

**CITY OF EDMONDS
PLANNING BOARD MINUTES
July 26, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:02 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Rob Chave, Planning Division Manager
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

The minutes of the July 12th meeting were not available for approval.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON DRAFT “BD – DOWNTOWN BUSINESS” ZONES, INTENDED TO BE APPLIED TO THE DOWNTOWN AREA TO IMPLEMENT THE COMPREHENSIVE PLAN (FILE NUMBERS CDC-06-37 AND R-06-50)

Mr. Chave advised that this is the second public hearing on the draft Downtown Business (BD and BD2) zones. The hearing would be held in two parts. At the first hearing, the audience would be asked to provide testimony on the new BD zone language, and the second hearing would focus on the proposed location of the various BD zones. He specifically noted that the small area opposite the City’s Public Safety Complex on 5th Avenue North, has been proposed for RM-1.5 zoning. He explained that the Planning Board developed a modified version of the BD zones, attempting to address some of the comments made at the first public hearing on May 24th. He noted that most of the language has remained the same and simplifications or clarifications in the language may still result before the Board makes a final recommendation to the City Council.

Mr. Chave explained that the new zones and zoning map are being considered as a follow-up to the Comprehensive Plan update that was adopted by the City Council in March of 2005. The updated Comprehensive Plan established new policies and districts for the downtown business area. In addition, he reported that the City Council recently forwarded a draft set of design guidelines developed by the Architectural Design Board (ADB) together with an outline for a new design review process that places the ADB review at the front of the design review process. The design review revisions also envision adding design standards to the development code, where necessary. The challenge for the Planning Board will be to craft code amendments that will implement a new design review process with a companion set of design guidelines and to decide what essential items to include in the development code as design standards. This means that the Board can and should incorporate materials on the design review process, design guidelines and design standards in its work on the downtown zoning issue.

Rather than general comments, Mr. Chave encouraged the audience to provide specific comments about what they do and do not like in the draft. He noted that a sign up sheet is located near the door. Every one who adds their name will receive a notice of future action on this item.

The public hearing on File CDC-06-37 was opened.

Steve Bernheim advised that he was present to represent the group Alliance of Citizens for Edmonds (ACE). He recalled that at the last meeting, the citizens were told that the current proposal contained a variety of options. While some had more merit than others, staff advised that the Board wanted to get all of the options out on the table for the public hearing. ACE was anticipating that the draft language for this hearing would be more refined towards a final draft that could be forwarded to the City Council. He expressed his concern that the Board does not appear to be making any progress. ACE does not have many specific comments to make regarding the plan because nothing has changed substantially.

Mr. Bernheim asked staff to provide an explanation of the changes proposed for the RM-1.5 section, which is new. While the City's current zoning code includes the RM-1.5 designation, it has not been part of the proposal before the Board. He said ACE would support this designation if the same setbacks, height limit, massing and lot coverage requirements of an RM-1.5 zone would apply. Mr. Bernheim also referred to the changes made to the proposed BD5 zone and noted that if live-work opportunities are so important, why should they be limited to just the arts corridor. He suggested there is no coherent explanation for the division of the BD zones.

Mr. Bernheim recalled that when the open space requirement was first considered, it was intended to apply to much smaller buildings. The proposed changes would increase the lot size before the open space requirement would kick in. Instead of requiring open space for lots over 10,000 square feet, open space would not be required unless a lot was greater than 12,000 square feet. He suggested that this takes the City in a direction that would not encourage smaller buildings.

Mr. Bernheim referred to Page 9 of the draft proposal, which says the step back rules would not apply in the BD1 zone. This would allow large, massive buildings along Main Street and Fifth Avenue, which is just the opposite of what the citizens want. He reminded the Board of the citizen petition that was presented to them earlier in the year by ACE. He urged the Board to seriously consider the viewpoint of the 1,700 people who signed the petition asking for a 25-foot height limit in the downtown core.

While he recognizes the City Council asked the Board to include a 15-foot minimum ceiling height requirement, Mr. Bernheim asked the Board to consider lowering this requirement to just 10 feet. He noted that a 15-foot high ceiling would require much more energy to heat and cool. With energy costs going up dramatically, buildings with taller ceilings might become difficult to rent. He summarized that this is not the time to require developers to provide additional ceiling space that is not useable.

Mr. Chave clarified that the RM-1.5 zoning that is proposed for the property across the street from the City's Public Safety Complex would utilize the City's standard RM-1.5 zoning requirements with no changes. He noted that, at the last public hearing, many in the audience indicated that RM-1.5 zoning would be appropriate in this location.

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Mr. Chave agreed with Mr. Bernheim that, as per City Council direction, the BD1 zone would not include a step back requirement. He explained that the BD1 zone is unique in that it would require a 15-foot ground floor ceiling height. Logically, this would not allow two floors of residential space above the commercial space. Therefore, the height of a building would depend upon design characteristics. If there is room for embellishment on the second story, it should be allowed.

Mr. Chave advised that live-work space was a unique concept for the BD5 zone and involves more residential space on the ground floor, which is not something the Board wanted to encourage in the other BD zones. The Board agreed that this concept should only be allowed in the BD5 zone.

Board Member Guenther explained that increasing ceiling heights would not necessarily increase mechanical load. If properly insulated, heat would not be lost as a result of the increased ceiling height. He noted that many of the newer building designs include higher ceilings, and there are various strategies that could be used to reduce energy consumption. He said he would be glad to discuss the issue further with Mr. Bernheim after the meeting.

Bob Gregg pointed out that Edmonds was platted with 30 and 40-foot wide lots, which have typically been consolidated into 120' by 120' lots that are between 14,000 and 15,000 square feet in size. He recalled that at the last hearing he suggested the Board change the draft language to only require open space for lots that are greater than 15,000 square feet in size instead of the proposed 10,000 square feet. The Board elected to change the number to 12,000, which is a fair compromise. He referred to the Arco Property, which is about 10,200 square feet and noted that, as originally proposed, a developer would have to provide 1,000 square feet of open space on the site. The open space that is provided at Old Mill Town appears to be quite ample, but it would only be half of what would be required by the new code.

Mr. Gregg reminded the Board that the proposed language is not his first choice. Nor is it the first choice of the Board or the ACE Group. But after several years of working through the issue, he felt the proposed language was a good compromise that would be highly implementable and a great step forward. He encouraged the Board to move the proposal forward to the City Council with a recommendation of approval.

Mark Trumper said he is a director for the Bank of Washington and a citizen of Edmonds. He specifically directed his comments towards the proposal to prohibit drive-through businesses in the BD1 zone. He explained that banks typically provide drive-through service, but they are not typical of a drive in business such as a restaurant. He asked that the Board provide an explanation as to why they are proposing that no drive-through banking uses be allowed in the BD1 zone. He explained that as he reviewed the code requirements for other similar cities, he found that many specifically allowed drive-through opportunities for banks. He noted that banks are retail businesses supported by the customers and business owners in the downtown. They do not cause a traffic problem because only one or two cars are typically using the facility at any given time. He noted that the proposed BD1 zone already contains one drive-through bank business, and there are no problems associated with the use. He asked the Board to carefully consider the differences between a drive-through bank service and other types of drive-through businesses.

Gary Schmidt, CEO of Bank of Washington, noted that the branch office in Edmonds was established in 1996 as the Bank of Edmonds. He explained that the Bank of Washington is locally owned and managed and over 10 percent of their entire staff either lives or works in Edmonds. Four of their board of directors live in Edmonds, as well. He said he was present to represent the stakeholders regarding the proposal to prohibit drive-through businesses in the BD1 zone. The current zoning allows drive-through businesses as a conditional use, which allows the City's professional planners to work with banks to make sure the proposed drive-through would meet the City's standards and requirements. He expressed his concern that prohibiting drive-through bank services would limit customer choices on how they do banking and would push these people to larger banks that can offer the drive-through service outside of the downtown.

Mr. Schmidt explained that the Bank of Washington recently purchased the property at Fifth and Dayton to construct a new branch office, with a drive-up facility so their customers can have the same advantage that customers at other banks in the downtown enjoy. He asked that the Board considering allowing drive-through businesses in the BD1 zone as a conditional use. He said they are proposing a one-story building that would cover about 25 percent of the site. They would provide 10 to 12 parking stalls that could be used by patrons of the downtown businesses during the evening and weekend hours. The

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impetus driving this proposal is the need to provide drive-through banking service. If no drive-through option is allowed, it would make more sense to construct the bank on the corner of the property and develop the rest of the site as condominiums. The alternative option would not necessarily be in the best interest of downtown Edmonds, and they would prefer to construct an attractive single-story building with surface parking. Mr. Schmidt asked that the Board please leave drive-through banking as a conditional use so they can develop the site in a way that would enhance the downtown experience for their customers and for the visitors to Edmonds.

Chris Flick said he is a shareholder in the Bank of Washington. He suggested there is a difference between a drive in and a drive through. He said he pictures a drive-in business as being a fast food restaurant, with carhops servicing the cars. He congratulated the Board for making appropriate changes to the draft language. He reminded the Board that he owns a building in the downtown core and was concerned about the original proposal to prohibit service uses in the BD1 zone. However, the new draft language would allow retail, service and offices uses on his property that is located in the BD1 zone. He thanked the Board for considering input provided by the citizens.

Tyler Eckelbarger, realtor for Coldwell Baines Banker, said it appears that the proposed language is an attempt by the City to mandate and regulate their way to a thriving downtown core. He expressed his belief that a 25-foot height restriction, coupled with a 15-foot minimum ceiling height would eliminate the possibility of constructing two-stories of residential space above the ground floor commercial area. This would end up stripping property owners of a significant portion of their property value since condominiums are the driving force of a thriving downtown retail core. The City must have people living in the downtown core to support the retail businesses. A thriving downtown core cannot be achieved by simply changing the code requirements. There is more demand for condominium space than for retail or office space. He encouraged the Board to rethink some of the proposed restrictions regarding height in the BD zones.

John Heighway referred to Mr. Schmidt's threat that if drive-through businesses are not allowed, he would sell his property to a developer who would construct a building lot-line-to-lot-line. He reminded the Board that the purpose statement for the BD1 zone emphasizes the need for retail space. It only talks about residential space to compliment the downtown retail uses. He further reminded the Board that the goal is to increase the retail space not the residential space in the BD1 zone. The Board must make a commitment to the commercial business owners and not let the driving issue become condominiums. Mr. Heighway referred to a memorandum from Mr. Chave dated June 14, 2006, which describes the topics that were raised in the last public hearing. He noted that Mr. Chave left it up to the Board to respond to many of the issues, and the time for them to do so is now. Deferring some of the issues to a code rewrite down the road is not appropriate. He encouraged the Board to address each of the issue now.

Mr. Heighway urged the Board to stick with the 25-foot height limit, which is what the population, by petition, asked them to do. He applauded Mr. Chave for the concise memorandum he provided to the Board. While the Board has made some progress, the proposal is still bogged down in ambiguities, and they must make a decision now. Mr. Heighway also expressed his concern that requiring a 15-foot ceiling height could create situations of significant energy loss if developers do not construct the space appropriately to compensate. He concluded that larger buildings would require bigger units to cool and heat them.

Dave Page said his understanding is that retail and service businesses would be allowed in the BD1 zone. Mr. Chave answered affirmatively. Mr. Page said he is in favor of the proposal as written. He said the Board has done a good job. While many people disagree on various aspects, if the document were put before all the citizens of Edmonds, they would most likely vote in favor of it. He summarized that compromises have been made on both sides, and now they appear to be nitpicking over very little issues. He encouraged the Board to pass the document on. However, he also encouraged them to honor the bank's request to allow drive-up windows, which would be a service to the downtown community.

Roger Hertrich recalled that at the last City Council Meeting, Mr. Chave indicated that the City does not want to decrease the space allocated for BC uses. Therefore, they don't want to have new residential units built in the BC zone. Mr. Chave also emphasized that the City must retain the ability to produce more sales tax revenue. Mr. Hertrich suggested that the idea of mixed-use development ends up reducing retail space. A large part of the frontage on a mixed-use building would have to be dedicated for access to the residential units above, and this reduces the street parking in front of the building, as well. It also significantly reduces the amount of retail space available on the ground floor. By promoting mixed-use buildings, the

City's ability to produce sales tax revenue would be further limited. It also goes against the idea presented by the consultants that they need a continuous face of retail space that is not broken up with other uses.

Mr. Hertrich recalled that, in the past, the City only allowed one floor of residential space above the commercial floor. At that time, the City used a formula that required 51% of the entire mixed-use building be dedicated for retail uses, but this was eventually removed from the City code. He suggested that reinstating this formula would solve the problem. Developers who want to build two stories of condominiums would not like this, but the City's responsibility is to encourage retail development.

Mr. Chave said Mr. Hertrich reminded him that the City Council did have a discussion regarding single-family homes in the downtown zone. The current downtown BC zone allows residential homes, but it also makes a reference to residential zoning requirements. This has been interpreted to allow single-family homes in the BC zone, but they must be set back from the street, side and rear property lines. This creates an interesting situation for the houses currently in the downtown zone because many were constructed to intrude partially into the setback areas. When someone considers whether to expand a house or tear it down and replace it, they have to comply with the RS-6 zoning requirements, which are much more strict than the commercial zoning requirements.

Mr. Chave explained that, traditionally, commercial zones discourage single-family residential uses because it is important to reserve these spaces for commercial uses. If commercial spaces are occupied by single-family residential uses, then the City must look elsewhere for commercial zoning. The City Council indicated that they did not want to encourage or expand on the ability of single-family homes to locate in the commercial zone, but it would be appropriate for existing homes to expand and/or remodel. He said the Board would need to specifically consider this issue before making a recommendation to the City Council.

Bill Wilson said he was present to represent the owners of the building where Petosa's Family Grocer is located. He asked if the mixed-use zoning designation that is proposed for the site would allow them to rebuild their structure if it were destroyed by a disaster or would the City require a change to occur. Mr. Chave suggested that Mr. Wilson contact him to talk about this issue because it would depend on the specifics of the circumstances. The City is also looking into reviewing the nonconforming rules. He suggested that Mr. Wilson pay close attention to this discussion, as well. Mr. Wilson complimented the Board for changing the setback requirements in the BD5 zone to be more in line with the other BD zones.

Steve Waite, Historic Preservation Commission, referred the Board to a memorandum he provided prior to the meeting. He explained that although the Commission is charged with placing specific historic properties and sites on the Register, its position is much greater. The registered properties do not stand alone; they represent the characteristics, building scale, history and cultural attributes that have contributed to the creation of an identity for the City. The development code should recognize the importance of the historic character of the City as expressed through public commentary, planning consultant observations and most important, its citizens. While new development is expected and is an evolutionary component of the built environment, its contextual nature is essential. Capitalizing on the common goals of the necessary symbiotic relationship of new construction, alterations and preservation is essential for a vital and successful community. However, the element of practicality and recognition of market forces must be addressed in development code standards. He highlighted the following comments made by the Historic Preservation Commission regarding the proposed code language:

- **Section 16.43.000:** Add new Subsection E to read, "Encourage the designation and preservation of historic buildings and sites in all zones and promote the contextual development of 4th Avenue North (between Main and Daley) to compliment existing single-family homes.
- **Section 16.43.020.A.2:** Add the underlined, "shall only be permitted if they are at least 50% open above four (4) feet, such as a lattice pattern.
- **Section 16.43.020.A.2.b:** Add after "artwork" "that does not depict goods and services sold on the property."
- **Section 16.43.030.B.3 (Footnote 4):** To encumber all properties with either the 15 or 12-foot minimum floor-to-floor height is not practical and would be irresponsible given the majority of relatively small BD zone lot sizes. In larger retail facilities this height may be appropriate to accommodate building services, but there are limited opportunities for this scale of retail in all the BD zones. Proportions of retail space should be left to the marketplace.

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- **Section 16.430030.B.3:** This prescriptive approach does not take into account parcel or building size. The exception in 16.43.030.B.6.c for parking to be located in the first sixty feet is noted. However, successful retail space is about measured proportion, visibility, goods offered, marketing demand, etc. The variety of retail space sizes should be addressed by building owners.
- **Section 16.43.030.B.5.b:** An expanded definition of allowable uses should be required to assess potential problems such as noise and hours of operation.
- **Section 16.43.030.C.5.c:** If a 5% maximum is considered, then a height increase of greater than five feet should be considered.
- **Section 16.43.030.C.5.d:** Steep pitched roofs need to be clarified, as it is likely that “alpine” or “sawtooth” roof elements would result that do not reflect the historical context of the City. Traditional roof pitch type examples should be expanded to **not** include false mansard roofs unless historically accurate and compatible with the building design.
- **Section 16.43.030.E.1.d:** Nonconforming and existing structures should be exempt from open space requirements. It is likely that additions greater than 10% to existing buildings could be at the back or side of the building. Requiring open space could result in the removal of portions of the existing structure. Many existing buildings in the City represent the future stock of historic buildings and such structures require consideration in all code commentary.

Joan Longstaff said she owns a historic home located at 524 Main Street. In addition, she is a realtor and citizen of Edmonds. She thanked the Board for their in-depth study of the downtown business area. She said she particularly appreciates Ms. Gerend’s (previous Edmonds Economic Development Director) work to bring the business communities together by district (Westgate, Five Corners, etc.) This enable the business owners and residential property owners to work together to plan for the future of their area.

Ms. Longstaff said the proposed plan is excellent from a realtor’s perspective. Main Street should be retail businesses and attractive to the opportunity of going from business to business. Street frontage, with a lot of glass, attracts people to the downtown. She said she does not believe that real estate offices should be allowed in the downtown core. She said she is excited about the proposed new arts corridor and she is very supportive of the arts in Edmonds. Many of her clients want to move to Edmonds for the “little village on the waterfront” feeling and because the City is rich in the arts. She said her dream is to move her historic house to the arts corridor and make it a bed and breakfast business that would generate tax revenue for the City. The space where the house is currently located could be redeveloped as a mixed use building, with commercial space on the bottom floor and residential units above. She emphasized the need to have people live in the downtown to shop in the retail businesses. It is also important for all residents of Edmonds to support the downtown retailers.

Ms. Longstaff reported that the property owners near her property at 524 Main Street recently held a block party at which they discussed how they could work together and with the Planning Board and City Council to enhance the block. There are three historic buildings, four art galleries, and four restaurants located on this block, and the property owners are excited about how they might work together to enhance the area. They have a significant need for lighting, since it is quite dangerous on the sidewalks when evening events are held.

Ms. Longstaff emphasized her belief that the proposed plan is good, but it requires compromise on the part of everyone. She encouraged the Board to forward a recommendation of approval to the City Council.

Larry Temple said he owns property that is proposed to be designated at RM-1.5. He said he agrees with the proposed RM-1.5 designation as long as the existing RM-1.5 setback requirements would be applied. Mr. Chave indicated that the same setbacks would be applied. This means that, as time goes by, some of the homes that are presently vacant would be replaced with multi-family units that would include a view. Mr. Temple stressed that as the Board considers the proposed plans for the BD zones, they should carefully considering the impact the changes would have on property views. Property owners would be upset if their property values go down because their view is lost.

Joan Longstaff expressed her belief that it would be appropriate for the City to allow drive-through businesses for banks only in the BD1 zone. Most other banks in Edmonds already offer this service. The Board should keep in mind what is being proposed for development versus what could actually be developed on the site.

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Paul Sorenson said he owns three of the buildings on Main Street (533 through 539). He said he does not know why anyone would want a 12-foot ceiling in a building in the downtown core. Many buildings in the downtown won't be removed for at least 40 or 50 years. He said he attended Ms. Longstaff's block party and agreed that lighting on Main Street is needed, particularly between 4th and 6th Avenues. He also suggested that the City get control of their street trees in this area so they don't block view and the light coming into buildings. They are overgrown onto the streets and cause problems and are dirty.

Diane McEachron said she spoke at the last public hearing regarding the single-family homes that exist in the downtown zone. She said she was extremely pleased to see that this use would continue to be allowed in all of the BD zones. She noted that Mr. Chave also wrote a letter to the local newspapers explaining in great detail the answers to her questions. She concluded by stating that the proposal is good and she urged the Board to recommend approval.

The public hearing on File CDC-06-37 was closed at 8:15 p.m. and the public hearing on R-06-50 was opened.

Mr. Chave referred the Board to the updated map showing the proposed location for each of the BD zones. He noted that the BD5 zone was extended further south towards Main Street and the properties on 5th Avenue North that are opposite the City's Public Safety Complex are proposed to be RM-1.5.

Bob Gregg pointed out that his property between Walnut and Holly Streets is split between the BD2 and BD3 zones. He suggested that the most appropriate zoning designation for his entire property would be BD2. He noted that the lot lines have been eliminated so the property is now one legal tax lot. Unless the zoning is changed to BD2 for the entire lot, he would be unable to reconstruct his building as per the new BD3 zoning requirements.

The public hearing on File R-06-50 was closed, and the Board took a break at 8:20 p.m. They reconvened the meeting at 8:30 p.m.

Board Member Henderson said he does not believe it necessary to add new language to Section 16.43.000 to encourage the designation and preservation of historic buildings and sites as recommended by the Historic Preservation Commission. Mr. Chave agreed and pointed out that the purposes of the Comprehensive Plan are already acknowledged in the language, including historic preservation.

Board Member Crim explained that the Board's rationale for not allowing drive-in businesses in the BD1 zone is to make it pedestrian friendly without any breaks like they have at the Bank of America. He recommended the Board stick with their original decision to not allow drive-in businesses in the BD1 zone. Chair Freeman agreed that drive-in banks are not pedestrian friendly and should not be allowed in the BD1 zone. Curb cuts in the solid retail frontage would create a hazard for the pedestrians.

Board Member Henderson, on the other hand, suggested that drive-through bank service would be a perfectly legitimate use in the BD1 zone as long as curb cuts were restricted from the main street. He did not feel they should restrict this type of use. Board Member Cassutt agreed and noted that the current development on the proposed new bank site is not really conducive to the downtown retail core. She suggested that the Board reverse their decision because the proposed bank would not be as intrusive as the gas station was.

Vice Chair Dewhirst cautioned the Board against framing their decision based on this one proposal. Board Member Cassutt pointed out that drive-through banking service is already located on other properties in the BD1 zone. Chair Freeman agreed that the Board should not make one exception just for the bank. She reminded the Board that they wanted this property to be an important retail corner. Vice Chair Dewhirst agreed and noted that even though there are not a lot of retail uses along 5th Avenue between Dayton and Walnut, it won't be too long before the properties start to be redeveloped.

Board Member Young said he would not support other drive-through businesses in the BD1 zone, but a bank drive through would not generate a significant volume of traffic to deteriorate the pedestrian atmosphere. He noted there are other uses permitted outright or with a conditional use permit in the BD1 zone that would generate the same amount of traffic and perhaps more. For example, a commercial parking lot would be allowed within the BD1 zone. He suggested that perhaps

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the Board could come up with some specific criteria to outline what kind of drive-through businesses could be located in the BD1 zone without eroding the pedestrian friendliness of the downtown corridor. Rather than make an exception for drive-through banks, the Board should either allow drive-through businesses under some circumstances or not at all in the BD1 zone.

Mr. Chave explained that a conditional use permit would require a hearing before the Hearing Examiner, and there is already general criteria for this review. He referred to Page 4 of the proposed language, where more conditions were added for a conditional use permit in the BD1 zone. He explained that the current conditional use criteria are general and conditional uses in the downtown must have more specific criteria attached to them. The framework is in place if the Board wants to allow drive-through banks as conditional uses. He noted that comments during the public hearing suggested that other downtowns specifically allow drive-through banks. If the Board wants to allow this use, they should make it as narrow as possible. Generally speaking, it is important to discourage parking and driveways on properties in the BD1 zone, and the conditional use language would give staff some ability to limit the access to certain streets.

Board Member Crim noted there are sites in other locations on Main Street that are ripe for redevelopment. These also have access from the alley. He said he still believes it appropriate to prohibit all drive-through businesses in the BD1 zone. Chair Freeman agreed that the Board should stick with their original decision to not allow curb cuts in the BD1 zone. Mr. Chave said that whatever the Board decides about drive-through businesses, the City Council could easily change direction since the framework for a conditional use permit requirement would already be in place.

Board Member Guenther expressed his concern about all of the curb cuts that could be generated by a drive-through bank. While he sees the need for banks in the downtown area, he also sees the need to have a lot-line-to-lot-line building in this location.

The Board took a straw vote regarding the issue of allowing drive-through banking in the BD1 zone. Board Members Guenther, Dewhirst, Freeman and Crim agreed that the use should not be allowed. Board Members Young, Cassutt, Works and Henderson felt the use should be allowed with a conditional use permit. The Board agreed to leave the language as proposed, recognizing that half of the Board would support allowing a drive-through bank. However, there was a significant concern about allowing curb cuts in the BD1 zone. If a drive-through bank is allowed, it should be the only type of drive-through business allowed in the BD1 zone and a conditional use permit should be required.

Vice Chair Dewhirst inquired if it would be legal for the City to allow existing single-family homes to remain in the BD zones but not allow any new ones to be constructed. Mr. Chave answered that this would be legal. He said the City Council was clear that they did not want to allow single-family homes as a blanket approval. The current code allows single-family homes as long as they observe the setback requirements of a single-family zone. The City Council indicated they would like to see some kind of nonconforming provision written into the code that would allow the existing homes to add on or remodel within the existing setbacks, but they didn't want to see zero setbacks for single-family homes. They liked the idea of continuing the existing small scale single-family homes, but they didn't want the properties to turn to large residential structures that would erode the commercial space.

To accomplish the City Council's direction for single-family homes in the downtown, Mr. Chave suggested they add information to the table on Page 5 to clearly indicate that single-family homes in the BD zone must meet the setback and bulk requirements of an RS-6 zone. The Board agreed that would be appropriate.

Board Member Young asked if the proposed language would result in sufficient open space in the downtown area. Mr. Chave said the City Council talked about open space as a way to discourage large buildings in the downtown. The intent was to encourage open space in the downtown, but in compensation for a large or more massive building.

Board Member Young reminded the Board that the idea of creating an arts corridor was to have a residential appearance where the existing homes could be used for artistic type uses, but still appear as single-family developments. Mr. Chave pointed out that if the properties across from the Public Safety Building are zoned RM-1.5, then the properties in the BD5 zone would be required to provide a 15-foot rear setback. However, the front and side setback requirements would be the

same as for other BD zones. He recalled that a number of citizens testified earlier that the setback requirements for the BD5 zone should be the same as those identified for the other BD zones.

The Board discussed the Historic Preservation Commission's recommendation for Section 16.43.020.A.2.b that the artwork on the building not depict goods and services sold on the property. The Board expressed concern about the difficulty associated with making this determination. They agreed that it would be more appropriate to address this concern as part of the sign regulations. They agreed not to make the proposed change. They also agreed not to change Section 16.43.020.A.2 related to architectural design elements as recommended by the Historic Preservation Commission. In addition, the Board agreed that no change would be necessary to Section 16.43.030.B.5.b regarding live-work space. It was noted that issues such as noise and hours of operation would be covered by the City's nuisance ordinance and should not be addressed in the proposed language.

The Board considered the Historic Preservation Commission's recommendation to not require a minimum ceiling height and agreed not to change the proposed language. Board Member Guenther said there appears to be some confusion regarding the minimum ceiling height requirement. He emphasized that 15 feet would be measured from floor to floor, not from floor to ceiling. He said the issue regarding heating and cooling is a geometry problem. Heat loss is through the skin, and increasing the volume of a building by 50% would not result in a 50% increase in surface area. In addition, buildings are more complicated than a simple problem. Stretching the building 50% would not translate into a 50% heat loss. There are different strategies that could be used to conserve energy, and it should be left up to the building designer to determine which strategies to use to reduce energy consumption in buildings.

Mr. Chave asked the Board to consider whether the minimum ceiling height requirement should apply to just new buildings or if existing buildings should be required to comply in order to add a second story. He noted there are numerous buildings in the downtown that would be prevented from adding a second story if a 12-foot ceiling height were required. The Board asked Mr. Chave to add language to the proposal that would allow vertical additions to existing buildings without requiring a minimum ceiling height, as long as all other requirements could be met. However, a total reconstruction or remodel of an existing building should be required to conform to the new first floor ceiling height requirement.

Board Member Young inquired if the Board feels it appropriate to mandate a minimum first floor ceiling height in the BD1 zone. The majority agreed that a minimum ceiling height should be mandated as proposed. It was noted that many citizens commented in favor of this requirement, as well.

The Board discussed the Historic Preservation Commission's recommended change to Section 16.43.030.C.5.d regarding roof pitch. They agreed that the proposed language should not legislate whether a roof fits in with development that took place numerous years ago.

Mr. Chave referred to Section 16.43.030.C.5, which outlines the various architectural features that would be allowed a height exception. He asked that the Board carefully review each one and provide their comments and suggestions. The Board reviewed each one as follows:

- **Section a** – The Board agreed it is important to allow enough flexibility for an architect to design buildings and the Architectural Design Board can review the design and decide if it is appropriate or not. They agreed to leave the language as is.
- **Section b** – The Board agreed that the language is consistent with existing buildings and no changes are necessary.
- **Section c** – The Board agreed that no changes should be made.
- **Section d** – The Board agreed that no changes should be made to this language. They agreed that the Architectural Design Board should be allowed to review the roof design. Mr. Chave said the intent is to encourage more steeply pitched roofs. If a building is designed to be 25 plus five feet in height, incorporating a really steep pitched roof would allow the maximum height to be 35 feet.
- **Section e** – Mr. Chave said the intent of this language is to encourage different activities on roof tops. However, elevators are regulated by the building code and the height requirements are significant. The proposed language attempts to limit the height as much as possible. The Board agreed that no changes should be made.
- **Section f** – The Board agreed that a new section was not necessary related to historic structures.

APPROVED

The Board agreed that the map should be changed to identify all of Mr. Gregg's property as BD2. The Board also discussed whether it would be appropriate to change the zoning on the property across the street from Mr. Gregg's to BD2. They agreed to leave it as BD3 zoning. The Board also discussed the appropriate zoning designation for the dance studio located on Bell Street in the area that is currently proposed as RM-1.5. Mr. Chave said he talked to the property owner and explained that the use would be allowed to continue as a non-conforming use if the property were zoned as RM-1.5. The majority of the Board agreed that the property should continue to be identified as RM-1.5. They also accepted the changes that were made by staff to Section 16.43.030.B.5.b (live-work space) as a result of the last public hearing.

BOARD MEMBER WORKS MOVED THAT THE BOARD FORWARD FILE NUMBERS CDC-06-37 AND R-06-50 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS AMENDED. BOARD MEMBER YOUNG SECONDED THE MOTION.

Vice Chair Dewhirst expressed his belief that staff did a masterful job of crafting the parameters set forth by the City Council, and the Planning Board did a great job of massaging it. However, he would still vote against the proposal because the underlying premise is wrong and won't do a lot to improve the downtown. He said he wants to send a message to the City Council that he doesn't agree with what they did with the issue of height in the downtown. In addition, the issue of massing has not been addressed. He expressed his belief that it is the massing and not the height that people have been reacting to with new buildings.

Board Member Crim expressed his belief that chopping the current BC zone into so many pieces is confusing and very few people had the time to stick with it enough to understand what is really going on. The arts corridor is good, but further division would distract from the issue and discourage new development in the downtown. The emphasis on staying with two stories is misguided, but because the City Council directed them to move in that direction, he would vote for the draft proposal.

Board Member Cassutt said that while she disagrees with the City Council's decision regarding height in the downtown, the draft ordinance is the best the Board could do at this time. The majority of the Board concurred

THE MOTION CARRIED, WITH VICE CHAIR DEWHIRST VOTING IN OPPOSITION.

Board Member Guenther expressed his belief that the proposal represents a good compromise, even though it is not what he would have wanted to happen for the downtown.

FOLLOW-UP DISCUSSION ON PROPOSED ZONING CHANGES FOR HIGHWAY 99, INCLUDING ESTABLISHMENT OF NEW BR AND BRW ZONES AND CHANGES IN THE GENERAL COMMERCIAL (CG AND CG2) ZONING CLASSIFICATION

Mr. Chave referred the Board to the map that outlines the proposed boundaries for the BR zone. He noted that none of the BR zone would be located adjacent to single-family residential zones. The only close point is where it is across the street in the southwest corner of the map.

Mr. Chave reminded the Board of a request they received from a neighborhood located north of the hospital. These citizens requested that the zoning of their properties be changed from multi-family to single-family residential. He said it is very likely this same request would be presented to the City Council, too. The Board agreed it would not be appropriate to recommend approval of a zoning change for these properties. Mr. Chave also reminded the Board of their previous decision not to convert the northeastern portion of the CG zone to BR because there are some fairly heavy commercial uses located there. The Board agreed these properties should remain as CG.

Mr. Chave advised that a public hearing on the proposed code language has been scheduled for August 9th. However, staff was unable to advertise a public hearing on the proposed map because the Board had not yet completed their final review. The Board would need to hold a separate hearing to rezone the properties.

APPROVED

Mr. Chave advised that the base height in the CG zone would be 35 feet, and the base height in the CG2 zone would be 45 feet. However, the Highway 99 Task Force recommended substantially greater height limits. At their last meeting, the Board discussed that if the height stayed at 35 to 45 feet for the CG zones, no ADB review would be required. But any additional height would require an ADB review.

Board Member Dewhirst suggested that if the BR zone would allow a 50-foot height limit without a conditional use permit and up to 80 feet with a conditional use permit, and the BR2 zone would allow 42 feet in height, the CG and CG2 height limits should be consistent or somewhat greater. He suggested a height limit of 60 feet for the CG zone and 70 feet for the CG2 zone. Anything above those heights would require ADB review. Board Member Guenther noted that 60 feet would allow five stories and 72 feet would allow up to six stories. It was noted that greater height would only be allowed in the CG2 zone. It was suggested that since some CG and CG2 zones are located next to residential zones, perhaps it would be appropriate to require design review for these properties.

The Board agreed to change the height limit in the CG zone to 60 feet. They further agreed that the height limit in the CG2 zone should be 75 feet. They agreed that a statement should be included to make it clear that no ADB review would be required for buildings below these heights. It was noted that greater building heights could be allowed in the CG2 zone, with an ADB review.

Vice Chair Dewhirst recalled that at the last meeting he raised the concern about privacy related to high-rise development and the CG zones. He said he attempted to come up with language to address the issue of privacy. He pointed out that development at much greater heights could significantly impact the privacy of adjacent residential properties along Highway 99. He recalled that in the joint ADB/Planning Board Meeting, the ADB encouraged Board to focus on the purpose of designing projects that do not infringe upon the residential developments. It is up to the developer to decide how this can best be done. He suggested that a clear statement of purpose should be added to the proposed language. Chair Freeman expressed her concern that this type of statement would be too vague. She expressed her belief that the City should not have to regulate privacy since it would be very difficult to define. The majority of the Board agreed that the City should not attempt to regulate privacy. Mr. Chave expressed his concern that it would be difficult to regulate privacy standards since these decisions can be potentially arbitrary.

UPDATE ON RECOMMENDED CHANGES TO THE MPOR ZONE

Mr. Chave reported that a joint meeting with the property owners in the area was recently held, and a constructive discussion took place. Much progress was made, and one more follow up meeting might be necessary. The property owners have requested that the August 9th hearing be postponed until September 13th. At that point they may have a joint proposal for the Board to consider.

Board Member Henderson suggested that future maps that are prepared by staff should be color coded and have street names clearly identified.

REVIEW OF EXTENDED AGENDA

Vice Chair Dewhirst reported that he and Chair Freeman met with Mayor Haakenson. They discussed the design guidelines issue and the Mayor was adamant that the design guidelines become the Board's number one priority to complete before the end of the year. The Board agreed and asked Mr. Chave to prepare draft language for them to start their discussion.

Chair Freeman said she and Vice Chair Dewhirst also talked to the Mayor regarding the impact Initiative 933 (property rights) would have on the City if approved. The Mayor asked the Board to instruct staff to immediately work to identify the potential impacts.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman pointed out that the relocation guide found in the Seattle Visitors Guide points to Edmonds as the number five place to buy a house.

Chair Freeman reported that at the last City Council Meeting, the City Council complimented Mr. Chave on the letter he prepared in response to the Puget Sound Regional Council's proposed Vision 2020+20 Plan Update.

PLANNING BOARD MEMBER COMMENTS

None of the Board Members provided comments during this portion of the meeting.

ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

APPROVED