse an historic structure could open loopholes in the design guidelines.
- **Section 20.13.020.D.2—Windows:** While he is an absolute proponent of using glass in developments, requiring the ground floor commercial spaces to have windows on at least 65 percent of the street-facing building wall is too restrictive. He said he agrees with the concept, but the number should be consistent with other building codes and not greater.
- **Section 20.13.020.B—Windows:** He agrees that variation in window types is good, but if there are too many window types required, the design could lose its continuity. He suggested that perhaps this table needs to be adjusted.
- **Section 20.13.030—Materials:** He inquired if color and glass would qualify as different materials to meet the requirement for different façade materials.

David Toyer, 2155 – 112th Avenue Northeast, Suite 100, Bellevue, 98004, said he is present to represent more than 3000 member companies of the Master Builders Association of King and Snohomish Counties. He distributed a letter he prepared outlining their specific concerns and comments related to the proposed design review process and guideline changes. He briefly stated that the Master Builders Association finds the proposed design review process to be inefficient and more time consuming than what is currently utilized by the City. Regarding the Design Guidelines, Mr. Toyer said that many of their concerns are based on what he calls “catch phrases,” which are statements where language is used such as “to the greatest sense possible,” “practical,” “minimize or reduce.” No objective standards have been associated with these phrases, and this tends to make them very subjective in nature.

Mr. Toyer said that once the Board has the opportunity to review his letter, they may have some questions. The Board members should feel free to contact him. He apologized for not being able to get the letter to the Board prior to the meeting.

Rob Michel, 7907 – 212th Street Southwest, Suite 102, provided a written copy of the comments he would be sharing with the Board. He provided the following comments:

- **Proposed Process—Flow Chart:** A handout describing the current ADB application requirements is available at the City offices. This handout states that all major projects must be submitted at least four weeks prior to the ADB meeting at which it is scheduled for review. That means that staff has no more than four weeks to preliminarily review the application and get it to the ADB for approval, which is a lot less time than the proposed new process. He noted that Mr. Toyer has estimated that the new process could take between ten and fifteen weeks to complete. Those who design good buildings in Edmonds do not want this additional time added to their schedule.
- **Public Workshop:** The City needs to provide more information about what will take place in the public workshop meetings. The Board needs to address such questions as, “How much input will the public have on issues such as color, materials, height, etc.?” “What happens if there is no public participation in a workshop?” “What input can the ADB have if there are no departures from the Design Guidelines?” “How many projects will be scheduled on one meeting agenda?” “Can a neighbor coming to comment on a project next to his

property comment on another agenda item, as well?” “What happens if the ADB does not issue their findings within two weeks?”

- **Section 20.10.000—Purposes:** The City Council’s main concern is what the buildings will look like. The Design Guidelines include 11 pages for building design and 22 for site design and landscaping. He suggested that the landscaping and site design issues are overemphasized.
- **Section 20.10.020—Approval Required:** The Cedar River Report and the Hyatt Palma Report strongly suggest raising the threshold for projects that require design review. Duplexes were eliminated a few years ago in an attempt to achieve this, but now they are being included in the new Design Guidelines. This will end up overburdening the staff and the ADB.
- **Section 20.10.25—Design Departures:** There are over 151 terms such as shall, shall not, must, required, and should in the Design Guidelines. Of these 151 requirements, 27 are shoulds. Of the 27 possible departures, only two “shoulds” or departures are available in Chapter 20.12 Building Form. This does not allow much flexibility in what the building will look like. He reminded the Board that the City Council wanted the Design Guidelines to be flexible.
- **Section 20.11.040.D—Bonus for Parking Below Grade:** In prior drafts there was to be greater incentive to put all parking under the building by allowing for lot coverage in RM zones which produces more room under the building so aisle widths or parking stall sizes do not need to be reduced. Reducing aisle widths and requiring steeper ramps, as the new Design Guidelines propose, would discourage many people from parking under the building. Instead, they will choose to park on the street where there is more room. He recommended that the lot coverage allowance be increased to 60 percent if all parking is under the building.
- **Illustrations on Page 15:** Are the items next to the illustrations suggestions or requirements? In some cases it appears that the pictures illustrate requirements.
- **Section 20.11.080—Setbacks:** The additional two-foot setback requirement for BC and CW zones assumes all sidewalks are substandard and adjacent to property lines. There should be a separate condition for sidewalks that are already seven-feet wide and over two-feet away from the property line.
- **Section 20.11.090—Open Space Requirements:** Better definitions need to be provided for terms in this section such as “well-developed.”
- **Section 20.11.100—Building/Site Identity:** There are a lot of confusing terms in this section that need to be clarified. For example, each of the uses identified in Section B.1 need to be defined. In Section B.2 it is unclear whether a departure could be allowed or if all of the things listed are requirements.
- **Section 20.11.110—Weather Protection:** Section C.2 would allow weather protection to eliminate one of the building mass requirements. He questioned if this is appropriate. He said he does not feel this would meet the goal of developing better buildings because a developer would be able to reduce the buildings down to one mass.
- **Section 20.12.010—Height:** View protection needs to be defined. This issue can be very subjective and could cost a developer or owner a lot money if citizens appeal their design because it would block their view even if the project meets all of the code requirements.
- **Section 20.12.020—Massing:** Small buildings that are close to 10,000 square feet will not be very attractive if they are built as one mass. He questioned whether small buildings should require two masses. Is the preferred order identified in Section B.3 a suggestion or is it a requirement? Section D.1 allows a developer to exchange the building massing requirement for the creation of public open space. This will encourage the development of buildings that are one mass. He suggested that perhaps it would be more appropriate to offer a different incentive that will encourage public open space without sacrificing the look of the building.
- **Section 20.13.020—Windows:** Sections C.1 and D.3 seem to conflict. He also suggested that the term “fenestration” needs to be defined.
- **Section 20.13.030—Materials:** Does Section C.2 actually state that stucco can only be used above the ground floor? Or does it state that all of the materials listed can only be used above the ground floor? He said his biggest worry in regard to the materials section is that the City would not be able to stop a developer of a small project from painting the building purple or lime green, etc. if the developer is not asking for a departure from the Design Guidelines and the project meets all of the other code requirements.

Mr. Michel concluded his comments by reminding the Board that the ADB has repeatedly stated that they would like to try and use the new Design Guidelines first without changing the design review process. This would enable them to see how effective the document is. They do not feel it is appropriate to change both the design guidelines and the design review process at the same time.

Tony Shapiro, 600 Main Street, commented that the public hearing was not very well advertised. He said he has expressed interest in this issue on numerous occasions in the past and has attended several meetings. However, he did not receive a notice of this public hearing in the mail. He suggested that there are multiple development professionals in Edmonds who would have attended the hearing if they had been made aware of the date. Therefore, the Board should not gauge the sparse attendance as the level of impact the design guidelines will have on the design community.

Mr. Shapiro said he is greatly concerned about the additional public meetings that would be required if the proposed design review process is approved. Many in the development community perceive this as a violation of the intent of the State Statute that was passed in 1994 limiting the public hearings to one. While the City Attorney feels he can create fancy language to allow this to happen, if the process were challenged in court, the City would lose. He questioned the need for the ADB and the public to be involved in the early stages of the design process. Architects are inundated with governmental regulations, and to interject a subjective analysis by people who are not familiar with the concepts being described, would make the process significantly more cumbersome and time consuming. The impact to just the design professional alone is immense, and the impact on the ultimate design of the project would not be enhanced. He said the average citizen would not understand how the laws relate to the design of a building, and a designer will have to spend a lot of time trying to create a preliminary design that can be clearly understood by the public.

Mr. Shapiro said that the point has been made that the Design Guidelines need to have clear criteria related to building mass to enable the ADB and staff to analyze the building designs. He said he is in support of objective criteria, but it is very difficult to legislate good design. The proposed Design Guidelines make a valiant effort to do this, but they fall far short.

Mr. Shapiro referred to Page 15 of the proposed Design Guidelines. He said that while he is all for the concept of maintaining proper clearance coming in and out of garages and trying to pull garages back from the street as much as possible, this is not always easy to do. He particularly noted that Section 20.11.060.B.2 requires that garage entries be screened from the street through building massing or shrubs adjacent to the drive. He said this is difficult to do on certain streets. He suggested that this section be changed to require that the visual clearance and site triangle should be maintained as required.

Mr. Shapiro said that there are so many criteria to apply to a project design that the ultimate design result is diminished. The point Mr. Gregg made regarding roof modulation verses building modulation is appropriate. The City needs to stop using the term roof modulation, since this is a misapplication of the term and perpetuates the public misconceptions. It is important that the sections regarding mass and form are clear. Also, Mr. Shapiro cautioned that the City needs to be careful when creating language that will encourage and enhance the longevity of all older buildings simply because they are considered to be historical.

Mr. Shapiro referred to the diagrams on Pages 29 and 30 related to massing. He inquired what constitutes volume. He said that while he can discern different volumes, it is difficult to put together code language to clarify the issue in writing. If the City wants to retain this section, they should put together specific tables and proportions to clearly identify the concept.

Mr. Shapiro closed his comments by stating that the City codes have real ramifications on the livelihood of individuals who live and work in Edmonds, and he did not feel the proposed document would fulfill the goal the City expects to achieve.

Michael Lowell, 316 – 7th Avenue North, said that he currently serves on the Architectural Design Board (ADB). He voiced his concern that he just received a copy of the proposed amendments on Monday, and it appears that the design process now being considered is different than the one the ADB had previously reviewed and provided comments on. The process that was previously proposed would have allowed the ADB to make the final design decision. However, under the new proposed process, the staff would issue the final decision.

Mr. Lowell voiced his concern about the Board trying to accomplish two goals at the same time. He recalled that the ADB provided comments early in the discussions regarding the design guidelines and design review process stating that they would like the opportunity to work with the new Design Guidelines for a time before the Board considers any changes to the design review process. He said that his experience on the Board indicates that if a builder or designer has done their homework and worked with the staff to clearly understand the guidelines, their projects end up going through the ADB review process easily.

Mr. Lowell expressed his concern that the proposed design review process takes the citizen out of the equation, and there would be no public forum opportunity. The public would only be able to provide their comments in writing or verbally to the staff. If the public is no longer able to actively participate in the design review process, the dynamics of the entire ADB process will be changed.

Mr. Lowell suggested that if the proposed process is approved, it appears that the ADB would have to do more work, but the staff has not briefed the ADB on exactly how the proposed process would impact them. He urged the Board to seek the ADB's feedback regarding the proposed process before forwarding it to the Council for consideration. Mr. Dewhirst explained that the ADB has had the opportunity to provide their input regarding the design review process on several occasions. Mr. Bullock added that a copy of the most recent flow chart was not sent to the ADB until last Monday, but they did get copies of the Planning Board Minutes, which provide a full account of the process the Board is considering. He said he has also discussed the proposed process with the ADB chair. Mr. Lowell concluded his comments by urging the Board to take action only on the Design Guidelines at this time, and let the ADB use them, utilizing the current design review process, to see how well they work before considering any changes to the process.

Roger Hertrich, 1020 Puget Drive, said that Mr. Lowell summed up his feelings regarding public participation, as well. He noted that the major changes being proposed for the Design Guidelines, as expressed by the developers and designers, suggests that perhaps the City should not take two steps at the same time. He said that while he does not agree with all of the comments that have been made by the developers, the Design Guidelines do need to be examined and used under the current design review process, which is less time consuming than the proposed process. He said that getting rid of the ADB will not simplify the process. Both the people who use the design review process and the ADB members have indicated that the current process works if done properly, but the new process would create significant problems.

Mr. Hertrich said that as a citizen, he feels that his ability to participate in government and the process would be considerably limited by the proposed process. The public hearing process is so important. From that process the citizens have the ability to appeal and take their views forward all the way to the public elected officials. With the proposed process, any appeal would go directly to the Superior Court, and this significantly limits the average citizen's participation. He suggested that the Board simplify the issue by keeping the process the same for now and see how many problems occur over time as the new Design Guidelines are implemented.

Mr. Hertrich said the whole development community is greatly concerned about views. The old code said that if a developer wants to go up the additional five feet, they have to be concerned about the views of uphill properties. He suggested that the problems associated with views, massing, modulation etc. would all be taken care of if the City were to require a setback for residential floors built in the mixed-use zones. This would provide at least some view protection and would keep the huge mass and line blockage away from the street. It would also help alleviate the concerns of the citizens who are fearful of the kind of buildings that are being constructed today. Modulation or not, the new mixed-use code requirements are a total change for the City. He said the public seems to appreciate that the commercial zones in Edmonds are restricted to a lower height limit.

In closing, Mr. Hertrich said the process should be left along and the Design Guidelines should be looked at again after they have been implemented for a set period of time. He urged the Board to set up a periodical review of the document so that the Board will have the opportunity to hear the complaints submitted by the ADB, staff, developers and citizens and make the necessary adjustments.

THE PUBLIC PORTION OF THE MEETING WAS CLOSED AT 8:50 P.M. THE BOARD TOOK A FIFTEEN-MINUTE BREAK. THEY RECONVENED AT 9:05 P.M.

APPROVED

Mr. Dewhirst suggested that the Board split the two issues into separate deliberations. He suggested that the Board first give very specific directions to the staff regarding the Design Guidelines so that they can use the comments provided by both the Board and the public to create a revised set of guidelines to consider at the next meeting. Once they have provided all of their comments regarding the Design Guidelines, Mr. Dewhirst suggested that the Board consider the proposed design review process.

Mr. Young said he is ready to try one change or the other at this time, but he is not comfortable with approving both issues at the same time. He said his sense, from the years he served on the ADB, is that it is difficult to write guidelines for the ADB to use because it is hard to legislate quality. He said that while he finds the proposed Design Guidelines adequate for implementation, there is some phraseology he would like to have changed at some point.

Mr. Young said that if the message from the ADB is to try the Design Guidelines without making a change to the review process, he would support a recommendation for approval of the revised guidelines. He agreed that a semi-annual or quarterly review of the guidelines would be appropriate to determine how well they are working.

Mr. Guenther said it seems that every time the Board holds a hearing on the proposed Design Guidelines, they end up incorporating numerous changes. They might never get to the point where everyone is 100 percent satisfied with the document. He said he appreciates the comments that were provided by the public, and some should be incorporated into the document. But at some point they need to approve the document and begin to implement the concepts.

Mr. Guenther said he is most concerned about the section related to massing because it is difficult to understand how this section will work. He also pointed out that the guidelines define the BC zone as the downtown area, but there are other areas in the City that are zoned BC, as well. Mr. Bullock clarified that there are only a few other sites in the City that are zoned BC. These are very small areas, where large developments are unlikely to occur. Mr. Guenther said it would not be appropriate to apply the same design standards to the other BC zones.

Ms. Noel said the Board has worked hard to create the Design Guidelines. They have received good feedback to refine the document further, but they will never make people 100 percent satisfied. Because they need to start somewhere, she suggested that staff revisit the issues of conflict one more time and provide a new draft document that the Board can forward to the City Council for consideration. She expressed her desire that the document be approved so that it can become a working document, recognizing that future reviews will allow them to further refine it.

Ms. Freeman said she only received the proposed document for the first time about a week ago. She agreed with Mr. Guenther that the section related to massing was very confusing. She particularly noted the diagram on Page 30 that illustrates a building on a steep slope with a 25-foot grade change on the site. It appears that this provision could allow a way for developers to circumvent the current height limit, and this needs to be looked at more closely.

Ms. Cassutt agreed with the comments provided by the other Board members and the public. She agreed that staff needs to provide an updated draft to address some of the concerns that were identified. Then the Board should review the document one final time and send it forward to the City Council.

Mr. Dewhirst said he was both happy and surprised by the comments provided by the public. He said he appreciates the time people have spent to review the document and provide their feedback. There seems to be three or four areas that still need attention. Mr. Dewhirst expressed that he was disappointed to hear that some of the issues have come full circle. For example, the original proposal included a section to regulate color, but after being accused by the public of trying to be "color police" they decided to remove it. Now they are being asked to consider color again.

Mr. Dewhirst pointed out that on Page 14, Line 5, there is a missing number. Also, he suggested that the verbiage that is provided next to each illustration needs to explain the illustration only. If the language is related to a requirement, it should be placed in the regular text.

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Next, Mr. Dewhirst referred to the illustration on Page 18, which indicates that downtown commercial properties must provide two feet of additional sidewalk area to encourage pedestrian traffic. He recalled that the Board had decided not to make this mandatory, but to perhaps allow some type of bonus for development that does provide the extra sidewalk.

Mr. Guenther recalled that the Board had agreed that second and third floors should be allowed to project out into the right of way, but this was not clearly addressed in the Design Guidelines.

Mr. Dewhirst suggested that the issue of view could be resolved by combining Sections 20.12.010.A.1 and 20.12.010.A.4 into one statement and making it clear that it only applies to public owned properties.

Mr. Dewhirst noted that the massing and roof modulation issues received the most attention from the public who participated in the hearing. Therefore, he concluded that the staff needs to further review these sections. He suggested that the Board members provide their specific comments regarding roof modulation and massing and any other issues regarding the Design Guidelines to the staff as soon as possible. Staff should also incorporate the comments made by the public. He particularly noted the concern raised by Mr. Gregg regarding the problems with weatherproofing. He said this has been a particular problem with buildings on Main Street.

Mr. Dewhirst reminded the Board that there is a height limit in Edmonds of 25 feet, with a few exceptions. When reviewing flat roofs, he suggested that the parapet and treatment above the roof needs to be considered as well as modulation. He asked staff to further refine this section. He also asked that staff further refine Lines 14 through 20 on Page 34—particularly in regard to numbers and terminology. Also, some of the terminology in Section 20.13.020.C on Page 35 conflicts, and they need to have definitions for the various window types. He asked that staff clarify this section further. In addition, he asked that staff further clarify Lines 12 through 23 on Page 36.

Ms. Cassutt recalled that the Board previously discussed the issue of regulating color. She said that the Board discussed at length how staff would review color, but this was not included in the proposed Design Guidelines. Mr. Chave said a change in color requires review against the Design Guidelines, but the guidelines do not provide much direction about what to do with color. The only reference to color is on Page 37, Section 20.13.040. He said Mr. Michel brought out the point that according to Page 35, the applicant might not have to deal with the color issue at all during the review process. Mr. Michel has requested that the Design Guidelines provide some provision to prevent a development from having garish colors, even if the applicant is not required to use variation in color because of the size of the building. Mr. Chave specifically referred to the chart on the top of Page 35, and noted that for small and medium buildings, an applicant could choose to address window variety and building skin materials to meet the façade element requirements, and then paint the building an atrocious color. He said that if the Board wants to place some regulations on color, they could do so by adding language that insists that the buildings be compatible with the surrounding neighborhood.

Mr. Dewhirst said that on Page 37 there are some very general terms that are open to interpretation, such as requiring roof top utilities to be screened instead of enclosed. While he understand the intent, the terminology needs to be corrected.

Ms. Cassutt recalled that when the Board talked about allowing a bonus to developers who construct parking below grade, the Board concluded that there was no reason why the underground parking could not go out to the property line. Mr. Chave said that change has already been incorporated into the City's Development Code. Mr. Bullock said that Mr. Michel's comment about parking lots was related to the 60 percent lot coverage requirement in RM zones, which is not part of the code. He said this may be something the Board should consider further.

Mr. Dewhirst inquired if staff could have the changes identified by the Board and public incorporated into the Design Guidelines document and back to the Board within the next two weeks. Mr. Chave answered that the only problem will be waiting for the minutes so that staff can identify all of the issues that have been discussed. However, he concluded that staff should be able to make most of the changes by the next meeting.

Mr. Dewhirst suggested that the Board move on and discuss the proposed design review process. Ms. Cassutt inquired if she could ask Mr. Toyer, from the Master Builders Association, to finish the comment he was making regarding another

jurisdiction. Mr. Toyer said that this comment was related to issues of language concerns and not the process. He was going to provide an example of the type of language that can cause significant problems and lead to time delays in the process.

Ms. Cassutt expressed her opinion that the Board should go forward with the Design Guidelines recommendation without the proposed change to the design review process at this time. She said she feels the proposed process will take way too long and is too complicated. Once the new Design Guidelines are approved by the Council, the ADB could use the current process to implement them for at least six months before the Board considers any changes to the design review process.

Ms. Noel agreed with Ms. Cassutt. As much as the Board has worked on the Design Guidelines and review process this year, if the ADB is not in support of the proposed process, then perhaps it is better to retain the existing process for the time being. She agreed that the ADB should be allowed the opportunity to work with the new Design Guidelines before changing the review process.

Mr. Guenther said the proposed process is probably one of the best the Board has come up with for a new process to incorporate public comment and participation early in the design review process. He agreed that it is onerous to ask the ADB to “jump through two hoops” at the same time. While the Council has directed them to do both, it sounds like, right now, the Board is in support of forwarding the Design Guidelines to the Council but not the proposed design review process. In light of the comments that have been received, it doesn’t appear that the proposed process is acceptable. He agreed that the Board should forward the Design Guidelines to the City Council, but table the proposed design review process.

Mr. Young agreed. He said his sense from the beginning was that the proposed process should not be changed. He said there were two criteria he wanted to maintained in the design review process. One was that the public be able to fully understand what was being proposed by the development community. The second was that the final decision be issued by the ADB so that any subsequent decisions would be made based on a record that was created by people who are professionals in the field. The current process seems to be doing this. Beyond that, there is a very strong general consensus that it is probably “too much to swallow” at one time to change both the Design Guidelines and the design review process. He agreed that they should try the guidelines and see how they work and let the current design review process continue for the time being.

Mr. Dewhirst said the Board’s current direction is a major shift from the consensus that was reached by the Board a few months ago when they agreed to move forward with the proposed design review process. He said he was very torn at that time between the new process and the existing process. The Board has heard for the last two years that they should change the design review process to get the ADB’s input early on. However, he said he did not like the proposed process because it represents too drastic of a change for Edmonds at one time. However, to keep the current process in place, he suggested that the Council be removed from the appeal process and that appeals be heard by the Hearing Examiner, instead.

Mr. Dewhirst suggested that this decision would ultimately become political. Given the time the Board has spent on the issue and the investment the Board has in seeing the Design Guidelines implemented, they should put their emphasis towards pushing the guidelines through. He suggested that the Board’s recommendation indicate that they want to have a shake down period for working out the problems in the guidelines. Once approved by the Council, the document should be reviewed at regular periods so that oversights and conflicts can be addressed. At the end of the shake down period, the Board should reevaluate the process.

Ms. Cassutt suggested that once the Council sees the guidelines, they might better understand why it won’t work to do both changes together. Mr. Dewhirst suggested that the Board could help the Council’s review process along by providing a report of the proceedings that led to their recommendation.

The Board agreed that the appeal process should be changed to the Hearing Examiner instead of the City Council. Other than that one change, the Board recommended that the current design review process be maintained.

REVIEW OF EXTENDED AGENDA

APPROVED

The review of the new draft of the proposed Design Guidelines was scheduled on the June 26 meeting agenda, in addition to a review of the Transportation Plan Update. One of the items that was originally scheduled for this date would be deferred.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst indicated that he would not be present at the next Board meeting.

PLANNING BOARD MEMBER COMMENTS

Mr. Young said he had the occasion at work to get on the web site for the Transportation Improvement Program and found that the City's transportation grant of \$2.4 million for the 220th Street improvements was the third largest of those granted. It was only \$80,000 less than what the City of Tacoma received. He asked that Mr. Chave relay his compliments to the Traffic Engineering for all of his hard work.

Mr. Young said that he still has not received notification of when the Highway 99 Task Force will begin their meetings, but he would keep the Board informed.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE BOARD ADJOURNED THE MEETING AT 9:55 P.M.

APPROVED