

## PLANNING BOARD MINUTES July 28, 2004

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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 – 5<sup>th</sup> Avenue North.

### BOARD MEMBERS PRESENT

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

### BOARD MEMBERS ABSENT

Virginia Cassutt  
Don Henderson

### STAFF PRESENT

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

### READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE MINUTES OF JULY 14, 2004 AS CORRECTED. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

### ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

### REQUESTS FROM THE AUDIENCE

**Don Kreiman, 24006 – 95<sup>th</sup> Place West**, said that his parents are in their 70's, and as so many retired couples do, they moved into a condominium in Reno, Nevada. They enjoy being able to walk to church and stroll along the river in the downtown. Everything they need is located within walking distance, except their family. As he expects them to become more feeble over the next ten years, he would like them to be able to spend their last years with dignity, being able to walk and talk to whoever they wish and feel part of the community. He would like to be able to take care of them, and he has prayed that they would be able to move to Edmonds, since the downtown is a walkers paradise, with trains, buses, ferries, restaurants, the senior center, etc. Unfortunately, downtown Edmonds is not accessible to retired couples on a fixed income. He suggested that the high cost of the housing in downtown Edmonds is a direct result of the strict height limits. He questioned if it makes sense to keep most seniors away from a community environment that satisfies their needs. Does it make sense to restrict access for a population that is growing so fast? He asked the Board to please think about what is best for Edmonds.

**CONTINUED PUBLIC HEARING TO CONSIDER A REZONE REQUEST BY WARREN LAFON TO REZONE THE PROPERTY AT 546 PARADISE LANE FROM SINGLE-FAMILY RESIDENTIAL (RS-6) TO MULTI-FAMILY RESIDENTIAL (RM-2.4) (FILE NUMBER R-04-7)**

Mr. Bullock presented the staff report and entered the following into the record: Staff Report as Exhibit 1; a letter from Diane and Takashi Nasa dated April 26, 2004 as Exhibit 2; and a letter from William Foster of Hutchison and Foster on behalf of the applicant, dated July 28, 2004 as Exhibit 3.

Mr. Bullock explained that the application that was submitted by Pat and Warren LaFon was for a contract rezone to change the zoning on their property from single-family residential (RS-6) to multi-family residential (RM-2.4). As part of the application, the LaFon's have offered a list of conditions that can be found in Attachment 3 of the Staff Report. These conditions would limit the number of units that could be constructed on the site and require that the development be comprised of at least two separate buildings. In addition, the applicant has proposed conditions to address parking, tree retention, and landscaping. Even though a three-story building would be required, the applicant has offered a condition that would require the third story to be set back six feet on the Paradise Lane side to minimize the impact to the residential property to the northeast. However, the applicant's attorney, Bill Foster, just today submitted a letter indicating that the applicant would like to withdraw that condition from the contract rezone application.

Mr. Bullock advised that when a contract rezone is proposed, the Board and City Council must review section 20.40 of the Edmonds Community Development Code (ECDC), to determine how the proposed rezone would comply. The Board must review the application based on the following criteria:

- Is the proposal consistent with the Comprehensive Plan
- Is the proposal consistent with the purposes of the zoning ordinance and the proposed zone district.
- The relationship of the proposed rezone to the existing land uses and zoning of the surrounding and nearby properties
- Has there been sufficient change in the character of the immediate area or in City policy to justify the rezone
- Whether the property is economically and physically suitable for the uses allowed under the existing zoning and under the proposed zoning
- The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property.

Mr. Bullock referred to Pages 3, 4, 5 and 6 of the Staff Report, which provide detail as to whether or not staff believes the project complies with each of the before mentioned criteria. However, he noted that the staff's analysis of the project would change slightly in light of the applicant's decision to withdraw the condition that would have required the third story to be set back.

Mr. Bullock explained that some type of Comprehensive Plan has been in place for many years going back before the 1970's. This corridor along SR-104 has always been designated as some kind of multi-family land use, but not to the specificity of the current Comprehensive Plan. With the passage of the Growth Management Act (GMA), the City was required to adopt a new Comprehensive Plan in 1995. Prior to adoption of this plan, the City went through a complex review of development along the Westgate Corridor, from the Westgate Chapel all the way to Fifth Avenue South. This review was folded into the first edition of the GMA Comprehensive Plan that was adopted by the City in 1995. This document provided a land use designation for each property along the corridor and is supposed to be the enabling tool to establish zoning.

Mr. Bullock advised that the subject property is part of what is known as the Paradise Lane Island. In the Comprehensive Plan that was adopted in 1995, everything but the very tip of the island where the current bank is located was designated as multi-family. The tip was designated as commercial. However, in 1997-1998 there was a proposal to change the Comprehensive Plan designation for a section in the center of the island, and the City Council ultimately decided this small section of property should be designated as single-family residential instead of multi-family residential. He used a map to illustrate the land use designations for the Paradise Lane Island.

Mr. Bullock advised that the GMA requires that the City adopt zoning regulations and zoning designations that are consistent with the Comprehensive Plan, which means the property should be rezoned to some kind of multi-family zoning designation. He pointed out that in annual reviews of the Comprehensive Plan, the City Council has continued to reaffirm the land use designation for this property as multi-family. However, the City never got around to taking the appropriate rezone action on

the property. The only other option for the City would be to change the land use designation in the Comprehensive Plan for this property to single-family residential. As it is, the current application must be judged by what the adopted Comprehensive Plan says the property should be zoned, which is multi-family.

Mr. Bullock referred to Items F and F.5 on Page 5 of the Staff Report, which identify two specific goals and policies for the Westgate Corridor. Item F expresses that the corridor is a unique situation in the City, with a very high volume of traffic that provides service for a neighborhood. Item F.5 talks about the properties that front on the corridor that, over time, have become increasingly unsuitable for single-family residential homes. At the same time, single-family residential neighborhoods abut up to these properties, and the City is concerned about how development that fronts along Edmonds Way can be compatible with both the highway and with the residential neighborhoods. He explained that the City Council's thought, when approving this language, was that the design review process would be able to handle some of the compatibility issues. However, looking back over the history of some of the rezones that have come before the Board and the City Council, this has not necessarily been the case. He recalled a Comprehensive Plan Map amendment and rezone applications for the property east of the car wash. This property fronted onto Edmonds Way, with 95<sup>th</sup> Avenue on the east and 228<sup>th</sup> Street behind. A single-family residential zone was located to the north. While the City Council reaffirmed the Comprehensive Plan land use designation of multi-family residential for this property, they expressed concern that an RM-1.5 zoning designation would have a significant impact to the single-family residential properties to the north. A lot of the discussion that took place when the City Council adopted the Comprehensive Plan amendment and denied the rezone request was that they would be much more comfortable with a contract rezone application that could resolve some of the compatibility issues.

Mr. Bullock advised that staff has taken the City Council's direction into consideration when potential applicants come into the office to talk about rezones for property located along the Westgate Corridor. Staff tries to give direction as to what the Planning Board and City Council concerns might be. He suggested that the issue of concern is not so much related to density as it is to design to make sure new development does not impact the single-family residential neighborhoods. He said that as the staff went through the rezone application process with the applicant, there was some debate about what compatibility means. The staff tried to provide a number of ideas as to acceptable ways to deal with compatibility issues in the design process. The staff suggested that if some bulk parameters were provided in the contract rezone, some of the neighborhood concerns could be addressed. The applicant worked with the staff to come up with options for setting bulk standards for the subject property, but that is the one element of their preliminary contract proposal that they have requested to have removed as a condition.

In regards to density, Mr. Bullock explained that the Comprehensive Plan designation for the subject property is multi-family, medium density. This equates to either RM-3 or RM-2.4 zoning. With the size of the property being just over 30,000 square feet, the applicant would be allowed 12 units in an RM-2.4 zone and 10 units in an RM-3 zone. With the current zoning of RS-6, the applicant would be allowed to build 4 or 5 units. Mr. Bullock recalled that one question that has been raised by both the neighbors and the Planning Board on a previous occasion, is the difference in density of uses and impacts on traffic, etc. He referred to the traffic study that was submitted by the applicant and included in the Staff Report as Attachment 9. He noted that the typical traffic load for a single-family residential unit is ten trips per day, with one trip during the peak PM hour. The traffic report submitted by the applicant identifies a lower traffic impact per unit for condominium type developments. The number of trips per day would be between 5 and 6 per unit, with a total number of peak hour trips that is similar to what would be generated by a single-family residential unit. When comparing the development of a 12-unit condominium project with a 5-unit single-family residential project, the impact to the traffic would be about the same. He concluded that it would be difficult to argue that the multi-family development would have a greater impact to the neighborhood than a single-family development.

Mr. Bullock described the land use patterns for the area. He noted that the northern tip of the Paradise Lane Island is designated as multi-family, with single-family residential to the northeast, south and southwest. The property in the center of the island is designated as single-family zoning. Further down Edmonds Way, there is commercial and different types of multi-family zoning.

Mr. Bullock advised that as proposed, the contract rezone would require that some of the large trees be removed in order to accommodate a multi-family development. But the SR-104 right-of-way is extremely wide in this location and a significant

amount of vegetation is located within this right-of-way. These trees would remain in place. In addition, the applicant plans to retain some of the mature vegetation in the southeast corner of the site.

Mr. Bullock said another question that came up at the previous public hearing on the contract rezone was related to traffic and accident history. He said he reviewed the accident report for this area with the Police Department, and there have been five accidents reported over the past six years. This results in an average of less than one accident per year. The City's Traffic Engineer has indicated that the City generally looks for five or more accidents in a particular location within any given year before they seriously consider ways to correct a situation. The Traffic Engineer is of the opinion that nothing additional is needed at this point. Mr. Bullock advised that the Engineering Department also tracks public comments and requests related to traffic. If the City were to receive a significant number of complaints about a particular intersection, this would indicate a traffic problem. The number of complaints can usually be tied to the number of accidents, because as people have to wait for long periods of time, they become frustrated and end up taking chances. This, typically, results in more traffic accidents. He concluded that the accident and complaint data do not support an immediate need for change. He reminded the Board that the City does not require a certain volume or level of service calculation for smaller types of development. The size of the proposed project is not sufficient enough to warrant the City requiring the applicant to do a full traffic analysis.

Mr. Bullock referred to the criteria regarding whether or not there has been sufficient change in the character of the immediate area or in City policy to justify the rezone. He also referred to the criteria regarding whether or not the property was economically and physically suitable for the uses allowed under the existing zoning and proposed zoning. He explained that with the passage of the Growth Management Act, scrutiny of these two criteria should be considered to have been completed unless some radical change has happened in the past year. If the land use designation that is identified in the Comprehensive Plan is not appropriate, it should not have been adopted by the City Council. To use these two criteria to deny the contract rezone would be in conflict with the Comprehensive Plan.

Board Member Dewhirst inquired regarding the width of Paradise Lane. Mr. Bullock answered that the right-of-way is 60 feet wide, but the actual pavement is only 18 feet wide.

Board Member Freeman inquired if there are any mature trees in the SR-104 right-of-way. Mr. Bullock answered that the trees in the right-of-way are not as mature as some of the trees on the subject property. There are no older Douglas Fir trees located within the right-of-way.

Chair Young recalled that when the Board was first introduced to the contract rezone application, he forwarded a list of questions and concerns to staff. While Mr. Bullock covered most of these concerns, he requested that he respond to his previous question regarding the rationale for designating the subject property as multi-family in the Comprehensive Plan. Mr. Bullock again stated that the Comprehensive Plan that was in place prior to 1995 definitely identified the high impact corridor with commercial along the highway surrounded by multi and single-family residential uses. When the City conducted the Westgate Corridor Study, they looked at all of the properties along the corridor. While there were some historic things recognized in the ultimate adoption of the Comprehensive Plan, there was a lot of public debate between the Planning Board, property owners, neighbors and City Council. He said he does not know of any specific rationale that was used to support the adoption of the current land use designation, but it did have to do with whether or not single-family uses were appropriate types of development for the properties abutting SR-104.

**Stephen Michael Smith, Professional Planner, Lovell Sauerland and Associates, 1940 – 33<sup>rd</sup> Avenue West, Suite 200, Lynnwood,** thanked Mr. Bullock for a complete staff report. He said quite a few issues were raised on the project, and Mr. Bullock did a good job of recognizing the specifics of the project and property. Mr. Smith said he is familiar with the site and with the application, itself. He explained that Mr. and Mrs. LaFon are concerned about this application and would like the Board to understand more about the events that led up to the continuance and the applicant's active decision to not attend the last hearing at which the application was continued. He explained that their request to extend the hearing was in response to comments raised by the City staff regarding the application with only a few days for the applicant to respond prior to the hearing. He advised that the changes requested by the staff were significant enough that it was the applicant's opinion that there was no possible way to address them prior to the public hearing. He said that having been through these procedures many times before, it is clear that the staff's recommendation carries considerable weight in the proceedings so they felt that

having a recommendation from the staff in support of the project was definitely important. After meeting with the staff and the applicant, the applicant felt the best strategy was to not attend the June 9<sup>th</sup> public hearing. He apologized if this decision caused consternation on behalf of the Board, since this was not the applicant's intention.

Mr. Smith said the applicant agrees with the staff's recommendations and conclusions, with the exception of the condition that would require the applicant to set the third story of any building back an additional six feet from the Paradise Lane side. He explained that the applicant met with the staff after the June 9<sup>th</sup> public hearing to resolve the issues that still remained, in that staff believed the proposal was too massive in its location to the surrounding area. While the applicant did not originally object to the inclusion of the setback requirement as a condition of the contract rezone, upon reflection, the applicant has now concluded that this condition would impose an unreasonable restraint upon the project. This condition would make the structure inordinately expensive to construct. Furthermore, this condition would limit a future developer from coming up with a creative design to address the compatibility issue and make it difficult to sell the property and utilize the zoning they hope to obtain.

In answer to a previous question about why the applicant is proposing a contract rezone, Mr. Smith advised that Mr. LaFon met with the City staff a few times before submitting his application. He was told that for both the Planning Board and the City Council to have an idea of what the proposal would constitute, it would be helpful to do a contract rezone. The staff indicated that the chances for success would be greater if a contract rezone were proposed.

Mr. Smith pointed out that multi-family uses have been previously determined to be compatible with the surrounding single-family residential area. This designation has been in the Comprehensive Plan for quite some time. If it were inherently incompatible, the property would not have remained as multi-family. He noted that the drawings that were submitted with the contract terms narrow down the potential uses of the property lower than what a straight rezone would provide, and this gives the City some security regarding the ultimate use of the property. The applicant chose not to provide building elevation drawings to retain some flexibility for the Architectural Design Board (ADB) to ensure the goals of compatibility with surrounding areas are met.

Mr. Smith said that, in his planner's opinion, the neighborhood is a very good location for this type of development. The larger buildings would be a better noise and visual block between the single-family residential neighborhoods and the busy highway. The subject property is located at the end of a dead end road where there are only approximately 7 to 10 single-family homes in the surrounding area with no pass-by traffic. The subject property is not located in the middle of a single-family area with hundreds of single-family homes that could potentially be impacted. In addition to the 7 to 10 homes surrounding the subject property, there is also a condominium project across the street that has the same number of units on the same size of property. Looking at the neighborhood from the view of those who would drive by the project, only 7 to 10 houses and one 12-unit condominium would be impacted. Adding one more condominium next to one that already exists would change the character of the neighborhood very little.

Mr. Smith said he concurs with the staff's analysis of the traffic situation. He referred to a citizen concern that was raised regarding the amount of dirt that would have to be removed to accommodate the project, and clarified that about the same amount of dirt would have to be removed to accommodate a single-family residential project.

Regarding the appropriateness of the contract rezone, Mr. Smith said that as a planner, he feels the proposed development would serve as a natural planning buffer between the higher uses along the highway and the single-family residential uses immediately to the north. He felt the subject property could serve as an ideal location for transitional multi-family residential zoning.

Mr. Smith said the staff did an exceptional job of analyzing the issues relative to the proposal. He referred to Item 4 on Page 3 of the Staff Report, which states that the proposal is generally consistent with the purposes of the Zoning Ordinance and the proposed zone district. It further states that review and compliance would be determined on a case-by-case review of all development proposals and license requests. He suggested that this means the applicants would refine the proposal as they move forward with a building permit proposal and application. The ADB would have the ability to require that the top floor of the structures be set back in order to address compatibility issues, but he did not feel the contract rezone should require this condition.

Next, Mr. Smith referred to Item F.2 on Page 5 of the Staff Report. This section states that the City would use design review to ensure that development provides a transition to adjacent residential neighborhoods. He said the applicants agree with this requirement. He explained that the Comprehensive Plan specifically contemplates using the ADB for the type of architectural detailed review that is at issue. The applicants believe that the proposed zoning would comply with the Comprehensive Plan and that the project would conform with the Comprehensive Plan. In addition, the applicant believes the ADB should be the body that ultimately reviews the “nuts and bolts” of the design of the project.

**Bill Foster, Hutchison & Foster, 4300 – 198<sup>th</sup> Street Southwest, Lynnwood**, indicated that he is the attorney for the applicants. He referred to what he sees in the staff report as the crux of the staff’s reservations about the application. He said there are portions of the staff report where instead of objecting to the pending application, the staff has said that if this one design criteria that the LaFon’s are objecting to was addressed in the contract rezone, the staff would be more supportive of the proposal. Mr. Foster suggested that this issue is between the staff and the applicant as to whether or not the contract rezone application is the appropriate time to consider the actual design of the project. He explained that the City is unique in that it incorporates the ADB review as part of its building permit process. He further explained that a function of the ADB is to evaluate a project according to certain criteria to make sure the design of each building complies with the standards. He said the criteria are quite specific and deal both with building and site design. He suggested that a lot of issues that have been raised in the staff report as reservations are items that will be addressed in the ADB review process. The building design and site design will both be addressed in the ADB process. For instance, tree removal and grading are specifically listed as criteria the ADB will consider when reviewing the site plan. He said the applicant is concerned that this condition would hand cuff the developer of the property, as well as the ADB.

Mr. Foster agreed with the staff that, given the passage of the GMA, criteria D and E are no longer criteria that must be satisfied. The GMA requires jurisdictions to have their Comprehensive Plans and zoning designations essentially match (RCW 36.70.A.030 and 040). He advised that the Supreme Court has stated that the reason an applicant doesn’t have to show a significant change in circumstances when the purpose of the rezone is to match the Comprehensive Plan is because the already adopted Comprehensive Plan at the time the rezone application is submitted, makes the most recent statement of legislative intent for the use of the property. He said that, as far as this application is concerned, the Board must consider whether or not the zoning proposal would bring the property into compliance with the Comprehensive Plan, which it does.

Mr. Foster suggested that the question now becomes what other conditions the City can impose on an applicant, such as the requirement that the top floor of the building be set back a certain distance. He referred to Item F.5 on Page 5 of the Staff Report. Again, he said the Comprehensive Plan is quite clear that design review should be used to ensure that development provides a transition to adjacent residential neighborhoods. It further states that for uses in transitional areas adjacent to single-family neighborhoods, design techniques such as modulation of facades, pitched roofs, stepped down building heights, multiple buildings, and landscaping should be used to provide designs that are compatible. He concluded that even if the rezone phase was the appropriate time to undertake these considerations, the design review conducted by the ADB would be the vehicle by which the actual design of the building should be determined.

Mr. Foster advised that the applicants are reluctant to agree to the setback condition because they will not likely be the developers of the actual buildings. In addition, this condition could present some problematic structural issues that could end up making the building more costly to construct. From a marketing standpoint, if the top floor is setback even six feet, there would be a significant reduction in the square footage of the top units. The top units are the ones that will be the most valuable. He concluded that this particular condition would impose a significant burden upon the applicant.

Mr. Foster referred to Sections C.2.b.i, C.2.b.ii, and C.2.b.iii, which all deal with compatibility issues. He submitted that the record provides no assurance that setting the top floor of the building back an additional six feet would satisfy any of the requirements in this section. He advised that Section C.2.b.i states that multi-family developments should preserve the privacy and view of surrounding buildings, wherever feasible. He suggested that whether the top floor is set back or not would have little impact on the view or privacy of surrounding structures. He said Section C.2.b.ii states that the height of multi-family buildings that abut single-family residential zones shall be similar to the height permitted in abutting single-family zones. He suggested that this is simply not ever going to be the case. A three-story building would be required, and setting the top floor back six feet would not change the height of the building. He said there can be no rational correlation

between this policy and the condition that the staff seeks to impose. Lastly, Mr. Foster referred to Section C.2.b.iii which states that the design of multi-family buildings located next to single-family zones should be similar to the design idiom of the single-family residences. He suggested there is no rationale for setting the top floor back six feet, and it would not make the building any more compatible with surrounding properties.

Again, Mr. Foster said he believes this issue is more properly addressed to the ADB. In addition, if this condition were imposed, it would not do anything to satisfy any of the policies that are clearly stated in the Comprehensive Plan as far as compatibility. The requirement would not change the ultimate height of the structure. He submitted that if the Board is going to support the condition as a matter of law, they must find a rational relationship between the condition and the policies, themselves, and there is none.

Mr. Foster said jurisdictions are obligated to make development regulations, including zoning designations, consistent with the Comprehensive Plan. He referred to Page 1 of the letter he submitted to the City dated July 28, 2004. The first footnote at the bottom cites the three most leading cases, two of which were decided by the State Supreme Court and one by the Division 2 Court of Appeals. These case decisions have stated that jurisdictions must, under GMA, bring their development regulations and zoning regulations into consistency with the Comprehensive Plan. He said he appreciates the staff's comment that due to their workload, this consistency doesn't always happen. However, this application presents the City with an opportunity to bring the zoning into consistency with the Comprehensive Plan. He said he believes that the cited cases mandate that the proposed rezone application be approved. The only other option would be for the City Council to amend the Comprehensive Plan to bring it into consistency with the current zoning. However, this property has been designated as multi-family for more than 20 years, and the Board should take something from the fact that the City Council has not seen fit to change this designation.

Mr. Foster suggested that the original designation of this property as multi-family was a function of two things relating to the Westgate Corridor Study. He agreed with Mr. Smith that the proposed project would provide a better buffer between SR-104 and the single-family residential neighborhoods that are directly to the north than would single-family development. That is one of the reasons why the City Council has elected to continue this property designation. He also feels the Westgate Corridor Study had a significant impact on this land use designation. He said he would like to know why they left the island of single-family residential property between the commercial and multi-family areas.

Mr. Foster noted that the Comprehensive Plan has a specific section for the Westgate Corridor, which calls for a more intense use than single-family residential. The crux is that as properties develop as multi-family, it is inevitable that they will be near or abut single-family residential development. This cannot be avoided. He said he believes the time to alleviate the impact, as clearly stated in the Comprehensive Plan, is at the ADB review stage. In the meantime, the City should do as mandated by the GMA and bring the zoning and the Comprehensive Plan into consistency. He recommended the contract rezone be approved without the condition requiring a 6-foot setback for the top story. He argued that the other items in the proposed contract could also be handled by the ADB during design review. However, because they would not be a significant hardship to the applicants, they are willing to include them in the application.

Board Member Crim clarified that the subject property is identified in the Comprehensive Plan as multi-family, medium density. He questioned the difference between an RM-2.4 and RM-3 zoning designation. Mr. Bullock clarified that the difference between the two zoning classifications are related to density and side yard setback requirements. The exact same height limits and other setback requirements would apply to both zones. The two zoning designations would appear similar from a bulk standpoint.

Mr. Foster pointed out that the Comprehensive Plan has a specific section regarding the Westgate Corridor area. He referred to the second paragraph on Page 6 of the Staff Report, which states that there is a priority for larger scale development to be somehow compatible with smaller scale adjacent single-family development. He suggested that this section contemplates a greater density than what you would see in other areas of the City. The justification for RM-2.4 versus RM-3 zoning is what came out in the Westgate Corridor section of the Comprehensive Plan.

Mr. Foster said that when reviewing the rezone request, it is also important for the Board to consider the uses of the surrounding properties. He said it is his understanding that the other condominium to the north is zoned RM-1.5, which is a

greater density than what the applicant is proposing. The proposed contract rezone is supported by the Westgate Corridor portion of the Comprehensive Plan and is more consistent with the surrounding uses than the RM-3 zoning designation would be.

Chair Young inquired if any of the Board Members had participated in ex parte communications outside of the meeting regarding the subject of the hearing. None of the Board members indicated an ex parte communication. In addition, no one in the audience challenged the participation of any of the Board members.

**Ardelle Morgan, 619 Paradise Lane**, said that she has lived in her home, which is located across the street from the bank, for about 48 years. She expressed her concern that people who visit the bank have to back onto her property to get out. She said she didn't mind when this property was used by the church on Sundays or by the theater in the evenings. But when the Dairy Queen was put in, she took three pictures of cars that backed into the ditch in front of her home. Then the real estate business was put in and finally the bank. She said she came to the meeting to express her concern about traffic and the safety of the people who live in the area, especially if large trucks are allowed to access the subject property during construction via Paradise Lane. She pointed out that Paradise Lane is very narrow, and the City needs to do something to improve the intersection that joins with SR-104. In addition, she suggested that back out parking along Paradise Lane should not be allowed. It is really dangerous and the City should do what they can to provide for the safety of the bank customers and the people who use the road.

**Helen Connolly, 1350 – 6<sup>th</sup> Place South**, said that the condominiums that already exist in the neighborhood are atrocious looking. They don't blend in with the single-family development, and they have brought the neighborhood down. She said she is not looking forward to more of them.

**Bruce Lambrecht, 1355 – 6<sup>th</sup> Place South**, said that one issue no one has brought up is the fact that the other buildings that are along SR-104 access directly off of SR-104. The proposed development would have access off of Paradise Lane and the fronts of the two structures would face Paradise Lane. He said he did not think people in the 1960's were thinking that someone would put in an underground parking garage for 31 cars plus two handicapped spaces on property along Paradise Lane. For someone to tell him this would not really increase the traffic on the 16-foot lane is ludicrous. He said he believes the proposed development would significantly increase the traffic on Paradise Lane. He noted that there is currently a sewer project going on along Paradise Lane that has made it very difficult to access SR-104 from Paradise Lane. The traffic backs up all the way to the QFC. He said that although he would not see the proposed new buildings from his property, he is concerned that Sixth Place South would be used for people to take a short cut to SR-104. It is already used as a short cut and the situation would become worse if the rezone were granted. This is not a good situation, and it could expose the City to unnecessary liability risk.

Mr. Lambrecht said the attorney's comment that it would be better to have a condominium building than 200-foot fir trees because the building would block the sound better is also ludicrous. However, he said his real issue of concern is related to traffic impacts to the neighborhood. The traffic situation needs to be fixed. The City has indicated that the applicant would not be expected to pay for these improvements and the City doesn't have the money. Therefore, the City should not approve a rezone unless there is money to fix the problems that already exist. He noted that if the rezone application were not approved, the property owner would still be able to construct four or five homes on the site.

**Dorothy Jennings, 806 – 7<sup>th</sup> Avenue South**, said she was born in the house that is under consideration for demolition. She said she is realistic enough to know that sentiment will not impact the Board's decision. However, she has other concerns and questions, as well. She said that two days after the June 9<sup>th</sup> hearing, she walked down Paradise Lane to the end and discovered that a sewer project was in progress. She questioned if the sewer project had anything to do with the proposed contract rezone even though a decision has not yet been made. As she thought about what she could offer at the public hearing, she decided that it is important for people to take a stand and indicate what they value in their community.

Ms. Jennings questioned how the City or the applicant could come up with statistics that indicate that people in single-family homes generate more traffic than people living in condominiums. She suggested that people who live in condominiums are more likely to come and go because they don't have a yard to enjoy. In addition, she expressed her opinion that trees screen against noise. They help create fresh air, and they protect from pollution and emissions from cars that line up along SR-104

waiting for the ferry. The trees are also beautiful, and she values beauty. She said it is important to allow people living in the City to enjoy the beauty and peace of the community. Much of the City's charm is gone, but some still remains.

Ms. Jennings suggested that a plan is just a plan, and it can be changed. If all this comes about because the City has to go along with the plan, she submitted that there might be a better way to proceed. She said she would like the Board to be stewards of the beauty that remains in the community. She knows they can't build walls and prevent change, but she would like to stop the destruction of land. She said her understanding of the Growth Management Act is that it was intended to stop urban sprawl. But if the contract rezone is approved, the City will be abetting sprawl. Instead of having single-family homes, they will be increasing the density a mile out of Edmonds.

Ms. Jennings said there must be a reason why this application is being proposed now. If it has been designated as multi-family since the 1960's, she questioned why the change is only now being made. She said that she visited a real estate office a few days ago and inquired regarding the number of condominium units that were available for sale within the City. She was told that there are 137 units already available. Now the applicant is requesting to add 12 more. Again, she questioned the urgency to comply with the Comprehensive Plan designation that has been in place for a long time. She said she understands the need for condominiums in the City, but she would like to see them located in areas where there are sidewalks and not in areas where the natural landscaping has to be destroyed. She would like to hear the Board say enough is enough. She begged them to say enough.

**Diane Ellis, 1350 – 6<sup>th</sup> Avenue South**, said her property opens to Paradise Lane in the back and Sixth Avenue South in the front. The proposed project would end up looking directly into her backyard. She said she is opposed to the contract rezone. She questioned the applicant's representative basing the application on a Comprehensive Plan designation that is 30 to 40 years old. She suggested that the City should reconsider the Comprehensive Plan. The fact that there are condominiums at the end of the cul-de-sac should also not be part of the consideration, since these units should not have been allowed either. This property should have been developed as single-family homes, as well.

Ms. Ellis suggested that the concept that condominiums would have less impact than five single-family homes is ridiculous. The amount of dirt removed alone would exceed what would be required for four or five homes. Having trucks going up and down Paradise Lane during construction would create a dangerous situation since Paradise Lane is a substandard street already. At this time, two cars cannot pass adjacent to each other. She questioned who would fix the street after it is damaged by the large trucks. She pointed out that the City doesn't have money for this repair or to widen the street.

Ms. Ellis said that for the applicant to suggest that the ADB is responsible to limit the design is unacceptable. The ADB is responsible to tweak project designs, but if the Board agrees on a design as part of a contract rezone, the ADB would not be able to substantially change that design. The ADB is available for design review, but they don't do any major changes. Therefore, she suggested that now is the time to do design review for the project. Ms. Ellis reiterated that her significant concerns are related to traffic and road repair. She questioned how hundreds of trucks could use this road without significant damage occurring.

**Michael Connolly, 1350 – 6<sup>th</sup> Place South**, agreed with his neighbors on the shortcomings of the proposed project. He said all he has heard from the applicant is a series terms such as GMA, RCW, LOS, etc. He questioned where the heart of the City has gone. He suggested that the proposed project is grossly misplaced in this location. He called upon the Planning Board to realize the mistake of the proposal and listen to the neighbors that will be impacted by construction of the site and make a decision that will benefit the lives, the spirit and the environment that is the City of Edmonds. He said he has lived on 6<sup>th</sup> Place South for 16 years, and he cannot imagine the impact the proposed construction would have on their quality of life.

Mr. Connolly expressed his serious concern about the flow of traffic from SR-104 coming off of Paradise Lane. The situation is horrible now and adding additional cars from the condominium would be a nightmare. With the ferry traffic on weekends, it is difficult to get from Paradise Lane onto SR-104, and it is dangerous, as well. He asked the Planning Board to take the appropriate action and deny the rezone application.

**Adrienne Beuter, 500 Paradise Lane,** said that he visited the area several times before he decided to move to Paradise Lane because it was unique and somewhat isolated. He said he feels sorry for the people who live across from the subject property. He said he has been involved in building for a number of years, and he felt that even a two-story condominium would be inappropriate on the subject property. He noted that the traffic is pretty high right now. Some consideration must be given to the people living across the street. Their view now is nice and the trees provide a buffer. He suggested that before the Board takes action, they should consider the people who live in this area.

**Amy Goertz, 1355 – Fifth Place South,** said her understanding of the plan is that even though the applicant might leave the trees that are located within the right-of-way, they are planning to demolish every single tree on the subject property. She said there have been more than enough reasons amongst the various speakers to deny the application. Specifically, she addressed the character and heart of the City of Edmonds and their neighborhood. She said there are small children, pets and other people who are now able to stroll across the street and talk with their neighbors. If the number of living units allowed on the subject property increases, the traffic also would increase. She questioned the comment made by staff that there would be no greater impact on the trips per day than would single-family development. She said that when the street gets backed up, accidents happen. To say that there have only been five accidents in six years is wrong, and she questioned what traffic report the staff reviewed. She noted that not everyone files a traffic report or an insurance claim. There are accidents in this location on a regular basis. If the number of trips increases, so will the number of accidents. She concluded that the people who live in the neighborhood and have to deal with the construction should be taken into consideration. The reasons given by the neighbors should support the Board's denial of the application.

**Thom Trucksis, 1250 – 6<sup>th</sup> Avenue South,** reviewed the comments he submitted in writing in March regarding the proposed application. He expressed specific concern about the traffic on Paradise Lane that could become significant with the proposed application. He said his family moved to Edmonds eleven years ago because of the quality of life. Edmonds prides itself as a walking community and Paradise Lane is not wide enough for two cars to pass. Very often, people are run off the road and there is no accounting for the number of near misses that take place in the area.

**Jennifer Mantooth, P.O. Box 462,** said she was present to voice her support for the proposed contract rezone. She submitted a letter of her comments for the record. Ms Mantooth said the applicant has done a good job of addressing the concerns of staff and local residents. The attachments are clear and it is easy for a layperson to grasp the concepts and see that the new multi-family development would be an asset to the neighborhood. She reminded the Board that the State has mandated jurisdictions to increase density and it makes sense to do this on major roads that lead into Edmonds. Multi-family would provide more diversity as spoken to in the Comprehensive Plan. It would also make sense from an infrastructure point of view to have residences located in close proximity to each other. It is important for the zoning and the Comprehensive Plan to be consistent. She said she feels the proposed development would be a win-win situation for the City of Edmonds.

**Rowena Miller, 8711 – 182<sup>nd</sup> Place Southwest,** said she lives in the northern portion of Edmonds, but what the Board does tonight could have an impact on the entire City. Everyone in the City is impacted when trees are cut down because the beauty cannot be replaced. She urged the Board to stop the urban sprawl of condominiums that starts with a little here and a little there. She noted that there are many applications before the City now requesting an increase in density. She advised that because the City is in the middle of a Comprehensive Plan review, they should avoid making piecemeal changes. She asked that the Board deny the application and review the zoning for the entire City.

**Steve Waite, 111 Elm Street,** said it is important to note that the City Council has reaffirmed the land use designations annually. However, the City Council does not do this on their own. They expect to have input from the citizens. Every year since 1995 the Comprehensive Plan has been before the citizens of Edmonds. As an act of citizenry, he suggested that the public should have shown up at that time and provided their comments. But, unfortunately, the application has to be approved now because it is consistent with the Comprehensive Plan. Mr. Waite concurred with the applicant's attorney that the GMA was put before the citizens for a vote and the City is mandated to follow it. This is a classic case of what is happening in the City. The Comprehensive Plan states that municipalities with a population of more than 20,000 must adopt a minimum lot size requirement of four units per acre. While he would like Edmonds to remain the same, he said the City is required to follow this mandate. On that basis, he said he felt the Board must follow the law and recommend approval of the contract rezone.

**Tom Reynolds, 500 Paradise Lane**, referred to the picture that was provided in the Staff Report and said this is what he looks at every morning when he gets out of bed. The picture shows a lot of trees, but the only trees he sees are on the back side of the condominium. The contract rezone indicated that these trees would be preserved, but he questioned whether they even exist.

**Bud Wheat, 545 Paradise Lane**, said he has lived in his home for 44 years. He said he is convinced that the rezone will probably be approved, but the City really should consider the traffic issues that exist. Sixth Avenue North and the short cut issue should be considered, as well. He said he uses this short cut because it is difficult to access SR-104 from Paradise Lane. Mr. Wheat said the applicant has presented a pretty good design for what he would like to build on the site, and he doesn't object to a condominium being built. However, he questioned the base line for the 24-foot plus roof. He said the lower the building is, the better.

**Don Kreiman, 24006 – 95<sup>th</sup> Place West**, said this whole situation is a sad state of affairs. The neighbors have a problem, but so does the Board because they have to comply with the Comprehensive Plan. He said the Comprehensive Plan review process is important and now is the time for citizens to get involved. The way the State law reads, the Growth Management Act and Comprehensive Plans are extremely important. The Planning Board cannot do anything about this application because their hands are tied by State law.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

THE BOARD TOOK A 15-MINUTE BREAK AT 9:10 P.M. THEY RECONVENED AT 9:25 P.M.

Mr. Foster said that Mr. Waite was correct by stating the status of the zoning. The land use is reviewed annually, and the City evaluates zoning throughout the City. The land use designation for this site is current as of last year. Mr. Foster referred to the multiple concerns that were expressed about traffic. However, he pointed out that the only evidence in the record is that of a certified traffic engineer that the project would have no greater impact than if the property were developed as single-family residential. To deny the project based upon a finding that the traffic is substandard would clearly be erroneous.

To summarize the public comments, Mr. Foster said they basically don't want the project to occur. While he can appreciate the people not wanting change, the Growth Management Act was designed to make planning, planning and not ad hoc land use decisions based on feelings. That is why the GMA requires cities to adopt Comprehensive Plans and review them on an annual basis. Zoning must be consistent with the Comprehensive Plan. If the City doesn't want to zone the property to multi-family, then its only alternative would be to amend the Comprehensive Plan. However, the Lafon's have the vested ability to apply for the rezone under the plan that is in existence now. Because this is a rezone application, Mr. Foster said there is no need to get into design of the streets, etc. at this point. He said Paradise Lane would be widened with curbs, gutters and sidewalks, but these decisions are not part of the rezone process. The rezone process is to make the property consistent with the Comprehensive Plan. The applicant contends that design authority lies with the ADB.

Mr. Bullock explained that as a contract rezone, the City does not have the ability to place conditions on the applicant. The applicant must offer the conditions. The Board and City Council can either decide to approve or deny the application as presented. He said that when the staff went through the various iterations of the project with the applicant, they provided their review and voiced their concerns based on compatibility with the single-family neighborhood. It was up to the applicant to bring a new iteration back to address this concern. As part of that conversation, staff provided ideas to address the massiveness of the building as it faces the single-family zone to the northeast. The staff threw out the concept of stepping the top story back six feet, and the applicant ultimately decided to include this option as one of the conditions of the contract. Staff felt this condition would address their concerns about compatibility. Now that the applicant has taken this condition off the table for consideration, he advised that the staff's recommendation has changed somewhat. The Board must now decide whether to recommend denial or approval of the application. If the Board feels the proposed application would be compatible with the neighborhood, they could forward it to the City Council with a recommendation for approval. If they have some concerns, they can make these known and recommend denial to the City Council.

Regarding Ms. Jennings' concern about the sewer project, Mr. Bullock emphasized that this project had nothing to do with the proposed application. It was planned as a City project a long time ago. The project is a repair to the sewer line on Edmonds Way with a temporary line on Paradise Lane. Eventually, the temporary line would be removed.

Mr. Bullock recalled that concerns were raised about traffic, and the staff's input related to this matter was taken straight out of the International Traffic Engineers (ITE) Manual, which records many studies related to condominiums and multi-family projects. The information in the manual is very scientific.

Regarding the issue of the City trying to make a decision based on a 40-year Comprehensive Plan, Mr. Bullock emphasized that is not the case. He said the City adopted their first Comprehensive Plan in 1995 and has confirmed it and the land use designations associated with it every year since.

Mr. Bullock emphasized that one of the proposed conditions of the contract is that the applicant would maintain some trees in the southeast corner of the site.

Board Member Dewhirst inquired regarding the City's standard for local streets. Mr. Bullock said the City would require 12-foot wide drive lanes. If on-street parking is provided, another 8 to 9 feet of width would be required. In addition, a sidewalk would be required on at least one side. Board Member Dewhirst noted that a development of this size would only be required to improve one side of the street in front of the development, only.

Board Member Dewhirst inquired what the Fire Department would require for street width for emergency access. Mr. Bullock answered that the Fire Department requires a driveway in multi-family projects to provide emergency access. They also require a 20-foot fire lane. Board Member Dewhirst said Paradise Lane has been in existence for a long time, and it recently had to accommodate a new condominium. He questioned how the existing condominium was able to meet the Fire Department's requirement for emergency access. Mr. Bullock explained that the condominium development likely provided adequate clearance on the perimeter of the site. Whether the road getting there meets the minimum standards is questionable, but the project was required to meet the standards that existed at the time it was built.

Board Member Freeman inquired if the required road improvements would include space for on-street parking. Mr. Bullock said there is more than enough right-of-way, but he doesn't know if the engineering department would require a parking lane or not. They have not reviewed the project for that level of detail at this point.

Board Member Dewhirst inquired if the traffic engineer indicated where the accident figures came from. Mr. Bullock said they came from the Washington State Patrol's database. The City shares this database, and it is maintained by the Washington State Patrol. Mr. Dewhirst said his experience with the County is that the State Patrol is notoriously bad with their record keeping.

Chair Young requested a summary statement from the staff about the discrepancy between the Comprehensive Plan and the underlying zoning that has existed for a number of years. He questioned when the last time the underlying Comprehensive Plan designation was considered in the planning process and adopted or approved by the City Council to specifically address the Westgate Corridor. Mr. Bullock answered that the initial adoption of the Comprehensive Plan occurred in 1995, and this enacted the Westgate Corridor Study. In 1997 and 1998 there were some specific properties in the corridor that were considered for potential change in designation. A number were changed, including the small pie-shaped property in the center of the Paradise Lane Island. Since that time, while the Comprehensive Plan designation map has been reviewed and affirmed every year, he cannot think of any specific review of the Westgate Corridor or individual parcels within the corridor.

Chair Young inquired if there would be an update for the Westgate Corridor element as part of the 2004 Comprehensive Plan review. Mr. Chave answered that no one highlighted this area as needing additional study as part of the 2004 review.

Chair Young said one brief statement was made that touched on the six criteria the Board must consider when reviewing a contract rezone application. One of the applicant's representatives or staff suggested that the Paradise Lane Island was part a transitional neighborhood and there are changes occurring. Mr. Bullock pointed out that these properties have been

identified on the zoning map for many years. People have been living in the homes, but allowing them to be rented and come into disrepair. Some homes have been completely abandoned and are vacant. It has become difficult to have viable single-family development on properties that front on Edmonds Way. He suggested that is one of the big reasons for the Westgate Corridor Study and why properties were changed from single-family to multi-family land use designations. He said there is a certain amount of speculation, but past history has shown that properties that front on Edmonds Way, even if well maintained, seem to start to deteriorate because the people who own them do not want to live there. They move out and the homes' appearance drops and the viability is no longer as a single-family residential use.

Mr. Foster agreed with Mr. Bullock regarding the general evolution of homes along SR-104. He suggested that this is the natural evolution of people not wanting to live adjacent to a roadway in a single-family environment that has become more and more busy over the course of the last ten years. He concluded that the entire Westgate neighborhood is in transition and will continue to be so for some time.

Chair Young referred to the applicant's statement that multi-family development on the subject property would be relative to the public health, safety and welfare as a buffer between single-family residential homes and SR-104. Mr. Foster said the comments from the public were related to tree removal, but the same would be true with the development of single-family residential units. If the rezone were approved, the property would be developed as a condominium, which would act as a better sound buffer than five single-family homes. However, the most important thing is that because the City Council has designated this property in the Comprehensive Plan as multi-family, bringing the current zoning into compliance with that designation is required.

Board Member Crim clarified that the property is identified on the Comprehensive Plan Map as multi-family medium density. If the zoning were changed to RM-3 instead of RM-2.4, it would still meet the medium density land use requirement. Mr. Foster said he considers medium density to be RM-2.4, which is the middle multi-family density zone offered by the City.

Board Member Crim emphasized that the Board has a choice of RM-3 or RM-2.4, and the zoning would still be consistent with the Comprehensive Plan land use designation. Mr. Chave agreed. He said the Comprehensive Plan states that both the RM-3 and RM-2.4 zoning designations would be compatible with a medium density, multi-family residential land use designation. Board Member Crim said that given the impact that is very obvious on the single-family development across the street, it is unfortunate that the applicant didn't propose an RM-3 rather than an RM-2.4 zoning designation. He felt that an RM-3 designation would have been a better choice. He said the Board doesn't have the option of changing the zoning request, but they can deny it on that basis. Board Member Crim said he would not be able to support the application. He suggested that there is an opportunity for the applicant to modify the rezone so that it has less impact to the neighborhoods.

Board Member Dewhirst said he has heard a lot of good and bad points about the proposal, and this is a very difficult situation for everyone. He said he would not support the application, and he is very concerned about the traffic. The number of traffic reports are probably accurate according to the ITE Manual, but they don't consider things like the ferry traffic at the intersection of SR-104 and Paradise Lane. This is a bad situation and any addition of density will make a bad situation even worse.

Board Member Dewhirst said that the Growth Management Act does say it is appropriate to bump the land use to four units per acre minimum if the infrastructure is available to support it or if the infrastructure would be in place within a reasonable time period of six years. Give that the applicant would not be required to improve Paradise Lane and it is substandard, he is surprised the Fire Department has not raised a concern about emergency access. Based on the lack of sufficient infrastructure, he said he could not support the proposed contract rezone.

Board Member Guenther agreed with Board Member Crim. He said he finds the photographs generated by the applicant helpful. But the north elevation of the development appears to be massive and right on the street. The lower density of RM-3 would be more appropriate for this site.

Board Member Works said she is concerned about the traffic and safety issues. Unless these can be sorted out and mitigated, the traffic would continue to be a problem.

Board Member Freeman agreed with Board Member Works. She, too, is concerned about traffic and safety. The existing road was not brought up to the standards for the existing condominiums and she questioned how they got away with this. She agreed with Board Member Crim that the best compromise would be the lower of the two multi-family densities.

Chair Young agreed with the other Board Members. He said he is not opposed, in principle, to the contract rezone. But he is concerned that this development proposal rests on one thing only and that is that the City has the responsibility to grant it. He said he disagrees with this because nobody should come before the Board and pick out something from the GMA that supports their position and say the City has to approve it. But this is clearly the impression he received from the applicants' representatives. Other than the proposal being consistent with the Comprehensive Plan, he said the applicant did not even address the five other criteria the Board must consider when reviewing the application.

Chair Young pointed out that the applicant's representative did not address whether there has been sufficient change in the character of the immediate area or in City policy to justify the rezone. The only statement that was provided in this regard was that traffic on SR-104 was increasing, and therefore, the property was only suitable for multi-family. He said the applicant's representative also did not address the issue of whether or not the property was economically or physically suitable for the uses allowed under the existing zoning and the proposed zoning. Nor did he identify the relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property. Given the applicant's failure to address the last three criteria, Chair Young said he would not recommend approval of the application to the City Council, since the ECDC states that, at a minimum, the criteria should all be considered.

**BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD FILE NUMBER R-04-7 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL BASED ON THE FACT THAT THE COMPREHENSIVE PLAN HAS IDENTIFIED THE AREA AS MULTI-FAMILY, MEDIUM DENSITY, AND THERE ARE OTHER BETTER CHOICES IN TERMS OF HOW TO PROSECUTE THE MEDIUM DENSITY THAN WHAT HAS BEEN PRESENTED THUS FAR. BOARD MEMBER DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **CONTINUED REVIEW OF COMPREHENSIVE PLAN AND CRITICAL AREAS ORDINANCE**

Mr. Chave referred the Board to the excerpts from the preliminary draft of the Best Available Science Report the consultant has been working on. These materials compare the City's regulations to a sample critical areas ordinance prepared by the State, as well as other jurisdictions who are in the process of updating their ordinances. He said the Best Available Science Report, as well as a preliminary draft of code amendment language will be available in the Board's next packets. He noted that the notations indicate where the consultant felt a change will be necessary to bring the City's critical areas ordinance up to date. It is likely that the new regulations will push the buffer out further so more area is impacted. However, the regulations will also be more flexible regarding what can occur within the buffer areas. The goal will be to have more managed buffers.

Board Member Crim inquired how much room the City has to work with in terms of the changes that need to be made to the critical areas ordinance. Mr. Chave answered that most of the wiggle room will be related to the management issue. The goal will be to establish buffers and how to identify how the City can enhance their resources over time.

Chair Young reported that he attended a recent City Council meeting at which a presentation was made on the Meadowdale Landslide Area. He inquired if the background information in the critical areas ordinance and subsequent regulations that are based on scientific maps of critical areas will dictate to individual property owners what they can do within the buffer areas. Mr. Chave replied that the City already regulates critical areas on private property. The proposed new regulations will increase the buffer areas to recognize that the impacts are not just in the immediate area but in the adjacent areas, as well. However, just because the buffers are expanded, does not mean the City won't allow any kind of activity within the buffer. The activities will be regulated, but not all activities will be prohibited so long as they also enhance the buffer. The new regulations will have more impact on people, but that comes with recognizing that this is an urban environment in close proximity to a lot of natural resources.

In addition to the materials related to best available science, Mr. Chave advised that staff also provided quite a few materials related to the Downtown/Waterfront Plan. He said there has been a fair amount of conversation at the City Council level and the Board has held workshops on the downtown area, as well. There have also been articles in the newspaper. He summarized that the downtown area has received a lot of consideration over the last few years. For instance the Hyatt-Palma Study was done, and the Edmonds Alliance for Economic Development also conducted a study on downtown issues.

Mr. Chave referred to the information that was provided by the staff from Eastern Michigan University, which includes a good summary of the literature that is available on downtowns. In addition, the Oregon Commerce Mixed-Use Development Handbook had a good height-to-width-ratio provision. The Oregon Commerce provision says that if a City is looking at the ratio of streets to buildings in downtown, two and three stories fit within the common scale, and a 25 to 35-foot height limit would also fit. He said the Board will be hearing a lot about character and scale as they go through the public hearing process. Therefore, staff felt this type of information would be helpful to give the Board a perspective as they go forward.

Board Member Crim provided each of the Board Members with a sketch that was prepared by Board Member Guenther at his request to illustrate the concept of three story buildings, with the first floor having sufficient height to accommodate commercial uses. He said it appears, from information he has gathered, that given the cost of land in Edmonds, two-story buildings would probably not receive construction loans and three-story buildings, with viable retail space on the first floor, would not meet the height requirements. He suggested that, at some point, the Board will have to face this issue. He recalled that at the last City Council meeting he heard that for retail space, a minimum ceiling height of 12 feet would be required. Board Member Guenther's drawing shows a ten-foot ceiling height, and the building would still be 33 to 34 feet high to accommodate three stories.

Chair Young said the Board would be receiving more information regarding this issue as the year progresses. Board Member Guenther said it is important that people understand the amount of space that is required above the ceiling in order to make a building viable such as lighting, ducting, floor structure, etc. He said he believes that the 30-foot height limit is too restrictive when trying to achieve buildings that are aesthetically attractive.

Mr. Chave said he expects that if the Board were to propose a higher first floor requirement in the downtown area, they would receive support from people for different reasons. Some would support the proposal thinking that it would ultimately lead to buildings of no greater than two stories. Others would support the concept because it could end up raising the overall height limit for buildings in the downtown. Depending on how the concept were implemented, it would have varying impacts.

Board Member Dewhirst suggested that the Board must have more information before they can determine whether or not this concept would be appropriate or necessary for Edmonds. He said he is not convinced that a two-story building would be economically unfeasible. Until someone can show him figures to support this claim, he said he would not support the concept. Mr. Chave said that, absent of these numbers, the Board will have to do the best they can with the information that is available.

Board Member Dewhirst said he also indicated to Mr. Bowman that he would like a study done on where in the downtown the height limit could be increased without impacting views. He said he knows there are at least a few areas where this could occur. Since height is such a big issue in the City, he said it would be worth the City's time and money to have this work done.

Mr. Chave referred to the memorandums that were submitted by Council Member Plunkett and Council Member Wilson regarding this issue. Both memorandums suggest that a joint meeting between the Board and the City Council be scheduled when the Board gets to the point of making recommendations.

Board Member Crim said that in the executive summary of the Hyatt-Palma Study there is a drawing on Page 13 that shows sub areas within the downtown area. These really reflect what the Board has discussed for the Downtown/Waterfront Plan. He suggested that breaking up the downtown into sub areas would be appropriate so that the height could be allowed to increase in certain locations.

Chair Young reported that he attended the last City Council meeting. Afterwards, he spoke with Council Member Marin regarding the types of hearings that should be held on the issue of increasing the height limit in the downtown. He suggested that Council Member Marin work with Mr. Chave to make sure whatever is discussed is within the context of the Comprehensive Plan update for the downtown area. He suggested that they should enlist the support of the Chamber of Commerce and some of the architects in the area who are good at explaining why this wouldn't be such a bad idea. He emphasized that the height limit is an emotional issue, and it is important to keep it within the context of the Comprehensive Plan. It is also important that this be a planning issue first and then the regulations can be changed to fit.

Board Member Dewhirst referred to the maps that were created by the Edmonds Alliance for Economic Development to identify the overall capacity of the underused lots. He inquired if the City has a number for the current square footage of land that is available in the downtown area. Mr. Chave said this number could be obtained from a few different sources, and he is working to locate this information. Board Member Dewhirst said the number identified by the Alliance is fairly big, and he would like to compare it to the total amount of existing land in the downtown area.

### **REVIEW OF EXTENDED AGENDA.**

Mr. Chave advised that the Board would be reviewing the critical areas ordinance at their next meeting. In addition, he has been working on capacity and census figures for the Comprehensive Plan. He would also try to summarize the Downtown/Waterfront Plan the Board has been working on to this point into a few different options that the Board could comment upon at the next meeting. The open house is scheduled for August 25<sup>th</sup>. The staff and consultant would provide a presentation at the open house. In addition, staff would try to put forth the draft Downtown/Waterfront Plan to solicit feedback on specific ideas.

Mr. Chave referred the Board to the information they received from the hotel group pointing at the properties along Sunset Avenue that were the subject of a Comprehensive Plan amendment attempt in 2003. This group is hoping that this property would be reconsidered as part of the Downtown/Waterfront Plan review.

### **PLANNING BOARD CHAIR COMMENTS**

Chair Young thanked the Board for holding a productive meeting.

### **PLANNING BOARD MEMBER COMMENTS**

There were no Planning Board Member comments provided during this portion of the meeting.

THE MEETING WAS ADJOURNED AT 10:35 P.M.