

PLANNING BOARD MINUTES

March 10, 2004

Chair Young 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.

BOARD MEMBERS PRESENT

James Young, Chair
Janice Freeman, Vice Chair
Jim Crim
Virginia Cassutt
John Dewhirst
Cary Guenther
Judith Works

BOARD MEMBERS ABSENT

STAFF PRESENT

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

READING/APPROVAL OF MINUTES

BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF FEBRUARY 25, 2004 AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

AUDIENCE COMMENTS

No one in the audience expressed a desire to provide comments before the Board during this portion of the meeting.

PUBLIC HEARING ON DRAFT CODE AMENDMENTS AND ADMINISTRATIVE ACTIONS INTENDED TO IMPLEMENT THE DRAFT DOWNTOWN PARKING STUDY (FILE NO. CDC-03-170)

Mr. Bullock advised that since everyone in the audience has attended previous hearings of this item and the Board has had numerous discussions on the parking study and the proposed code changes, he would not provide a lengthy staff report. He concluded that the changes that are before the Board represent what staff understands to be the Board's final recommendation for the proposed parking ordinance, dependent on the public comments that are received at the hearing. Board Member Young said he believes staff captured all of the issues the Board raised at the last meeting.

Mr. Chave recalled that at the last meeting, the Planning Board discussed Chapter 17.50.070.C, which provides exceptions from the parking requirements. After further review, staff now recommends that Exception 2, which would provide a potential exception for historic buildings, is the only exception that should be allowed. This exception is in line with the City's goal to promote the preservation of historic buildings.

Mr. Chave explained that Exception 1 would allow for a reduced parking requirement for proximity to public transportation. However, staff does not believe this exception is appropriate if it is assumed that much of the logic for the existing parking pattern is already based on the availability of public transportation in the downtown area. This exception would provide an additional reduction in parking for a circumstance that already exists throughout the area. He advised that staff recommends this exception be deleted from the proposed ordinance.

Mr. Chave advised that Exception 3 would allow for a reduction based on a specific use study, and staff believes this could be problematic since the only justification for the reduction would be the particular uses being proposed for the site. If the goal is to remove use as a consideration in the downtown parking requirement, this provision would run counter to the intent of the ordinance. He said staff is also recommending that this exception be deleted from the proposed ordinance.

Board Member Crim referred to the exception that would be allowed for historic buildings. He questioned if this section should specify that the exception would only apply to buildings that have been placed on the Edmonds Register of Historic Places. Mr. Chave agreed that the exception should only apply to historic structures that are on the Edmonds Register. This would provide an incentive to property owners to get their buildings listed. Board Member Young noted that this exception would enhance the efforts of the Edmonds Historic Preservation Commission. However, he suggested that the exception should apply to structures that are located either on the National or the Edmonds Registers. He also suggested that the Commission should determine what type of criteria would be used to review historic structures.

Board Member Crim pointed out that the exception for historic structures could be applied in situations where a historic building was destroyed by fire and the owner wanted to rebuild but could not meet the parking requirements. Mr. Chave said the exception could also apply to a situation in which an owner of a historic structure wants to add space in order for his building to function adequately for a particular use, but he does not have the necessary space to meet the parking requirements. The Board agreed that language should be written in this section to accommodate all of the various scenarios discussed.

Board Member Young distributed copies of written testimony received from the following individuals:

- **Stephen Waite**, AIA, 111 Elm Street, dated March 10, 2004. His letter expressed his support for the in-lieu-of parking program.
- **Don Kreiman**, 24006 – 95th Place West, dated March 5, 2004. His letter was related to the proposed language found in ECDC 17.50.070.C.
- **Don Kreiman**, 24006 – 95th Place West, dated March 10, 2004. This letter was related to the need for a parking enforcement plan and funding.

Strom Peterson, 9110 Olympic View Drive, said he is present to represent the Downtown Edmonds Merchant's Association. He offered kudos to the Board and staff for proceeding fairly quickly on their recommendation for the parking changes. He said it is his hope that the City Council would follow their lead and take quick action, as well. He said the City staff was excellent in keeping the Downtown Edmonds Merchant's Association apprised of all of the changes being proposed. If there is anything the Association can do to help spread the word and help people understand the new regulations, they are interested in providing their assistance to implement the parking plan.

Don Kreiman, 24006 – 95th Place West, agreed that the Board and staff has done an excellent job on the parking ordinance. He referred the Board Members to written testimony he provided prior to the meeting suggesting options for implementing and enforcing the new parking regulations. He said he is not suggesting that the Board include these recommendations as part of the ordinance at this time, but perhaps the Board could discuss this issue in the future. It is important that the Board, at some point in time, address the enforcement issue. If there is no enforcement plan attached to the ordinance when it is sent to the City Council, it might become a sticking point in their review. Mr. Kreiman said he is happy to see that the Planning Department has established a website. He was able to get a copy of the draft ordinance from his home computer.

Bob Gregg, 16550 – 76th Avenue West, agreed with the previous two speakers. If the Board ends up getting bogged down on a few particular concerns related to the ordinance, he urged them to at least make a recommendation to the City Council on Sections 17.50.010.C.1 and 17.50.010.C.2. He advised that these two sections are critical to property owners who are

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trying to move new businesses into Downtown Edmonds immediately to fill up the empty retail space. He expressed his concern that the Board not delay the entire document for just one or two issues.

Board Member Young referred to the summary of the ordinance, which was provided by the staff. He suggested that the Board further discuss the last bulleted item related to exceptions and provide direction to the staff as to the Board's intent. He summarized his interpretation of the staff's recommendation that the Board should eliminate the concept of exceptions other than the one for historic buildings. He noted that the Board agreed to leave it up to staff to write language that would reflect this intent.

Mr. Chave said his interpretation of the Board's earlier discussion was that as long as a historic structure is maintained and included on the historic register, the property owner could possibly obtain an exception to the parking requirements.

Board Member Young inquired if the Historic Preservation Commission would be identifying acceptable levels of restoration or expansion of historic buildings that would be workable from a Development Code standpoint. Mr. Chave answered that any property that is identified on the Edmonds Register of Historic Places would require a certificate of appropriateness before any work can be done on the building. This certificate would require a review by the Historic Preservation Commission.

Board Member Young referred to the letter submitted by Mr. Steve Waite regarding the in-lieu-of parking program. Mr. Chave explained that with the proposed language, there would no longer be a mechanism for contributions to the in-lieu-of parking fund. At this time, the proceeds from this fund must be used for improving or leasing parking lots for public use. But since the fund would no longer be active, the City Council could consider alternative uses, such as enforcement. The Board could make a recommendation to the City Council regarding the potential use of the in-lieu-of parking funds. They could also make a recommendation to the City Council regarding the parking lot that is located at Fourth and Main. Both of these issues were raised in the parking study.

Board Member Young requested that staff respond to the questions and concerns raised by Mr. Waite regarding elimination of the in-lieu-of parking program. He said Mr. Waite's letter points out that throughout the City there are numerous small-scale buildings on relatively small parcels as well as buildings constructed lot line to lot line. These building types add significantly to the image and character of the City. He suggested that eliminating the in-lieu-of parking fund could create a disadvantage for these structures to expand even on a modest basis.

Board Member Cassutt said that even considering the concerns raised by Mr. Waite, she still feels it would be appropriate for the proposed ordinance to eliminate the in-lieu-of parking program.

Board Member Guenther referred to the example that Mr. Waite cited of a parcel with little or no means to add surface parking. If the in-lieu-of parking program were no longer available, converting an existing attic area into habitable space of more than 250 square feet would be impossible. The addition of a second floor on a lot line to lot line building would not be realistic either. Board Member Guenther inquired if there are a large number of lots in the downtown that would fall into this category. Mr. Bullock answered that this is somewhat of a concern because ownership in the downtown area is very fractured and there are a lot of very small lots with buildings that stretch from side to side and to the back. The examples Mr. Waite described are conceivable situations. He explained that, right now, there are three ways for a property owner to accommodate the parking requirements: building on-site parking space, paying into the in-lieu-of parking program, or leasing extra parking space from another property owner in the vicinity. The proposed ordinance would remove the option of paying into the in-lieu-of parking program. However, the ordinance would also add the exception for historic buildings. Both of the examples provided by Mr. Waite are related to historic buildings so there would be an opportunity to obtain an exception to the parking requirement.

Board Member Crim inquired if it would be possible for a property owner to obtain a variance to the parking requirements. Mr. Bullock answered that anyone can apply for a variance, but the City has never had to process a variance for the parking requirements so he doesn't have a good feel for how they would respond to an application of this type.

Board Member Dewhirst reminded the Board that the consultant recommended an exemption from providing any parking for new construction or building expansions of less than or equal to 1,500 square feet. However, the Board decided not to incorporate this provision into the proposed ordinance due to concerns over how it would impact future incremental increases in parking and development. He asked that the Board reconsider this decision because there are a lot of small lots within the downtown area that do not have historic structures located on them. It would be difficult to develop these lots with a viable use if there were no opportunity for the property owner to obtain relief from the parking requirements. He said that if the City's goal is to maintain and protect the character and low-density scale within the downtown area, they should consider allowing this exemption. Board Member Dewhirst suggested that the cut off point for this exemption should be 1,500 square feet of gross floor area, which is not a very big structure. If the size of the structure would be greater than 1,500 square feet the property owner could be required to provide more parking spaces. This type of exemption would provide a huge benefit for the redevelopment of small lots.

Board Member Crim said he believes there is some merit to allowing an exemption for buildings that are less than 1,500 square feet in floor space, but he questioned how the City would make the transition from a building that is 1,500 square feet or less in size and requires no parking to a building that is 1,600 square feet in size and requires three parking spaces. Board Member Dewhirst proposed that with any new construction, the first 1,500 square feet of space should not be counted in the parking requirement calculations. Board Member Crim said this could potentially diminish the parking requirement to less than one parking space for every 500 square feet of gross floor area. For example, a 3,000 square foot building would only require 3 parking spaces, which equates to one space for every 1,000 square feet of gross floor area. He said he is not sure Board Member Dewhirst's proposal would accomplish the Board's intent, and he said he would be concerned about eliminating the parking requirement for the first 1,500 square feet of newly developed space.

Mr. Chave said that, as it was originally proposed, all buildings or additions in the downtown business area would have to provide parking at a flat rate of one parking stall for every 500 square feet of gross floor area of building except for retail and accessory uses of 1,500 square feet or less which would not have any parking requirement. While the intent was that the exception should only apply to small buildings, the consultant's proposed language was not clear.

Mr. Bullock agreed that there may be a need for this exemption, but as land becomes scarce in the downtown area, they could see more and more mixed-use projects that provide token amounts (1,500 square feet or less) of commercial space with residential on the upper levels. If the exception were included in the ordinance, these commercial spaces would have no parking requirement. He said this would appear to encourage more of this type of development, and he is not sure that is what the Board envisions for the BC zone. Board Member Young agreed with Mr. Bullock that this exception would run counter to the Board's intent for development in the BC zone. The majority of the Board concurred.

Board Member Works pointed out that if problems arise in the future, the Board could review the parking ordinance and make changes to address their concerns. She suggested that a regular review be part of the Board's recommendation to the City Council. Mr. Chave agreed and said the Board could recommend that the ordinance be put in place, implemented for a few years and then reviewed to see if changes are necessary. The remainder of the Board agreed that this would be appropriate.

Board Member Guenther referred to the exception that would be included in the ordinance for historic structures. He questioned if this exception could be a staff decision or if it would have to be heard by the Hearing Examiner. Mr. Chave answered that it would be up to the Board to make this recommendation to the City Council. However, he suggested that even if the Board decides it should be a staff decision, a public notice requirement should be included. Board Member Guenther said that a staff decision would be less expensive than would a Hearing Examiner decision. Mr. Chave said a staff decision with notice would require no public hearing. If the Board felt it appropriate to hold a public hearing on these matters, the Hearing Examiner review would be the best approach. If they feel the staff should make these decisions, they should still recommend that a public notice be sent out to allow the public the opportunity to know what is going on. The public would have the opportunity to appeal the staff decision to the Hearing Examiner. He noted that a staff review is a lot less costly for the applicant.

Board Member Guenther recommended that the exception for historic structures be a staff decision with notice. Mr. Chave said that if there is a requirement that the historic structure be listed on the Historic Register, any changes to the property

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would have to be reviewed by the Historic Preservation Commission, as well. The remainder of the Board concurred that a staff decision with notice would be the most appropriate process.

BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD FILE NUMBER CDC-03-170, WITH THE CORRECTIONS AS DISCUSSED BY THE BOARD, TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED 6-0, WITH BOARD MEMBER DEWHIRST ABSTAINING.

BOARD MEMBER CRIM MOVED THAT THE BOARD VOICE THEIR CONCERNS TO THE CITY COUNCIL ON THE FOLLOWING ISSUES:

- THAT THE PARKING CODE BE REVIEWED ANNUALLY FOR THE NEXT SEVERAL YEARS.
- THAT STRONG CONSIDERATION BE GIVEN BY THE CITY COUNCIL TO FUND ADEQUATE PARKING ENFORCEMENT.

BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Board Member Freeman reminded staff of their previous announcement that the City Attorney would be reviewing the nonconformance section of the code. Mr. Chave said this work is still in progress.

Mr. Chave inquired if the Board wants to make a recommendation to the City Council regarding the parking lot that is located at Fourth and Main and the in-lieu-of parking fund. Board Member Crim responded by stating that he does not feel the Board should make a recommendation to the Council about what to do with the in-lieu-of parking funds. But they should make it clear that the ordinance will not work if there is no enforcement. Board Member Cassutt agreed. She said she would also like to bring to the City Council's attention that there are permit parking spaces in the City that are not being used. These spaces should be released for public use.

UPDATE ON ISSUES AND BACKGROUND INFORMATION ON THE AMENDMENTS TO THE COMPREHENSIVE PLAN AND CRITICAL AREAS REGULATIONS

Mr. Chave advised that this agenda item would be standard on every Planning Board agenda for the remainder of the year. He reported that staff is negotiating a scope of work and schedule with the consultant. Hopefully, it will be presented to the City Council for approval next week. He referred to the extended agenda that was prepared by staff. At the next meeting, staff would provide an update on the schedule for public meetings, etc. through the end of the year for both the Comprehensive Plan and the Critical Areas Regulations updates. He said he is hoping to have something in writing for that meeting so a verbal presentation might not be necessary.

Mr. Chave said staff is also planning to hold public workshops at the end of April or first of May to explain the issues and options to the public in terms of critical areas and the Comprehensive Plan. Staff also plans to update and revisit the visual preference survey that was done in 1992 to 1994 when the City was developing their first Comprehensive Plan that was adopted in 1995. This survey provided a series of photographs that were taken of developments outside the City of Edmonds. The public was asked to react to each of the developments and rate them on a scale. Staff would also add photographs of developments that have taken place in Edmonds during recent years.

Mr. Chave urged the Board to keep in mind as they go through the Comprehensive Plan review process that if there are areas in the City where they want to scale back and potentially reduce capacity, the goal should be to find other areas in the City where the capacity could be increased to balance out. If they end up with more capacity than when they started their review, the City would be better off. He noted that capacity is related to both employment and residential capacity. At this time, employment capacity is available to meet the projected growth targets, but they are close with the residential capacity they are required to provide. He noted that as the Board makes recommendations related to capacity, they should keep in mind the importance of establishing a clear record and documentation to support any changes that are made.

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Board Member Dewhirst recalled that the emphasis during the review would be on trying to get more tax revenue into the City. He questioned how this would play into the balance of residential on one hand and employment on the other. He questioned which would be the highest priority. Mr. Chave said that, theoretically, the City must provide a balance of employment and residential opportunities. But because Edmonds is a bedroom community, they are way out of balance. The City has certain obligations for residential capacity and they need to keep these in mind. He said the Comprehensive Plan tries to create a balance between competing goals, but in a built out community, there is only so much that can be done without significantly changing the character of the City. He reminded the Board that in 1995 the City decided that they did not want to become a regional center. They wanted to retain the existing character. They decided to create some activity centers to target infill in a careful way. The Board should keep in mind that they will have to balance competing interests. However, it is likely that wherever the City targets economic development, residential development opportunities will likely be provided, as well. That is where the mixed-use concept comes into play. He concluded that economic development without residential development would not get the City where it needs to be.

Board Member Young noted that about a year ago, the City made the commitment to Snohomish County Tomorrow to accept the low growth projections for both employment and population. He said he finds this to be reasonable because the low projection is for an additional 5,000 people, which will not be easy for the City to accommodate because of the small amount of land that is available. He noted that over the last ten years, the City has issued permits for more multi-family residential development than single-family residential development. He said it seems that the City has done their fair share to accommodate the growth, and he doesn't want to see Edmonds get pushed into a corner because someone decides they need to take more people within the City limits than they can accommodate over the next ten year period.

Board Member Young said it would be helpful for the Board to understand how the changes that have been made over the years have impacted the City's ability to meet their growth targets. Mr. Chave said that over the last ten years the City has implemented new regulations for planned residential developments and accessory dwelling units. They have implemented changes in density in the downtown area, and they are just now working on changes to the parking regulations in the downtown. All of these changes have provided more opportunities for infill development to meet the growth projection targets without having to do wholesale zoning changes from single-family to multi-family residential. He reminded the Board that in 1995 the City made the decision that they would maximize their efforts to do infill development without changing the character or development patterns of the City.

Mr. Chave said that during the coming year, the Board could review the multi-family residential zones and assess whether incremental density increases could be made. But this doesn't have to be done Citywide. For example, the Board could review the multi-family residential zones along SR-104 or Highway 99 to look for opportunities to increase the density. He noted that perhaps the height limit could be increased in these areas because problems associated with view would not exist. In areas where height is a sensitive issue, perhaps there could be some modest increases in density without changing the development pattern.

Board Member Freeman inquired if demographic information is available to identify the number of people who live in a single household. Mr. Chave said he would look for information on projects for household size. He said he would expect that the average household size has decreased slightly in recent years. Board Member Freeman agreed. She said that while the City has increased the number of housing units available, they have not increased their population because the average household size has decreased, as well.

Board Member Cassutt suggested that Highway 99, which is not a view sensitive area, would be a good location to increase density in the multi-family residential zones so that the City could provide more housing opportunities at a more affordable cost. Mr. Chave said the City has received a few requests from property owners along SR-104 asking that their properties be rezoned from single-family to multi-family residential. There is also another area located around 238th and 240th Streets between Highway 99 and SR-104 that the Board should review. This is a mixed-use zone, and staff has received a lot of letters from property owners interested in rezoning.

Board Member Young inquired if the City would be forced to make a recommendation to change density and zoning. Mr. Chave said the Board will have to analyze the large lots that are located in the northern portion of the City, but they do not have to consider other portions of the City, as well. However, the Board has the option of reviewing different areas

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throughout the City as part of the process. He said that one thing in the critical areas ordinance that has not been emphasized significantly is habitat, which is definitely present in the large lot zoned areas. One of the factors the staff will be asking the consultant to look at is whether there is an opportunity to support large lot zoning because of habitat. But this would require that restrictions be placed on property owners in order to protect the habitat environment.

Board Member Dewhirst questioned why the staff wants the Board to start talking about density changes before the City Council has approved the design guidelines. Mr. Chave said the City Council committee has reaffirmed their commitment to get the design guidelines adopted before the end of the year. He said the committee discussed the possibility of holding a joint City Council/Architectural Design Board meeting to discuss the design guidelines.

REVIEW OF EXTENDED AGENDA

Board Member Cassutt suggested that since the agenda for the March 24th meeting is so lengthy, some of the subcommittees could choose not to meet at 6:00 p.m. Mr. Chave reminded the subcommittees that they are scheduled to report on their activities at the Planning Board Retreat that is scheduled for April 7th. He cautioned that it is not too early for the Board to consider topics they want to cover at the retreat. However, he advised that the Highway 99 and subcommittee reports would take up a substantial amount of time. Board Member Cassutt said that Ms. Ohlde inferred that a representative from the Parks and Recreation Department would be present at the Board's retreat to discuss issues related to park funding. Board Member Works said her understanding was that this discussion would take place at the March 24th Board Meeting as part of the public hearing on the Capital Improvement Plan.

PLANNING BOARD CHAIR COMMENTS

Board Member Young said he was contacted by Ms. Ohlde, the City's Parks and Recreation Manager, regarding comments he made at the last meeting about the Parks budget. He clarified for her that he was not proposing that the City stop spending money on parks and start spending the money on transportation instead. He was trying to show how the City Council, through policy, could direct a certain amount of funding to a specific area. He would like to end up with an equally great transportation program as parks program. He suggested that a representative from the Parks Department as well as the staff person responsible for the capital improvement plan should explain the process for allocating this money. He said he does not feel it is the Board's place to tell the City Council where the City's resources should be spent. However, it should be emphasized that if the City dedicates resources to something, they can expect to have good results.

Mr. Chave reported that the City Council held a retreat last weekend and a summary of their discussions would be available soon. They did a lot of work to reaffirm goals and objectives and strategic plans. They moved through a number of subjects with concurrence. He said he informed the City Council that the Board would be working on the Comprehensive Plan and Critical Areas Regulations throughout the year, and they indicated a desire to stay apprised of what is going on. Board Member Crim asked that staff email the summary of the City Council Retreat to each of the Board Members as soon as it is available.

PLANNING BOARD MEMBER COMMENTS

Board Member Works asked that staff provide the Board Members with copies of the Architectural Design Board Minutes.

Board Member Young commented that he finds the email distribution to be superior to getting all of their packet information in the mail.

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