

**CITY OF EDMONDS
PLANNING BOARD MINUTES
June 13, 2007**

Chair Guenther called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Cary Guenther, Chair
John Dewhirst, Vice Chair
Jim Young
Don Henderson
Judith Works
John Reed

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Scott Snyder, City Attorney
Brian McIntosh, Parks, Recreation & Cultural Services Director
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Janice Freeman
Michael Bowman

READING/APPROVAL OF MINUTES

BOARD MEMBER WORKS MOVED THAT THE PLANNING BOARD/HISTORIC PRESERVATION COMMISSION MINUTES OF MAY 23, 2007 BE APPROVED AS CORRECTED. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED WITH BOARD MEMBERS DEWHIRST, REED AND HENDERSON ABSTAINING.

BOARD MEMBER YOUNG MOVED THAT THE PLANNING BOARD MINUTES OF MAY 23, 2007 BE APPROVED AS SUBMITTED. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED WITH BOARD MEMBERS DEWHIRST, REED AND HENDERSON ABSTAINING.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as proposed.

AUDIENCE COMMENTS

Brian McIntosh, Parks and Recreation Director, announced the following events that are planned for the summer:

- The Edmonds Arts Festival starts on Friday, June 10th at 10 a.m.
- A public open house regarding the Parks, Recreation and Open Space Plan is scheduled for Wednesday, June 20th starting at 6:30 p.m. in the Brackett Room of City Hall. He invited the Parks Board Members to attend this event.
- A second community meeting to discuss the park design at the Old Woodway Elementary School will be Thursday, June 28th at 7:00 at the Faith Community Church.

- The Rotary Club Band Shell will be dedicated on Sunday, July 8th at 2:30 p.m.
- The Edmonds School District has moved their summer concert to the band shell on Friday, July 20th at noon.

TOBACCO FREE PARKS

Brian McIntosh advised that in 2001 the Snohomish County Health District initiated a program to promote tobacco free parks in communities throughout Snohomish County. Since that time, 13 communities and the County have adopted policies and proclamations to promote the concept. With the exception of the City of Mill Creek, all of the communities have adopted policies calling for voluntary compliance. Mill Creek has adopted an enforcement program, as well. He advised that the Edmonds Police Department has indicated they prefer the City’s program be voluntary rather than a mandate. He announced that the City of Edmonds would host the American Lung Association Trek Tri-Island Ride, which includes about 500 cyclists raising money for lung cancer research.

Mr. McIntosh referred the Board to the attached example of a proclamation that has been used by other jurisdictions to implement the program. He said he also provided an example of the type of sign that could be used to advertise the change. He said he provided a similar presentation to the City Council Community Services Committee, and they indicated they were in favor of having Tobacco Free Parks. They suggested the concept be presented to the full Council for approval, and the Health District would present a full presentation before the Council before the proclamation is approved.

Mr. McIntosh explained that the health concerns regarding second-hand smoke are well documented, as are the environmental impacts worldwide from billions of non-biodegradable cigarette butts and related garbage. It is hoped that the reduction or elimination of smoking in the parks and on beaches would reduce staff and volunteer maintenance time and enhance the aesthetic park experience. He said the campaign seeks to educate the local community about the harmful affects of second-hand smoke and provide a healthy environment for kids, families and all park users. The Snohomish County Health District has assisted in this effort by providing communities with examples of existing tobacco free park policies, promoting the new policy by jointly writing press releases, designing and producing signage for parks, getting young people involved, and helping to plan a kick-off ceremony, which would take place at City Park in July if approved by the Planning Board and City Council.

Vice Chair Dewhirst asked how well the tobacco free parks policy has worked in other jurisdictions. Mr. McIntosh said it is difficult to measure the impact, but in talking to other jurisdictions who have implemented the program, it is assumed that it has helped. Vice Chair Dewhirst asked why City staff is not proposing the next step, which would make tobacco free parks mandatory. Mr. McIntosh again noted that the Edmonds Police Department is not really interested in making it an enforceable infraction since they have other higher priority issues to focus their resources on.

Board Member Henderson asked Mr. Snyder to comment on the legal issues related to prohibiting smoking in public areas. Mr. Snyder explained that the recent state initiative permits smoking in public rights-of-way, as long as a person is moving. In addition, the initiative would not prevent or preempt cities from adopting their own more restrictive requirements.

Board Member Works asked if staff has to pick up a lot of litter that is associated with smoking. Mr. McIntosh said this is a problem at City parks, particularly along the beach.

VICE CHAIR DEWHIRST MOVED THAT THE BOARD FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY ESTABLISH A TOBACCO FREE POLICY FOR ALL CITY PARKS AND THE WATERFRONT. BOARD MEMBER WORKS SECONDED THE MOTION.

Vice Chair Dewhirst suggested that implementing a tobacco free park policy would resolve problems associated with second hand smoke. It would also eliminate one of the places that kids like to congregate to smoke. He summarized that implementing a tobacco free park policy would be appropriate to protect the health, safety and welfare of the public.

THE MOTION CARRIED UNANIMOUSLY.

CODE RE-WRITE PROJECT UPDATE AND TOPICAL DISCUSSION

Mr. Bowman referred the Board to the packet of information that was provided in the staff report, particularly the third rendition of Chapter 17 of the Edmonds Community Development Code (ECDC) that relates to nonconforming uses and structures. He advised that the City Attorney, Scott Snyder, attempted to clean up the document and address the issues that were raised by the Board at their last discussion. Staff is now looking for additional direction from the Board on which options they want to pursue. He referred the Board to the list of questions that was prepared by Mr. Snyder and asked that the Planning Board consider the issues and provide feedback so the document could be finalized for a public hearing.

Board Member Reed referred to the minutes from May 23rd, where there was a lot of discussion about the importance of the nonconforming regulations and how they fit in with the Historic Preservation Commission's work to develop historic district design guidelines for the BD1 zone. He noted that the proposed draft language would make the nonconformance standards much less restrictive. He asked if this is necessary to implement the work of the Historic Preservation Commission or if the existing standards would be sufficient. Mr. Bowman recalled that at the joint Planning Board/Historic Preservation Commission meeting there was a consensus that the nonconformance standards need to be loosened. Right now, they are very restrictive, particularly when dealing with issues such as adaptive reuse and nonconforming buildings. Members of both groups indicated their desire to allow the restoration of nonconforming structures, particularly if done using the same footprint and design. The direction provided in the new draft language would loosen the nonconformance standards and make it easier for the City to apply the Historic Preservation Commission's proposed concepts.

Board Member Works noted that the Historic Preservation Commission's work is focused primarily on the BD1 zone, which is a very small area of the City. Mr. Bowman agreed and said there are a number of structures within the other BD zones that would fall within the interest of preservation, as well. He said one option would be to have a separate set of nonconformance standards for the BD1 zone. This would allow the City to have more specific rules for the downtown core area.

Chair Guenther reviewed that the nonconformance standards were initially restrictive in an effort to abate nonconforming uses. Now they are considering the option of making them less restrictive because they feel that many of the nonconforming structures are worthy of preservation. Mr. Snyder added that the City's current zoning code was first adopted in 1980. It was written by a consultant, and later in the process a citizen requested a number of changes related to the downtown. This resulted in the zoning code being adopted with the most restrictive nonconforming use provisions permissible under State law, with the intent to abate nonconforming uses and get rid of them. The nonconformance standards were intended to be applied to annexation areas and commercial uses in residential zones. He said that at this point, all of the nonconforming commercial uses in residential zones have been abated, and the citizens seem happy with the look and feel of the community.

Board Member Reed asked if relaxing the nonconforming regulations would create a problem if the City were to annex the Esperance area in the future. Mr. Snyder said that if annexation were proposed, the City would establish pre-annexation zoning through a series of public hearings. The pre-annexation zoning could be tailored to address particular situations in the area, and an abatement process could be part of that. Mr. Bowman said he does not anticipate the proposed changes to the nonconformance standards would create a problem if the Esperance area were to annex into the City. Mr. Snyder explained that the abatement procedures that are currently in the code are outdated and could be eliminated. If annexations were to occur in the future, new abatement procedures would have to be created. The Board Members concurred that this section could be eliminated.

Mr. Snyder said it is important for the Board to first decide whether or not they want to make Chapter 17.40 less restrictive to promote the continuation of nonconforming buildings, lots, signs and community facilities. The Board agreed it would be appropriate to make the nonconformance standards less restrictive to promote the continuation of nonconforming buildings, uses, lots, signs and community facilities.

Board Member Young recalled that when staff originally presented the concept of amending the nonconformance standards, they indicated the need for better enforcement and policy direction. He asked if the proposed changes would help resolve these problems. He also asked if the changes would address the concerns raised by the Historic Preservation Commission about the need to encourage renovation of structures or properties that are historic. Mr. Bowman explained that property

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owners often request permits to do additions or remodels on nonconforming structures, and the City's only current recourse is to direct these individuals to the variance process. Liberalizing the nonconformance standards would allow the City to address these situations and accomplish the goals of the Historic Preservation Commission, as well.

Mr. Snyder said staff tried to incorporate provisions related to historic structures. He explained that the draft language also takes into account buildings that are not necessarily historic, but are suitable in scale and texture to the ambiance of the community. The draft code language would address these situations by giving property owners some reasonable alternatives for retaining existing structures. He recalled that the Historic Preservation Commission has recommended the code provide incentives to encourage residential homeowners in the downtown who want to remodel an existing nonconforming structure. He suggested it would be helpful for the Historic Preservation Commission and Planning Board to meet with downtown property owners to learn what else the City could do to encourage the preservation and reuse of existing buildings.

Mr. Snyder asked the Board to provide direction about whether or not the code should permit nonconforming seasonal uses such as agricultural uses or Christmas tree lot sales. Board Member Henderson noted there are no nonconforming seasonal agricultural uses in the City at this time. Mr. Bowman agreed that this is not a huge issue in the City since Christmas Tree Lots are typically located in parking lots owned by churches and/or other businesses. Mr. Snyder pointed out that the draft language recognizes that seasonal uses are regulated by State Law. The Board agreed that nonconforming seasonal agricultural uses should be permitted.

The Board discussed whether or not nonconforming residential uses should be allowed to be restored when damaged. Vice Chair Dewhirst referred to Section 17.40.010.C.1. He suggested that if the Board is going to consider liberalizing this provision to allow nonconforming uses to be restored when damaged to less than 75% of replacement cost, they should also consider whether or not the existing 6-month time frame is too restrictive. Mr. Snyder pointed out that Section 17.40.010.C.2 would allow a residential property owner up to one year to replace a structure that is damaged.

Vice Chair Dewhirst pointed out that it is difficult to separate use from structure. Mr. Bowman explained that the proposed language places cessation of use in two categories: voluntary and involuntary. A property owner who voluntarily ceases a use would have up to six months to reestablish the use. However, he agreed that if a use is stopped because a structure is damaged, the time period becomes more critical. He suggested that perhaps the code language could include a provision that a building permit must be obtained within one year. Mr. Snyder explained that the current code language was intended to address nonconforming commercial structures in residential areas. However, citizens are more willing to allow residential uses in commercial zones to continue. He suggested that an additional subparagraph could be added to the code to allow additional time to reestablish uses if the situation is beyond the property owner's control.

Mr. Snyder asked if the Board would be in favor of requiring nonconforming commercial property to be abated if the property owner was unable to find a tenant within a one-year time period. Board Member Young suggested that if a property owner is unable to find a tenant within one year, perhaps the property is no longer appropriate for commercial use.

Board Member Young expressed his concern about making lot-by-lot policy. Vice Chair Dewhirst pointed out that the nonconformance standards would be the most difficult section of the code for the Board to deal with because amendments have the potential to make a significant impact to property owners' individual situations.

Board Member Henderson suggested it would be appropriate to allow a two-year time period for nonconforming uses to be restored. Board Member Works reminded the Board that the zoning code is intended to regulate uses that are not appropriate. Board Member Young agreed. He questioned the purpose of having a zoning code if they are going to allow nonconforming uses to continue because of hardship. Where does the City stop the social engineering and require a nonconforming use to be abated after a certain period of time.

Mr. Chave pointed out that staff has not had much difficulty with the nonconforming use provisions. That is why they are not proposing any significant changes. They receive far more issues about nonconforming buildings and structures. He suggested the Board spend more time on the nonconforming structure provisions since they would have a greater impact on the property owners. Mr. Bowman agreed but said Board Member Young raised a good issue about whether or not the City

should require nonconforming uses to be phased out over a certain period of time. He expressed his belief that it would be appropriate for the City to require that a use be reestablished within a one-year time period.

Board Member Young expressed his belief that a property owner should not be allowed to expand the nonconformity of a structure unless it has historic or social value that outweighs the standards appropriate for the zone. Mr. Bowman reminded the Board that they earlier agreed it would be appropriate to make the nonconformance standards less restrictive to encourage and promote the continuation of nonconforming structures. He said the Board must recognize there are a significant number of properties within the City that are currently developed with structures that do not comply with the setback requirements. Board Member Works suggested it might be appropriate to make the standards less restrictive for certain areas of the City only. She said she can understand the need to allow historic buildings and other structures in the downtown bowl area to expand or remodel if nonconforming, but perhaps this same provision would not be appropriate for other areas of the City.

Board Member Henderson disagreed with Board Member Works and expressed his belief that the nonconformance standards should be consistent throughout the City. A property owner should be able to remodel or add on to a nonconforming structure up to what was allowed when the structure was originally built. Property owners should not have to comply with 2007 zoning regulations just to add on to a home. He said he supports amendments that would make the nonconformance standards less restrictive.

Mr. Snyder explained that the current code states that if a residential use is damaged more than 50%, any replacement use would be required to meet the current zoning code provisions. The proposed language would raise this threshold to 75%. Board Member Works pointed out that the draft language does not make the intent clear, and Mr. Snyder agreed to clarify the language. The majority of the Board agreed it would be appropriate to raise the threshold.

Board Member Young expressed his belief that the City should not liberalize the expansion of nonconforming uses. Mr. Bowman explained that the conditional use permit requirement is aimed at mitigating problems caused by a particular use in a particular zone.

Mr. Snyder referred to Section 17.40.020.C and noted that the intent of the draft language is to ensure that a historic structure is reconstructed as closely as possible to what previously existed. However, it is important to note that the reconstruction must comply with the State Building code and be consistent with the requirements of the Edmonds Register of Historic Places. The Board indicated their support of the proposed language, which would not prevent the full restoration or reconstruction of a building or structure that is listed on the National, State, or local historic registers. Mr. Snyder explained that a new State Historic Building Code provides leniency for the reconstruction of historic structures. Vice Chair Dewhurst said the State Historic Building Code deals with putting a building back together, but has nothing to do with design. Mr. Chave responded that if a structure is on one of the historic registers, the historic aspects of a building have been identified. The draft provision would allow a property owner to replace what they had. The Board agreed that provisions relating to historic buildings should be amended to include historic structures and tie restoration to the State Building Code and ECDC 20.45 related to the Edmonds Register of Historic Places.

Mr. Snyder asked the Board to consider whether or not the nonconforming building provisions should be amended to allow buildings to be moved vertically and horizontally if the movement would reduce the degree of non-conformity. He noted that the current code prohibits nonconforming buildings from being moved in any way. He said that while it would not be controversial to allow nonconforming buildings to be raised vertically to replace a foundation, allowing a building to be moved horizontally would be a bigger concern. The Board agreed that property owners should be allowed to move nonconforming buildings horizontally to meet setback requirements as long as the movement would reduce the degree of non-conformity. Chair Guenther questioned how the City would identify the degree of non-conformity. Mr. Snyder suggested the language be changed to require that a horizontal or vertical move must lessen the aspect of a building's non-conformity on the same site. The Board agreed the City should not allow a building to be moved if the move would create a greater non-conformity in one location in order to improve the non-conformity in another.

THE BOARD TOOK A BREAK AT 8:22 P.M. THEY RECONVENED THE MEETING AT 8:32 P.M.

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Mr. Snyder referred the Board to the two alternatives that were provided in the draft language for the restoration of a nonconforming structure. He explained that Alternative 1 uses a 75% threshold and would permit restoration of a building using the same bulk requirements if damage is less than 75% so long as the damage was not done by the unlawful act, ongoing neglect or gross negligence of the owner or his agent. However, the project would be subject to Architectural Design Board Review. Alternative 2 would allow reconstruction or restoration of buildings that are damaged by acts of God so long as the reconstruction is within the same footprint and uses materials and design that are substantially similar to the original style and construction. He noted that the two alternatives (ECDC 17.40.020.F) are intended to apply to nonconforming buildings in general. The proposed language in ECDC 17.40.020.G relates to nonconforming residential uses in commercial zones. As proposed, nonconforming buildings in commercial zones that are used solely for residential purposes could be remodeled or reconstructed if certain conditions could be met.

Chair Guenther suggested it would be appropriate to allow a property owner to reconstruct a property and improve upon the design of a building. In some cases, it might not be desirable to require that the exact same design be used. Board Member Young reminded the Board that any reconstruction or remodel would have to comply with the current State Building Code requirements. Mr. Snyder agreed. He noted that the proposed language in Section 17.40.020.G.2 is intended to make it clear that no nonconforming building may be remodeled or reconstructed if doing so would limit a conforming neighboring property owner from enjoying his/her rights under the code. Chair Guenther suggested that rather than listing all of the various codes that must be complied with, they could simply reference Chapter 19.

Board Member Young asked staff to summarize the differences between Alternatives 1 and 2. Mr. Chave summarized that Alternative 1 would allow restoration to occur and Alternative 2 would allow restoration and remodeling to occur. In addition, Alternative 2 would provide incentive to remodel residential buildings rather than tear them down.

Vice Chair Dewhirst noted that the Board does not have to select their preferred alternative now. He suggested they present both alternatives to the public and solicit their feedback on which would be preferable. Mr. Bowman agreed they could include both alternatives in the draft language and advertise it as an issue of discussion during the public hearing. The Board concurred. They also agreed it would be appropriate to solicit feedback from the public about whether the proposed amendments should apply throughout the entire City or only in certain zones.

Board Member Henderson referred to Section 17.40.020.G.4.a, which suggested that a nonconforming residential single-family structure may be rebuilt within the defined building envelope if the building is more than a certain number of years old. Mr. Chave said it might be appropriate to apply an age limit to encourage the retention of older nonconforming homes, but not the new ones. Vice Chair Dewhirst suggested the Board would need more information before they could make this type of decision. Mr. Chave explained that age is related to historic preservation and when codes were changed. Buildings that were constructed prior to 1980 had substantially different bulk requirements than those built after. Vice Chair Dewhirst pointed out that just because a building is old, does not mean it is historic or should be preserved. The Board agreed and suggested that this section be eliminated.

Mr. Chave pointed out that Section 16.40.020.G talks about residential buildings in general, and is not intended to take away a property owner's ability to add a deck or other addition that is in compliance with the underlying zoning. The Board inquired if the proposed language addresses situations where a property owner wants to add onto a portion of a structure that is nonconforming but would not increase the existing nonconformance. Mr. Snyder referred to Section 16.40.020.D.2, which permits alterations that otherwise conform to the provisions of the zoning ordinance and its site development and bulk standards and which do not expand any nonconforming aspect of the building.

Mr. Snyder said the current provisions for nonconforming lots work well, but the existing code contains a provision that requires the usage of a lot to be generally consistent with the character of the surrounding neighborhood. He suggested that this provision could be troublesome to apply, and the Board agreed that this provision should be deleted.

Mr. Snyder asked the Board to consider whether or not the existing nonconforming sign provision (ECDC 17.40.040) should be amended to allow greater re-use of existing signage by future tenants and businesses as long as the signs are not expanded. He suggested a property owner should be allowed to continue to use a nonconforming sign, as long as the nonconformity is not expanded, and the Board concurred.

Mr. Snyder referred the Board to ECDC 17.40.050, which relates to nonconforming local public facilities. He recalled the Board previously discussed the Religious Practices Act and why the City does not want to regulate churches. He suggested that because of current State law, it would probably not be appropriate to attempt to regulate nonconforming public facilities that are owned by other public entities. He explained that the current language contains numerous provisions that promise citizens greater leverage than the City can deliver. Because essential public facilities is a State mandated process, Mr. Snyder suggested this section is really unnecessary.

Mr. Chave pointed out that forcing nonconforming local public facilities into the essential public facilities process might not be the best solution. Vice Chair Dewhirst agreed and added that the essential public facilities process can be cumbersome. Mr. Chave suggested that part of the intent of Section 17.40.050 is to recognize that some public facilities may have some nonconforming aspects. As long as the significant impacts are mitigated there should be way to work out a solution outside of going into the essential public facilities process, which can be onerous and difficult.

Mr. Snyder reminded the Board that the essential public facilities process would never result in denial of a project or the right of a school district or other public entity to do whatever it is they need to do. Instead, the process results in conditioned approval to mitigate the associated impacts. He agreed that the process is cumbersome, but projects would likely end up there anyway unless the City creates a streamlined approval process.

Mr. Bowman agreed with Mr. Snyder that the current provision allows citizens to assume a certain expectation that the City can deny permits for essential public facilities projects. He emphasized that the City is very limited in what they can do in these situations, so leaving the language as it currently exists could frustrate the citizens. Before a decision to delete ECDC 17.40.050 is made, Mr. Chave suggested staff carefully review the essential public facilities provision to make sure the change would not create an awkward situation. Mr. Snyder agreed to review this section before the public hearing. Board Member Young suggested the issue be raised at the public hearing, as well, so the public has a clear understanding of the essential public facilities regulations. The staff should carefully explain why the City must allow essential public facilities that do not comply with the existing City regulations.

The Board and staff agreed to schedule a public hearing for the draft amendments on July 25th. Board Member Reed suggested that staff provide copies of the draft language to the Historic Preservation Commission prior to the public hearing. The Board agreed it would be appropriate to invite the Historic Preservation Commission to review the draft and provide comments.

BOARD MEMBER WORKS LEFT THE MEETING AT 9:16 P.M.

REPORT ON DOWNTOWN BD1 DESIGN STANDARDS

Mr. Chave reminded the Board that the City Council has forwarded a set of proposals to the Planning Board regarding design review and design standards in the Downtown Retail Core (BD1 zone). He referred to information from the City Council's discussions with the Historic Preservation Commission, including the actual proposals made by the Commission. He noted that the Commission is anticipating working with the Planning Board on this issue, and staff recommends the Commission and ADB both designate two members to serve as liaisons with the Planning Board. The representatives could be invited to meet with the Board each time a discussion on the issue is scheduled.

Mr. Chave said that when the Historic Preservation Commission spoke to the City Council, they acknowledged they are not familiar with writing code language. While their design standards are fairly worked out, some of their ideas on the other pages of the document are merely suggestions that have not been worked into code language for implementation.

Vice Chair Dewhirst pointed out that the Board already did the design work. Mr. Chave clarified that the building design guidelines the Board forwarded to the City Council came from the design guidelines that were refined by the consultant, Mark Hinshaw. However, they were never actually adopted. The Architectural Design Board provided their suggestions for design guidelines, as well. Many of them were adopted by the City Council, but they apply to all commercial zones and are

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not specific to the BD1 zone. The new design guidelines would apply specifically to the BD1 zone. He said the Historic Preservation Commission believes there are a number of buildings in the BD1 zone that are critical to the character of the downtown, and they want to ensure they are maintained or continued. In addition, they want to ensure that any new development or redevelopment that occurs is compatible with this character.

Vice Chair Dewhirst asked if the buildings in the BD1 zone are identified on the Edmonds Register of Historic Places. Mr. Chave answered that only one building in this zone, the Carnegie Library, has been identified on the Register. Vice Chair Dewhirst explained that other ordinances he has worked with identify key historic buildings that are on a register, as well as their character and history. This information provides the basis for developing design standards. If almost none of the buildings in the downtown are on the Register, the City doesn't have a strong foundation to build upon. Mr. Chave agreed this issue should be part of the Board's discussion with the Historic Preservation Commission. He said the City Council has expressed concern that there is no mandatory historic preservation program or consistent historic period to place the buildings in the retail core. If the buildings in the downtown cannot be placed in an historic period, what should the guidepost for new development be? The document proposed by the Historic Preservation Commission identifies common characteristics in the district that should be continued if any redevelopment occurs.

Board Member Young recalled that during the numerous public hearings related to the Comprehensive Downtown Plan, concern was raised about why some of the BD zones were treated differently than others. He summarized that, for the benefit of the City's legal protection, the City Council and Historic Preservation Commission should provide some statement about why they want to establish a separate set of guidelines for the BD1 zone.

Vice Chair Dewhirst reviewed that while working with the National Main Street Program, he learned that communities often make the mistake of "killing their downtown with kindness" by regulating so much that nothing gets done. Because the City doesn't have a constrained area or a certain architectural style they are trying to preserve, it would be difficult to come up with a set of enforceable guidelines that create the intended result. Mr. Chave said the documents provided by the Historic Preservation Commission represent a set of ideas they want to work on with the Planning Board. He recommended the Board schedule a discussion with the Architectural Design Board and the Historic Preservation Commission to discuss the purpose and intent of the recommendation. The Board concurred.

Board Member Reed requested information from staff regarding the origin of the proposed design guidelines for the BD1 zone. Mr. Chave explained that when the City Council adopted the BD zones, some Council Members indicated their desire for the Historic Preservation Commission and Planning Board to take a closer look at the retail core. Board Member Reed suggested it would be helpful to have more information about the City Council's discussion.

Vice Chair Dewhirst pointed out that the City's current design guidelines have only been adopted for two months. He expressed concern that the City Council is asking the Board to develop more specific guidelines for the BD1 zone before they have had an opportunity to see how well the design guidelines that have already been adopted work. Mr. Chave clarified that the City Council is not asking the Board to do the design guidelines again, but to refine the existing ones. Concern was expressed about whether the ADB's guidelines would be enough to make sure any new buildings in the BD1 fit into the existing character. He said the City Council has indicated the BD1 zone is an important area because it sets the tone for the entire downtown. Therefore, specific standards would be appropriate.

Chair Guenther recalled that the Board reviewed the original design guidelines and made a recommendation to the City Council more than six years ago. At that time, some members of the public indicated their desire that the guidelines be more prescriptive and another group indicated this would limit creativity. The Board must balance both viewpoints. Board Member Young agreed and said that is why they need more information about the intent and purpose for this exercise. He questioned how sustainable development could be worked into the new design guidelines for the BD1 zone. He suggested the two processes must be merged from the beginning. The remainder of the Board concurred.

Mr. Chave reported that staff met with the Transportation Choice Coalition, who presented preliminary information on a report that would be presented to the City Council. The report would provide an analysis of what has already been included in the City's existing plans to support a sustainable community. The group reviewed the various City plans and was very complimentary of Edmonds because they are setting a high bar. This information could potentially be available to the Board

very soon. The group's report commends Edmonds for eliminated the minimum parking standards for commercial and some residential uses in the BD1 zone. Waving the parking requirement for small buildings is a step in the right direction. The group pointed out that sustainability is not just incorporating green techniques, but sustaining small businesses, too. Many of the new elements in the BD zones are strong in this effort.

Mr. Chave clarified that the City Council does not intend for the Board to make recommendations to amend the 22-page Design Guidelines document that was adopted as part of the BD zoning ordinance. He explained that this document provides the mandatory essentials for setbacks, bulk, height, etc. The new design guidelines would become part of the new design process that is required for development in the downtown zone. While they would not be mandatory, they would influence design.

Vice Chair Dewhirst recalled that the generic design guidelines were set up as a basis that could be applied to all properties in the City. However, the intent is to develop specific guidelines for areas such as Highway 99, the BD1 zone, Firdale Village, Five Corners, etc. Mr. Chave clarified that the CG zones have certain design standards as part of the zoning language, as does the BD1 zone. The Architectural Design Board's design guidelines are separate and were adopted as part of the design review process. They represent specific standards that developers must comply with and provide a fair amount of flexibility when addressing the intent of the design guidelines.

REVIEW OF EXTENDED AGENDA

Chair Guenther reminded the Board that a public hearing on the draft amendments to the nonconformance standards has been scheduled for July 25th. In addition, a joint City Council/Planning Board meeting has been scheduled for July 24th. Mr. Chave indicated that the agenda for July 11th would include more discussion on the code re-write effort. The Board also asked staff to invite representatives from the Historic Preservation Commission to their next meeting to talk more about the BD1 design guidelines proposal.

PLANNING BOARD CHAIR COMMENTS

Chair Guenther referred to the latest copy of the American Planning Association Magazine, which contains an article called "*SMALL TOWN DESIGN: GETTING IT RIGHT.*" Since the article is pertinent to what the Board is currently dealing with, he recommended each of the Board Members read it.

Chair Guenther indicated that neither he nor Vice Chair Dewhirst would be present at the next meeting. He said he would invite Board Member Freeman to act as chair of the Board in his absence. The Board agreed that if more than three people are going to be absent from the next meeting, the report from the Historic Preservation Commission should be postponed.

PLANNING BOARD MEMBER COMMENTS

Board Member Reed said he has a tendency to tie density and affordable housing together. He suggested it would be appropriate for the Board to get a better idea of what affordable housing really means. Chair Guenther explained that affordable housing and housing affordability are easy to confuse. Board Member Reed agreed and said he would like the Board to discuss the concept of increase density and whether or not it would be appropriate to change the mix that currently exists in the City.

Board Member Young advised that the Bank of Washington is moving forward with a project at the old Arco site. He recalled that the last time the Board talked about the BD1 zone, the majority agreed it would violate the downtown policy to allow business uses that cross the sidewalk. He questioned how a decision was reached to go against the policy recommended by the Board. Mr. Chave explained that the Bank of Washington actually applied for a permit prior to the new BD zones being approved by the Council. Therefore, the new downtown policies cannot be applied to this application. In

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addition, he noted that the City Council adopted a minority report that recommended drive-in banks be allowed in the BD zones with a conditional use permit.

Vice Chair Dewhirst distributed copies of an article from the June 6th "*SEATTLE TIMES*," which talks about the impact art can have on a city's economy. The article references a study that was conducted in the late 1970's in Colorado, which concluded that arts have a tremendous impact on the local economy. Since the City is drifting in that direction, he suggested it would be appropriate for the Board to review the article.

ADJOURNMENT

The meeting was adjourned at 9:58 p.m.

APPROVED