

**CITY OF EDMONDS
PLANNING BOARD MINUTES
July 27, 2005**

Chair Young called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Virginia Cassutt

STAFF PRESENT

Rob Chave, Planning Division Manager
Karin Noyes, Recorder

Board Member Cassutt was excused from the meeting.

READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE WORK SESSION MINUTES OF JULY 13, 2005 AS CORRECTED. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Approval of the regular session minutes of July 13, 2005 was deferred to the August 10th meeting.

ANNOUNCEMENT OF AGENDA

No changes were made to the proposed agenda.

AUDIENCE COMMENTS

Pat Marker referred to the proposed new conservation district that would be located on Fourth Avenue South between Bell and Edmonds Street. He said he owns a business that is located at 233 – 4th Avenue South, which he purchased in the early 1990's because the property was zoned BC. He said the proposed new conservation zone would change the status of his property significantly. The current BC zoning allows 25 feet in height, plus an additional 5 feet with a modulated design, but the proposed conservation zone would limit the height to a maximum of 25 feet. He noted that all of the properties surrounding the new district are currently zoned BC, with the exception of the property to the north, which is now being proposed for BC zoning, as well. He concluded that the proposed conservation district would be an island. He suggested that a change of this type could be considered a taking. He asked that the Board recommend the properties along Fourth Avenue retain their BC zoning status to be consistent with the surrounding areas.

Bob Van Tassle said he owns property at 234 – 4th Avenue South, and he is concerned about the proposed new conservation district, as well. He said he purchased his property with certain financial expectations that would not be realized if the zoning were changed. He said the property owners on 4th Avenue South are not opposed to the street being identified as an arts corridor, as long as the height limit would remain the same. He noted that the original Comprehensive Plan amendment would have allowed the same height, but with some setbacks, and the property owners would support this concept.

Mr. Van Tassle pointed out that in discussions amongst the Board, the properties along 4th Avenue South have been characterized in ways that are not true. The area is not flat. Instead, it slopes uphill towards 5th Avenue South. The slope would allow the property owners to build up, and with good architectural plans, they may be able to obtain some view. But if the new zone were approved, the buildings would be limited to 25 feet in height. The development behind and to the sides would be allowed a greater height, so their possibility for a view would be eliminated. He emphasized that the properties along 4th Avenue South are surrounded by multi-family development, so the opportunity to characterize these properties as an area the City wants to preserve as single-family has already passed. A 25-foot height limit is not a reasonable expectation. If the property owners lose their development ability, it could be considered a taking. Mr. Van Tassle summarized that he and his fellow property owners on 4th Avenue South request that the Board keep the zoning the same or change it to some kind of other zoning that would allow them the same development rights as when they purchased their lots.

Board Member Freeman asked if the proposed conservation zone would consist of the properties that were previously identified by the Board as a possible arts corridor. Mr. Chave answered that the properties referenced by Mr. Van Tassle and Mr. Marker are located at the corner of 4th Avenue South and Bell Street. The Planning Board recommended that the properties along 4th Avenue South be identified as an arts corridor, but the City Council subsequently agreed that it should be a conservation district. However, at their July 26th meeting, the City Council reconsidered their action and agreed to identify the area as an arts corridor again. The City Council discussed that a base height of 25 feet would be allowed for this area, with the potential of five additional feet depending on the building design. They discussed that they would like the new zone to encourage developments that are more residential in character.

Board Member Freeman inquired if the City Council's new direction would address the concerns of the property owners on 4th Avenue South. Mr. Van Tassle pointed out that the Comprehensive Plan suggests having greater setbacks along 4th Avenue South in exchange for additional height. He said the property owners feel this would be a reasonable tradeoff, but they are concerned about the area being identified as a conservation zone, since this would tend to imply that the existing development must be preserved.

Mr. Chave explained that the City Council's discussions about how to implement the adopted Comprehensive Plan included both zoning and design, and over the past few months, the City Council has been working with a design consultant. He reported that their most recent action was to change what was formally called a conservation area to an arts corridor again. Instead of limiting the height to 25 feet, they agreed to allow an additional 5 feet depending on design. The issue is now back at the Planning Board level to discuss the appropriate zones and design parameters that should be adopted to implement the Comprehensive Plan. He emphasized that the Planning Board is not bound by the City Council's discussion or direction.

Chair Young advised that the Board would conduct another round of public hearings on relatively specific geographic areas in the downtown. He said the public should keep their eye on the Planning Board's schedule. He noted that the City Council made numerous changes to the Planning Board's original recommendation, so the Board is not sure about the status of the project at this time.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 20 ECDC ADDRESSING THE REGULATIONS FOR ESSENTIAL PUBLIC FACILITIES (FILE NUMBER CDC-05-17)

Mr. Chave reminded the Board that the City recently updated their Comprehensive Plan, which included some policies addressing Essential Public Facilities (EPF). The Comprehensive Plan indicates that while the City cannot prevent the siting of an essential public facility within their jurisdiction, they can play an appropriate role in trying to make sure the impacts are mitigated and the appropriate locations are found. He referred the Board to the draft ordinance that was prepared by the City Attorney, and noted that the Board has reviewed the document on a few occasion. He explained that the draft ordinance

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would add a new Edmonds Community Development Code Section 20.16 to deal with EPF's. The language is aimed at trying to mitigate the impacts of an EPF, realizing that State law prohibits the City from precluding the siting of an EPF within their jurisdiction.

Mr. Chave referred the Board to the information staff obtained from the State Office of Finance and Management. While the document is actually part of the State's Capital Budget, it provides a list of various types of EPF's. He emphasized that the list is not all-inclusive, since major transportation plans are not part of the capital budget. The list was provided to give the Board an idea of what types of EPF's could occur in the City. Mr. Chave reported that both the staff and the City Attorney feel that adopting the proposed ordinance would give the City a method for dealing with EPF's, which is currently missing from the City's Development Code.

Board Member Works referred to Sections 20.16.100 and 20.16.080 of the proposed ordinance and asked if the criteria must be located in both sections. Mr. Chave answered that the intent of Section 20.16.100 is to focus on the criteria that was specific to the hearing examiner review, but this clause would also refer to all other applicable requirements. A regional agency would have to comply with the criteria, as well.

Board Member Guenther referred to Criteria 8 on Page 7 of the proposed ordinance, which requires that a proposed project site meet the facility's projected expansion needs. He questioned how a proponent could project what their needs would be in the future. He suggested that this statement is too vague. Mr. Chave explained that when an EPF is proposed in the City, staff would inquire about their projected needs. He said that it is fair to say that when a proposal comes in for a specific site, the proponent would have looked three or four years down the road. He said staff feels this is a fair requirement, and it would behoove both the City and a project proponent to make sure the site is the best location for the long term.

Board Member Guenther asked what criteria the hearing examiner would use to determine whether or not a proposed site would meet the long-term needs of the project proponent. Mr. Chave answered that the City would request hard data from the project proponent to indicate that they have done some long-range planning. Because most EPF's would have to meet certain state licensing requirements, a proponent would likely be very tuned into what their needs are now and in the future. As an example, Board Member Guenther pointed out that the needs of a hospital or medical center change quickly as new technology is available. Mr. Chave said the City would ask a proponent to predict their future needs to the best of their ability. If it appears that a proponent has made a reasonable effort to estimate their future needs, the hearing examiner would likely find that this requirement had been met.

Board Member Freeman referred to the Brightwater Project that was recently proposed for the City of Edmonds. She noted that the proposed site was barely large enough for the initial facility and was supposed to last for 100 years. She said this requirement would help the City address future concerns of this nature. Mr. Chave said the ability to predict future needs would vary depending on the proponent and the type of facility that is being sited. For example, a sewer treatment plant has more finite needs than a hospital. But all would be asked to make an honest effort to identify their future needs.

Chair Young asked if all EPF proponents would be public agencies. Mr. Chave answered that a private organization could be the proponent of an EPF, as well. Chair Young asked if a nursing home could fall under the category of an EPF. Mr. Chave said that, generally, they would not. If a proposed project could be tied to a public goal, it could potentially be classified as an EPF. However, it would have to include some program that had an EPF component to it. A typical nursing home situation would not meet this criterion. Chair Young expressed his concern that a private company may try to identify their proposal as an EPF and use the ordinance as a way to say the City cannot deny the project but only condition it.

Shirley Wambolt asked if facilities for drug and alcohol treatment would be considered EPF's. Chair Young said his understanding is that whatever use is located as an EPF must have some kind of public nexus. Mr. Chave clarified that the ordinance would not regulate meetings or meeting locations, but it could pertain to facilities that care for people and have a public purpose. He further explained that before a care facility could locate in the City as an EPF, they would have to go through the siting process outlined in the ordinance.

Mr. Chave advised that even though there were not a lot of citizens present to testify, the staff was contacted by numerous citizens with questions regarding the ordinance. They were generally satisfied with the information provided by staff regarding the proposed ordinance.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Board Member Crim said his interpretation of the ordinance is that it is inclusive and covers most of the points the Board talked about in the past. The remainder of the Board agreed.

BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE PROPOSED AMENDMENTS TO TITLE 20 OF THE ECDC ADDRESSING THE REGULATIONS FOR ESSENTIAL PUBLIC FACILITIES (FILE NUMBER CDC-05-17). BOARD MEMBER FREEMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

FURTHER REVIEW OF AMENDMENTS RELATED TO THE DEFINITION OF “FAMILIES” IN THE ECDC (FILE NUMBER CDC-05-4)

Mr. Chave recalled that the Board has had previous discussions with staff regarding the definition of “family.” He referred the Board to the draft ordinance that was prepared by the City Attorney, along with a memorandum explaining some of the issues he considered. Mr. Chave advised that staff concurs with the City Attorney’s recommendation that it would be appropriate for the ordinance to address students and exchange students only. The City Attorney has cautioned that if the Board decides to define things that are normal residential activities, it could cause problems for the City. Mr. Chave said the City Attorney would prefer to allow the traditional definition on residential activities to be interpreted as it has been and terms such as “guest” should be kept out of the ordinance. He said it would be difficult for the Board to come up with a definition that would cover every situation and this could also create a problem.

Board Member Henderson said he appreciates the City Attorney’s concern about not introducing new terms into the ordinance, but it seems that the proposed ordinance would do just that. As proposed, the ordinance would only allow two exchange students or renters. He questioned why the City would care how many exchange students are hosted within a home in the City. Mr. Chave pointed out that exchange students are usually participants of an organized program, and often people receive some kind of remuneration for offering their homes. The City Attorney expressed concern that this use was different than a typical guest stay. Board Member Henderson suggested that the entire Section 22.30.010 be eliminated and the code be revised in other places where it tries to define a family unit, a renter, a guest, etc. Mr. Chave asked if Board Member Henderson would be in favor of eliminating the definition of “family.” Board Member Henderson clarified that if someone wants to form a group of people and live in a home in Edmonds, the City should not be interested in whether or not they are related.

Board Member Guenther suggested that perhaps the Board is confusing the terms “family” and “household.” The current definition of “family” talks about people who are unrelated. Board Member Henderson said the language indicates that if there were more than two exchange students in a home, the homeowner would be in violation of the code. He also pointed out that the code does not say how the home would be classified if there were more than two exchange students.

Board Member Dewhirst said that, as per the City’s current definition of “family,” only five or fewer unrelated individuals would be allowed to live in a home. He said he knows of a family who has three children, a nanny and the nanny’s daughter living in their home. This makes seven unrelated people in total, so they would be in violation of the City’s regulation. He said he feels the current definition of “family” is wrong. There have been some situations where many college students have gotten together to rent a home and this has ended up upsetting the neighbors. That is likely the reason for the current definition. But there must be some way to change the current definition to make it more reasonable given the current make up of families today.

Board Member Dewhirst pointed that over the years, he and his wife have hosted four exchange students. However, they did not receive any monetary compensation for this service. He summarized that the assumption that people are making money

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from exchange student opportunities is erroneous. He questioned the message the City would send to an exchange student when an officer from the City comes to a home to count noses. This would be bad for the exchange student program and the image of Edmonds and the country. Many of these students come from countries where this sort of thing happens often, and they come to America to see what it is like not to live like that. He suggested that the Board consider possible changes to the current definition of "family."

Board Member Works asked Mr. Chave to identify the real purpose and intent of the City's definition for "family." Mr. Chave pointed out that the City's basic zoning rules talk about families. There are multi-family residential and single-family residential zones. If the definition for "family" were deleted from the code, there would be no distinction between the single-family and multi-family uses. He summarized that, mostly, citizens are concerned about the number of people that are allowed to live in a single-family unit in their neighborhood. In a single-family zone, there is the assumption that only one family would live in each unit.

Mr. Chave explained that when comparing other jurisdictions' definition for "family," they typically range from five to eight unrelated people. He said the City must come up with something that is reasonable and would allow the residential type of activities that are typically found in single-family and multi-family zones to occur. The City's definition for "family" gives reasonable assurance of what is going to occur in an area. However, he agreed that typical households have evolved since the definition for "family" was first adopted.

Board Member Freeman recalled that in his memorandum to the Board, the City Attorney noted that the problems that arise from having too many people in a single-family unit could be controlled by the City's nuisance ordinance. The make up of a particular household should not be allowed to be the basis for a complaint. Board Member Henderson agreed.

Chair Young questioned if the proposed language would help regulate something that is not already adequately regulated by the City's current rules and regulations regarding the external aspects of a property such as noise and parking. He recalled that when the Board previously discussed this issue, the genesis was that the City received a complaint about someone building on to their home to accommodate exchange students. There was nothing in the City codes to prevent this activity from occurring. Again, Chair Young asked if the problem would be fixed by changing the definition of "family." If not, he suggested that there is no purpose for the proposed change. He explained that the City's regulations are intended to confine impacts to the property and not bother neighboring property owners. He questioned if the proposed ordinance would accomplish this goal. If not, perhaps it is not even the City's job to regulate families.

Board Member Guenther recalled that this issue came up when a citizen contacted the City to find out how many exchange students would be allowed to live in a home. The way "family" is defined in the City, the number of exchange students living in the home did not meet the code requirement. He summarized that the intent of the proposed ordinance is to allow up to two exchange students to live in a home. Mr. Chave explained that, currently, "family" is defined by City code as people who are related or up to five unrelated individuals. A family of any size would be allowed to live in a home as long as they were all related, or there could be a total of five unrelated individuals. The City Attorney's proposed ordinance was an attempt to broaden the definition to say that in addition to a family, an additional two renters or exchange students would be allowed.

Mr. Chave said that if the Board does not want the definition of "family" to include any numerical restrictions, they could say a family and any number of exchange students would be allowed. But if they allow any number of renters, then it could become difficult to determine whether a home was being used as a single-family residence or a multi-family residence. A single-family home could end up being used as a duplex of some fashion. Board Member Works agreed that perhaps allowing a property owner to rent out rooms or a portion of a single-family home could create a problem for the neighborhoods.

Board Member Dewhirst pointed out that, as the population of Edmonds ages, people will seek alternative options for remaining in their homes. One option would be to invite someone to live in their home and exchange maintenance services for room and board. This could become a very important option for the community to consider. Mr. Chave pointed out that, up to this point, the City has required that homes with accessory dwelling units meet the definition of "family." If the Board were to change the definition of "family," it could have an impact on the accessory dwelling unit regulations, as well. Mr.

Chave explained that right now, the City does not charge traffic impact fees for accessory dwelling units because they are defined as single-family. If the definition of “family” is changed at some point, this issue might have to be addressed.

The majority of Board Members agreed that staff should schedule a public hearing using the current draft ordinance.

WORK SESSION WITH MARK HINSHAW ON URBAN DESIGN FOR DOWNTOWN BUSINESS DISTRICTS

Mr. Chave provided a brief update on the City Council’s recent actions regarding the issue of downtown business districts. He said that after several meetings with Mr. Hinshaw, the City’s Design Consultant, the City Council held a discussion regarding heights and uses in the downtown area. They eventually agreed that it would be best to address each of the two issues separately. As a result, they created two separate maps: one to address the height and one to address the uses and zoning. The use and zoning map was created to identify the various districts being considered. In particular, the City Council identified a conservation district, a retail core, a ground floor commercial mixed-use district, and a residential mixed-use area. Next, the City Council created a map to identify the appropriate height limits for each of the areas. In a portion of the retail core, they talked about a base height of 25 feet with five additional feet if the first floor ceiling height was at least 15 feet. The City Council identified a 30-foot height limit in a portion of the mixed-use commercial area. In the lower commercial mixed-use area where the slope drops off, the City Council identified a 33-foot height limit. They agreed that a 25-foot height limit should be placed on the properties in the conservation district.

Mr. Chave advised that these two maps were presented to the Board at their last meeting. However, after the City Council initially created the maps on June 14th, they decided to pull them back for further discussion. On July 26th the City Council reviewed the maps again and agreed to reduce the retail area to a smaller size. In addition, they agreed to go back to the original Planning Board recommendation to identify the properties along 4th Avenue South as an arts corridor rather than a conservation district. They felt that “arts corridor” would be a more descriptive term to identify the uses they would like to occur. Instead of limiting the properties along 4th Avenue South to 25 feet in height, Mr. Chave said the City Council felt that the area should retain the existing height limit of up to 30 feet if new development looked like residential type structures as opposed to boxy commercial buildings.

Mr. Chave said it is now up to the Planning Board to figure out a design scheme to implement the direction provided by the City Council. He introduced Mark Hinshaw, the City’s Design Consultant, who was present to allow the Board to ask questions and take advantage of his expertise.

Mr. Hinshaw referred to the City Council’s updated proposal and said he does not see anything that would cause him tremendous concern, with a few exceptions. He pointed out that it is not a matter of picking a number for building height, but making sure that interaction between the building facades and the downtown sidewalks is as good as it can possibly be. If the City is only concerned about identifying maximum building heights, there could still be a number of things amiss in the downtown. He suggested that a host of other elements of the downtown must be nurtured in the first vertical and horizontal 15 feet of a site. Creating numerical code standards is not the best way to nurture the downtown. He said the only way to guarantee that qualitative things occur in the downtown is through a design review process that applies inspirational standards. He said part of his recommendation to the City Council included the task of making sure the City ends up with a very concise and clear set of standards, using both words and images. The City’s design guidelines could provide examples of what they want to occur, but still allow developers to be creative.

Mr. Hinshaw said one of his reservations gets back to a comment he made to the City Council early on. He said he is glad to see that the core concept would keep the ground floor retail area very compact. He expressed his belief that this area should be packed with 100 percent occupancy, and the City has enough demand to do so. But if the retail core area were spread out, there would probably not be enough demand to make it hold together. The lease rates would likely become depressed and uses other than retail would start to slip into the vacant retail spaces. Mr. Hinshaw emphasized that it is important that the retail experience not be interrupted by more than 25 feet or people tend to lose interest. Ideally, 100 percent of every storefront should be retail, restaurants, etc. Over time, the City should move away from banks and offices being located in the downtown retail core, since these uses tend to disrupt the retail experience.

Mr. Hinshaw pointed out that one good thing about Edmonds is that they do not have any large chain stores in their downtown. Instead, they have smaller, individual and locally run business that offer one of a kind service. A successful downtown depends upon a really tight downtown core area. Mr. Hinshaw said he is a little concerned about the requirement for ground floor commercial space in the mixed-use commercial area. He said he is not convinced there is enough demand for this large amount of commercial area. He suggested, instead, that there could be an outer ring to the east and south that could have a 100 percent commercial requirement for the bottom floor, but he is not sure there is enough market demand for more.

Mr. Hinshaw reviewed that locally owned retail businesses depend upon two types of customers: those who come in and visit from somewhere else and people who come from with-in walking distance. He said it is important that the City pack their downtown with as much housing as they possibly can. There should be at least 1,000 units constructed in the downtown within the next 10 years. Because downtown Edmonds is a high amenity community that is located in close proximity to transit, the water and a wonderful retail area, they will likely attract people with more disposable income who will support the businesses. Mr. Hinshaw pointed out that almost every city in the country that has any sort of complexity is beginning to see that as people age they want to stay in their communities. It is incumbent upon the City to provide housing choices to accommodate these people, and the downtown is an ideal place for this to occur. Mr. Hinshaw said another thing the City must consider is that the average life span has increased dramatically over the past 100 years. Now people are living into their 80s and 90s. As people get in their mid to late 70's, they often end up losing their drivers licenses. They need to live in places where the needed services are provided within walking distance.

Mr. Hinshaw pointed out that in order for a developer to justify the expense of constructing underground parking, they must be allowed to build at least 40 units per acre. Allowing a large enough density while keeping the height compatible with the community is difficult. A 3-story development would accommodate up to 50 units per acre, and this would be a fairly modest density by urban standards. A developer would not be able to achieve this residential density if the ground floor were limited to commercial. He suggested that in the mixed use zones, the City should be more concerned about what the frontage of developments look like, regardless of whether the use is residential or retail.

Mr. Hinshaw said he believes the City has some wonderful raw ingredients, but change is difficult and it is natural for people to react negatively. However, it is important to note that communities cannot remain healthy if they fail to change. He cautioned that the City must make sure the change is not so dramatic that people feel the community character has been lost.

Board Member Crim requested that staff provide an update on the City Council's recent discussion regarding design guidelines. Mr. Chave reported that the City Council decided to take the modulation elements out of the draft design guidelines and replace them with drawings provided by Mr. Hinshaw. The City Council also removed the site and landscape standards, which were part of the original draft Design Guidelines. While the language was left intact, the City Council decided to identify them as code requirements rather than design guidelines.

Mr. Chave reported that the City Council is still a little uncertain as to what the final design guidelines product should be. They have asked the Architectural Design Board to closely review the current draft, and they have scheduled a meeting with the Architectural Design Board on August 22nd to work together on the Design Guidelines and process. He emphasized that the City Council is eager to move forward with the project.

Board Member Dewhirst said that throughout this entire process, he has been very concerned about the massing of some of the new buildings in the downtown area. Mr. Hinshaw said that, initially, this concern could be addressed through the Design Guidelines. He said he does not believe the concept of modulation would adequately address massing. He suggested that massing is a site-specific issue, and general performance standards should be applied to break up the mass of a building. One concept could be that as a building goes up in height, the floor areas need to be reduced so the end result is not a square box. He said addressing the issue of mass requires a fairly delicate process and should be the responsibility of the Architectural Design Board. He agreed that it is important to consider a building's relationship to the street and its surroundings. He said many things could be done regarding roof line, window treatments, patio lines, cornice lines, etc. to break up the massing of a building. He pointed out that the retail core is really the sole and character of Edmonds and everyone likes the scale of the buildings in this area. One thing that would create a negative impact for Edmonds would be for property owners to assemble three or four lots and then develop a large and bulky building. If this were to happen, the

public would definitely be concerned. He suggested that the City could consider a zoning standard that identifies a maximum parcel size for this area. This could help prevent over-scale development in the retail core area.

Board Member Freeman asked if it would be appropriate for the City to eliminate their parking requirements for the retail spaces and reduce their parking requirements for the residential units in the downtown. She pointed out that if it is so desirable to live in downtown Edmonds, perhaps people would be willing to sacrifice their ability to drive. Mr. Hinshaw said a bank would require a certain number of parking spaces before they would approve a loan for development in downtown Edmonds. One option would be to provide an allowance in the code that if it can be demonstrated that the parking demand is much less than required by code, some of the parking provided for the residential units could be offered to the commercial uses.

Mr. Hinshaw cautioned against eliminating the parking requirement altogether in the downtown. If the parking requirement were cut back, the community may have to come up with plans for a shared parking situation, which is typically more efficient. He said many communities utilize a shared parking option, but this is often a very expensive approach. Mr. Hinshaw said that, often, merchants in the downtown complain that there is not adequate parking, but parking studies indicate that, typically, the merchants and their employees fill the parking spaces early in the morning. Requiring these individuals to park in other locations could help resolve on-street parking issues. Mr. Chave reminded the Board that a few years ago, the City hired a consultant to complete a parking study. He said Mr. Hinshaw's comments are directly in line with the facts that came out of the study.

Board Member Works recalled a comment made by Mr. Hinshaw to the City Council about development in communities being frozen because of code requirements. She said he particularly noted the City of Mercer Island, who had a 25-foot height limit for 20 years and no new development or redevelopment took place during that time period. She recalled that the Board recently heard from property owners and developers in the downtown, and they expressed their concern about heights. Some of them said they wouldn't be able to obtain financing for new development unless they were allowed to construct three-story buildings. She asked Mr. Hinshaw to identify the catalyst that caused Mercer Island to change their height limit.

Mr. Hinshaw said that in the mid 1980's Mercer Island was concerned about the scale of buildings. At the time they had a 40-foot height limit and they did not try to promote residential development. Developers ended up assembling properties to construct four-story large urban office buildings in prominent places in the downtown. This resulted in such a severe reaction from the public that they eventually established a 25-foot height limit for their downtown. The 25-foot height limit resulted in no new development for years and they are still trying to recover from the situation. Eventually, their retail tax base could not provide the necessary funding to support City services, and this was the catalyst for their City Council to decide to make a change in the height limit.

Mr. Hinshaw suggested that considering the age and scale of the buildings in the retail core section of downtown Edmonds, it would be difficult for redevelopment to replicate this same character. He said he is not sure the City wants to encourage a lot of sudden change in this area. He said that he provided the City Council with several examples of retail core areas that were only two-stories in height.

Board Member Freeman pointed out that the property owners and developers in the downtown recently indicated to the Board that they would not be able to redevelop any lots in the downtown unless they could construct three floors. She asked if it would be realistic to think that the City could retain the 25-foot height limit in light of the developers' comments. She asked how the City could combine the realities of the situation with what the community really likes. Mr. Hinshaw said the map proposed by the City Council would allow plenty of areas for developers to construct three-story buildings, but there would be one area where only two stories would be allowed at a height of no more than 25 feet. He said it is important that plenty of sunlight can reach into the downtown core and that there be lower scale buildings. While the 25-foot height limit could result in very little redevelopment, he did not feel this would necessarily be a problem. He said the community has the right to simply restrict this area, but they should be careful not to restrict it too much. Because the retail core area is small and there are other opportunities for three-story development in the downtown, a 25-foot height restriction should not be a problem. He said it is very common for cities to have the retail core at a lower height than the rest of the downtown.

Chair Young asked Mr. Hinshaw to provide feedback on the relationship between building heights and the ambiance and pedestrian scale of the downtown. Mr. Hinshaw said he believes that debating the issue of three additional feet in height is a waste of time. He said the total height of a building has almost nothing to do with the pedestrian experience. The more important factor is the design of the first floor and the width of the sidewalks. Board Member Guenther agreed that the real issue has nothing to do with height, but what is placed at the sidewalk level and the types of uses.

Chair Young expressed his belief that the debate within the community has polarized an artificial issue, and it is virtually impossible to have a reasonable discussion on how to approach redevelopment in the downtown. The Board Members volunteer their time every month to review issues and make recommendations that are in the best interest of the community.

Mr. Chave said that if the citizens were happy with the current situation in the downtown, they would not be so upset about the types of development that has occurred over the past several years. A lot of unattractive buildings have been constructed on 5th Avenue South. Many people felt the purpose of the Heartland Study was to justify the need for two stories of residential development above commercial space. But the recommendations in the Heartland Study were much more subtle. The suggestion was that the retail core is so strong in terms of income, that redevelopment would not be feasible. He said many of the subtleties found in the Heartland Study were lost once the City entered into a debate about height limits. He pointed out that the Heartland Study supports Mr. Hinshaw's assessment that in the retail core, two-story development would be adequate.

Board Member Dewhirst said that when the Board first started their review of the downtown area, the City Council indicated they wanted the Comprehensive Plan for the downtown to be based on the arts. However, this concept has now been pushed out of the discussion. He asked for ideas and comments from Mr. Hinshaw on how other cities have integrated the arts into their downtowns. Mr. Hinshaw suggested that the Board Members visit the City of Puyallup. Even though they only started ten years ago, they have made tremendous progress in successfully integrating the arts aspect into their community. However, he emphasized that zoning would not cause an arts district to develop. Instead, an arts emphasis would require public investment, which the City of Edmonds is doing. If the City wants their downtown to emerge as an arts community, they must make a major investment to implement the concept. He summarized that, rather than regulations, capital improvements are the best way to accomplish this goal. Board Member Crim said another good example of this concept is Lake Oswego, Oregon.

Mr. Chave reminded the Board that the City is in the process of getting a design consultant on board to look at the arts corridor as part of an overall urban design update. The Board will review this issue early in 2006. The plan should identify what public projects should be done to support the arts concept.

Chair Young inquired regarding the historic quality of downtown Edmonds. Mr. Hinshaw said he was not asked to review the historical aspect of the downtown. However, the older buildings in the downtown core provide a character for the community. If they were lost, people would be concerned. He summarized that when changes take place, the City has an obligation to make them happen in a graceful way that people are comfortable with. He said that applying a conservation notion in the retail core could provide some incentives for property owners to upgrade their buildings through a low interest loan program, an architect on call program, etc. He said there are a number of tools the City could use to improve their downtown.

The Board thanked Mr. Hinshaw for attending the meeting and sharing his ideas and comments regarding the downtown.

BOARD MEMBER WORKS LEFT THE MEETING AT 9:02 P.M.

REVIEW OF EXTENDED AGENDA

Mr. Chave reviewed that the August 10th meeting agenda would include further discussion on potential amendments to the ECDC establishing zones and overlay districts intended to implement the Downtown Waterfront Component of the Comprehensive Plan. Also on the August 10th meeting agenda would be further review of the draft amendment to Title 20

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(procedures for staff, Hearing Examiner, Planning Board and City Council decisions) and further review and discussion regarding the definition of setback and clarification of what structures/buildings can be placed in setbacks.

Mr. Chave advised that a hearing on the definition of “family” has been tentatively scheduled for the September 14th meeting, along with continued discussion regarding the definition for “setbacks” and amendments to Title 20.

Mr. Chave reported that the City Council recently adopted an interim ordinance for the General Commercial zones on Highway 99 to temporarily place a moratorium on storage facilities, mobile home parks, etc. The Planning Board would have to review the Highway 99 zones relative to the plan that was adopted. In addition, the Board would be reviewing the issue of a new mixed-use commercial zone for the area around the hospital. He suggested that, if time permits, the Board should at least begin their discussion regarding the Highway 99 Activity Center at their September 14th meeting.

Mr. Chave said he does not anticipate the City Council would delay approval of the Design Guidelines until the downtown zoning district issues have been resolved. The Board should expect the guidelines to be adopted before they complete their work on the Comprehensive Plan implementation for the downtown. If that is the case, the Board could review the Design Guidelines and recommend changes or modifications to fit the scheme they come up with for the downtown zones.

PLANNING BOARD CHAIR COMMENTS

Chair Young did not provide any additional comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Guenther pointed out that the City is in the process of purchasing significant amounts of property for park purposes. He requested that, since the Planning Board is also the Parks Board, perhaps the Parks and Recreation Director could provide an update on what has been purchased and what the intended uses are. The Board Members agreed that it would be helpful for the Parks and Recreation Director to provide a quarterly report at their next meeting.

Board Member Guenther said he recently visited downtown Edmonds with his wife. As he told her about how they are considering increases to the current height limit, she was very concerned. He suggested that perhaps the terminology that is being used in the downtown proposal is confusing the public and creating the assumption that all buildings would be over three stories tall. Perhaps the Board could market the three-foot height change better to make it clear that rather than significantly taller buildings, there would be better buildings.

Chair Young recalled that the Board came up with a good recommendation for the downtown that would have provided significant benefits to the community with very few negative aspects. However, this recommendation was changed by the City Council to fit their personal political reasons. Board Member Freeman agreed that the issue has now become political.

Mr. Chave reported that the City Council has stopped requiring citizens who speak at their meetings to provide their name and address. He suggested that the Board do the same. Board Member Freeman said speakers should still identify whether they live in Edmonds or not.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

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