

APPROVED

October 10th

**CITY OF EDMONDS
PLANNING BOARD MINUTES
September 26, 2007**

Chair Guenther 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

Cary Guenther, Chair
Janice Freeman
Jim Young
Don Henderson
Judith Works
Michael Bowman
John Reed

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Dewhirst, Vice Chair

READING/APPROVAL OF MINUTES

BOARD MEMBER YOUNG MOVED THAT THE MINUTES OF SEPTEMBER 12, 2007 BE APPROVED AS AMENDED. BOARD MEMBER HENDERSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was approved as presented.

AUDIENCE COMMENTS

Harold Huston, Edmonds, thanked the Board for all the work they do on behalf of the community. He has been a volunteer for the City for the past 17 years and he has worked in construction his whole life, so he knows the difficult load the Board carries for the citizens of Edmonds. He provided two maps for the Board to review; both artist renderings of what Edmonds looked like in 1991. He asked the Board to review the maps and then get them back to him.

**CONTINUED PUBLIC HEARING REGARDING EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC)
CHAPTER 17.40 (NON-CONFORMING) (FILE NUMBER AMD-07-12)**

Mr. Bowman reminded the Board that the public hearing on File Number AMD-07-12 was opened on September 12, 2007. Because of time constraints, the Board continued the hearing to September 26, 2007. He noted that, at the September 12th meeting, Board Member Works pointed that a subsection was left out of the draft language for Section 17.40.020.G, and the proposed ordinance has been updated to include this language. The Board also received a copy of the suggested changes submitted by the Historic Preservation Commission. He reminded the Board of their request to hear from the Historic

Preservation Commission regarding the proposed ordinance before forwarding a recommendation to the City Council. He introduced Steve Waite, Historic Preservation Commissioner, who was present to review the comments that were submitted.

Board Member Henderson pointed out that Item G at the bottom of Page 6 should be changed to Item H. Board Member Works noted that something was missing at the end of the first paragraph on Page 5. Mr. Bowman agreed to correct these two mistakes.

Commissioner Waite reported that the Historic Preservation Commission formed a subcommittee to review the draft ordinance. The subcommittee consisted of Commissioner VanTassell, Council Member Plunkett and himself. He briefly described the purpose of the Historic Preservation Commission. They are neither pro nor anti development, and their goal is to encourage preservation of the City of Edmonds' cultural and historic assets. By ordinance, the Commission is charged with listing historic places on the Edmonds Register of Historic Places and advising the City on matters related to historic preservation. He reviewed the Commission's recommendations as follows:

- **Section 17.40.010.C.2:** Commissioner Waite said the Historic Preservation Commission recommends the words "one year of the date the damage occurred" be replaced with "18 months of the date of the damage, with further extensions of 180 days each granted, if requested in writing and justifiable cause is demonstrated." He explained that the Commission felt that if a catastrophic event were to happen in Edmonds, one year may not be sufficient time for property owners to sort through all of the issues related to insurance, permitting, etc.
- **Section 17.40.020.C:** Commissioner Waite explained that this section would exempt historic structures that are listed on the National, State and Edmonds Register of Historic Places. The Commission also recommended the exemption include historic places identified on a professionally prepared historic inventory list or surveys done on behalf of the City. He reported that the Commission worked with City Staff to obtain a historic inventory list from a private consultant (the BOLA Report), which identifies all structures in the downtown that could contribute significantly to the historic character of the City. While some buildings might not be on a Register, they are identified on the list as potential candidates the Commission would like included.
- **Section 17.40.020.E:** Commissioner Waite said the Commission recommends that a graphic illustration be provided in this section to explain the rules and requirements associated with the relocation of nonconforming structures.
- **Section 17.40.020.F:** Commissioner Waite noted that two alternatives were provided for this section, and the Commission has expressed a preference for Alternative 2, which would take catastrophic disasters into account. This would give assurance to property owners that historic structures that contribute to the historic value of the City could be reconstructed.

Board Member Freeman noted that if Alternative 2 were used instead of Alternative 1, property owners would be allowed to replace all non-conforming buildings, regardless of the amount of damage that occurs. Commissioner Waite said the Commission believes all nonconforming structures that are damaged or completely destroyed by natural disasters, etc. should be allowed to rebuild. He pointed out that the City's current building codes would address fire and life safety issues as part of any redevelopment project, even those that would be nonconforming. The Commission is interested in retaining the historic structures and allowing their historic nature to carry forward without restrictions.

- **Section 17.40.020.G.4.a:** Commissioner Waite pointed out that the proposed language suggests that an age limitation be identified for historic structures. Rather than 50 years, the Commission is recommending that buildings that are at least 40 years old be considered historic, as well. He pointed out that buildings that are less than 50 years old may qualify as historic for a variety of reasons. He said it is important to recognize that these buildings would eventually represent the City's stock of historic structures and should not be penalized for being a few years short of 50 years.
- **Land Consolidation:** Commissioner Waite said the Commission also raised concern about the City's current regulations related to land consolidation. He recalled that the City Attorney has cautioned about allowing properties to consolidate to accommodate large structures. While this issue does not fall within the jurisdiction of the Historic Preservation

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Commission, they believe the current land consolidation regulations are such that it is easy for historic structures to be removed and replaced with larger homes.

Board Member Reed asked if the Historic Preservation Commission reviewed the proposed ordinance from the perspective of just the BD1 zone. Commissioner Waite said they also considered the residential zones since most of the historic structures are found in the residential areas that surround the downtown. There are also some significant historic structures in the BD1 zone.

Board Member Reid pointed out that Section 17.40.020.F, Alternative 2, provides a blank space that indicates the provision would only apply to certain zones in the City. He asked if the Commission discussed which zones the proposed ordinance should apply to. Commissioner Waite answered that the Commission did not have a strong feeling either way.

Board Member Freeman asked if a map was provided as part of the BOLA Report to identify the location of all of the properties included on the list. She noted that the historic properties identified on the list are scattered throughout a wide area, and it would be helpful to know where they all are. Mr. Chave clarified that the BOLA Report identifies historic properties in the downtown area between Casper Street, 9th Avenue, 2nd Avenue, Pine Street and the Waterfront. This area is consistent with the area identified in the Comprehensive Plan as the Downtown Activity Center. Commissioner Waite added that the Commission is anticipating additional funding to expand the survey.

Chair Guenther suggested that the City might have to codify the BOLA Report if it is going to be referenced in the draft ordinance. Mr. Chave agreed that staff would need direction from the City Attorney about whether these types of surveys must be formally adopted or approved in order to be recognized in the code. He emphasized that the BOLA Report was presented to the City Council, but they did not take formal action to adopt it. If the Board wants to include and expand the list of historic structures, they would have to give formal recognition to the report.

Board Member Works said she can't picture homes that are 40 years old as being historic. Commissioner Waite said that while houses that were built in the 1970's may not be considered appealing to some, they do represent a particular movement and design style so they do have some historic significance. He suggested that 40-year-old buildings are close enough that the Commission does not want to eliminate them as potential historic structures in the future.

Board Member Freeman agreed that many structures built in the 1970's represent a true northwest style of architecture, and there are some beautiful structures that should be preserved. She commented that every era has something that is worth preserving, but sooner or later all buildings would become historic and typical of the period in which they were built. She suggested the purpose of historic preservation is to preserve good examples of the architecture from each era, whether people like the style or not. She reminded the Commission that historic preservation is a voluntary program in the City of Edmonds, and people can choose whether or not to list their historic properties on the Edmonds Register of Historic Places. However, property owners were not given an opportunity to exclude their historic property from the BOLA Report. She asked if including the list in the proposed ordinance would result in negative repercussions for the property owners on the list. Commissioner Waite answered that no encumbrances would be placed on the property owners. The properties would merely be identified as contributing to the historic value of the City. No restrictions would be applied by including the list as part of the ordinance. However, the change would provide the property owners with an opportunity that would not normally be available to them.

Board Member Young asked how the proposed exemption for properties that are more than 40 years old would impact the City's capacity to enforce the nonconformance ordinance. He said he is not against historic preservation and feels it is a good idea, but he expressed concern that allowing an exemption for all properties that are more than 40 years old could make the ordinance very difficult to enforce citywide. He agreed with Board Members Works and Freeman that while some of the structures that are more than 40 years old represent the historic character of Edmonds, others do not and they should not be exempted from the ordinance. He cautioned against making too many exemptions to address historic preservation if the changes would weaken the enforceability of the vast majority of the building stock that does not fall under the category of historic. The changes could end up creating loopholes just to address a small percentage of the properties in the City. He cautioned that age does not necessarily represent historic significance.

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Chair Guenther said it is important to note the ordinance only applies to nonconforming structures, which includes a very low percentage of properties in Edmonds. The Commission is proposing numerous changes to address a very small percentage of the existing housing stock, and the changes could possibly open loopholes that make it difficult for the staff to apply the nonconformance requirements citywide.

Board Member Works asked how many buildings that are more than 50 years old are nonconforming. Commissioner Waite answered that many of the buildings that are 50 or more years old are also nonconforming. Mr. Bowman agreed there are a substantial number of nonconforming properties in the southern portion of the City that were developed as part of the County using different setback requirements. These were later annexed into the City. Board Member Young agreed it is important to address these situations, but he would like some assurance from staff that the nonconformance regulations could still be enforced. The City's development standards were set for a reason, and he is concerned that the proposed changes would allow property owners of structures more than 40 years old to find loopholes that allow them to preserve nonconforming structures that do not really represent the historic character of Edmonds.

Mr. Chave clarified that Item G on Pages 8 and 9 of the draft ordinance only applies to nonconforming buildings in commercial zones that are used for residential purposes. It would not apply to residential zones throughout the City. He concluded that this section would really only apply to a very small class of structures. He shared an example of a property owner who was not allowed to remodel his home in a commercial zone because the existing structure did not meet the City's current setback requirements. However, if the property owner decided to tear the structure down and replace it with a commercial use, the structure would be allowed up to the sidewalk, with no setback requirements. Because the building was used for residential purposes, the owner was required to abide by all of the current setback requirements. Mr. Chave explained that the intent of this section is to allow property owners to remodel nonconforming residential structures that are located in commercial zones because they represent part of the historic character of the downtown. This section would not be a citywide residential exception. He summarized that this is a narrowly crafted exception that is intended to give property owners incentive for retaining the houses that currently exist in the downtown commercial area.

Mr. Chave referred to language in the middle of Page 9 of the draft ordinance, which was crafted to address design issues and prevent a property owner from tearing down an existing home and replacing it with a large structure that doesn't comply with the setback and other zoning requirements. Any replacement structure would have to comply with the style and size of the existing structure.

Mr. Bowman expressed staff's belief that extending the time period for replacing nonconforming structures that are damaged would be appropriate. The Commission's proposal to change the time period to 18 months (Section 17.40.010.2) would be reasonable from an enforcement standpoint, particularly in the case of a natural disaster that requires insurance, permits, etc. Board Member Reed noted that the Board had previously agreed to add language to this section that was not identified in the Historic Preservation Commission's draft. Mr. Bowman agreed and suggested that if the Board agrees with the Historic Preservation Commission's recommended change for this section, staff would be responsible for incorporating this change into the draft language that was already agreed to by the Board. He noted that any change the Board makes would likely require staff to update other sections for consistency.

Mr. Bowman referred to Section 17.40.020.G and suggested that when the formatting changes were made, it appears some language was left out. He agreed to review the previous drafts and reinsert the missing language.

Chair Guenther referred to the Commission's proposed change to Section 17.40.010.2 and asked if the number of 180 day extensions would be limited to one. Mr. Bowman answered that while it would be reasonable for the City to allow for one 180-day extension beyond the 18-month time period, he did not feel additional extensions would be appropriate. Allowing more than one extension could result in someone getting into a cycle of filing one extension after another. The Board discussed how staff would determine whether or not an extension request was justifiable, and suggested that this term was too arbitrary. Mr. Bowman agreed and noted that if only one extension were allowed, there would really be no need for staff to make a judgment call on whether or not an extension request is justified. He summarized that staff would support a change to grant property owners up to 18 months, plus an additional 6 months (180 days), to start the reconstruction project. He felt this would allow ample time for property owners to resolve outstanding issues and start their projects.

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Commissioner Waite said the Historic Preservation Commission would support the allowance of additional extensions if a property owner could demonstrate justifiable cause. He noted the current situation in the south that resulted from Hurricane Katrina. While the event took place two years ago, many people are still trying to get their reconstruction projects going. The city of New Orleans is having a difficult time replacing their historic structures. Mr. Bowman suggested that perhaps it would not be necessary for the nonconformance section to address catastrophic situations that might occur in the City. He said it is important to understand that through its recovery program, the City Council could adopt a completely different direction for nonconforming structures if a catastrophic event such as an earthquake were to occur in Edmonds. Board Member Freeman agreed and said she could support a 2-year time frame but would not be in support of allowing additional extensions.

The Board agreed that this section could be changed to identify a time period of 18 months, with one 180-day extension only. The majority concurred with Mr. Bowman that this time frame would cover the typical situations and leave catastrophic events as another issue. They emphasized that it would be impossible for the nonconforming ordinance to address every type of situation that could arise in the future.

Mr. Bowman referred to the Commission's recommendation for Section 17.40.020.C, which would add language to recognize buildings that are on professionally prepared historic inventory lists or surveys done on behalf of the City (i.e. BOLA Report). He said it would be appropriate to obtain feedback from the City Attorney before incorporating this change to see if the City must take formal action regarding the BOLA Report before it could be referenced in this section. If the City Attorney indicates it would be appropriate, he said staff would not be opposed to incorporating the Commission's proposed language. The majority of the Board Members concurred. Mr. Chave pointed out that expanding the number of eligible properties beyond those that are identified on local, state and federal registers to include those that are listed on officially recognized surveys, could give more credence to a structure being preserved and restored.

Mr. Bowman agreed with the Historic Preservation Commission that a graphic illustration should be provided in Section 17.40.020.E to make the rules for moving nonconforming structures clearer. The Board agreed. Mr. Bowman agreed to work on a graphic illustration for this section to show examples of what can and cannot be done.

BOARD MEMBER REED LEFT THE MEETING.

Board Member Henderson said the language should also be clearer about what it means to improve the nonconformance. Mr. Bowman shared an example of an older home in the City that needed a new foundation. The current code states that moving a structure would require a property owner to bring the structure into compliance with the existing code requirements and address the nonconformance. The proposed language would allow a property owner to lift a building up to put a new foundation under it. It would also allow a property owner to move the building in one direction or another, as long as the move would improve the nonconforming situation. Board Member Henderson expressed concern that the proposed language does not address situations where a property owner might propose to improve the nonconformance on one side, but make it worse on the other. Mr. Bowman pointed out that the proposed language was meant to address situations where property owners would be unable to correct the full nonconformance by the move. Mr. Bowman agreed that the language could be changed to provide a better explanation of how the degree of nonconformity would be determined. The language should make it clear that a property owner would not be allowed to make one side of the property more nonconforming in order to make the other side more conforming. He said he would give the section more thought to address the Board's concerns.

Board Member Young expressed his belief that the nonconformance ordinance should not carve out exceptions for situations that could be made conforming. If it is possible for a property owner to correct a nonconforming situation, he/she should be required to so.

The Board discussed the two alternatives for Section 17.40.020.F. Commissioner Waite said the Commission believes that because Alternative 1 would only allow replacement of a nonconforming structure if it is damaged no more than 75%, Alternative 2 would more adequately address catastrophic situations in which structures are completely damaged. While he agreed the City Council could change the ordinance if a catastrophic event were to occur, he suggested it would be better to address the issue now by adopting Alternate 2, including the changes proposed by the Commission.

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Board Member Young expressed his concern that Alternative 2 would allow an owner of nonconforming property to rebuild, regardless of where the property is located and how much the property is damaged. Mr. Bowman explained that Alternative 2 provides a blank space that would allow the Board to recommend specific zones for which the section would apply. He pointed out that Item F appears to have been designed to apply to commercial buildings in commercial zones, and Item G would apply only to residential structures in commercial zones. Alternative 1 would limit the replacement of nonconforming structures to those that are damaged 75% or less. Alternative 2 would allow any nonconforming structure to be replaced, regardless of the amount of damage, but the Board could recommend limiting this provision to certain zones in the City.

Board Member Young said that if the City feels there are certain historically viable commercial structures that should be maintained, they should identify these properties. However, he would be opposed to allowing all nonconforming property owners in the City to rebuild a structure if it is damaged. He suggested that perhaps the language in this section tries to address too many different situations.

Mr. Chave suggested it would be appropriate to separate the two paragraphs of Alternative 2. The first paragraph could describe the intent of the restoration provision, and the second could provide a broader policy statement to address how the concept would be applied. He said that while the proposed language appears to apply to all nonconforming structures in the City, it is important to note that historic structures would be exempt from the requirements of the nonconformance ordinance.

Board Member Works questioned why the City would want to allow property owners to totally rebuild nonconforming structures that are not deemed historic. Board Member Henderson expressed his belief that any property owner should be allowed to restore a home that has been damaged, as long as the nonconformity is not increased. He suggested that Alternative 1 would address these situations adequately.

Commissioner Waite pointed out that the Critical Areas Ordinance has resulted in increased setback requirements, and there are a significant number of properties in the City that have been encumbered by the changes. If these properties are destroyed, the property owners would not be allowed to reconstruct in their current location and size. Even with buffer averaging and reductions, there is often not enough building space left on the lot. He said that in the event of a catastrophe, it would be bad enough that a property owner would lose their home, but in many cases they would be extremely encumbered as to what they would be allowed to rebuild, too. While this doesn't have anything to do with historic preservation, it does provide another example in support of Alternative 2.

Board Member Freeman recalled that the City must allow property owners reasonable use of their properties, but she agreed that the City could get into a debate about what is considered reasonable. Mr. Chave said there is a provision in the Critical Areas Ordinance that says that under certain situations, a property owner would be allowed to build in a critical area. Therefore, he did not think the nonconformance standards would conflict with the Critical Areas Ordinance. He explained that critical areas provisions are different and have different thresholds. He summarized that there are a variety of ways for allowing property owners to build within the critical areas, so Commissioner Waite's concern would be adequately addressed by the Critical Areas Ordinance.

Board Member Bowman suggested that the issue is really related to City policy. When someone is faced with a catastrophe and their house suffers significant damage, does the City want to grant them the ability to rebuild the house or force them to redesign and bring the building into compliance? Board Member Young agreed that this is really a policy decision that must ultimately be made by the City Council. However, he expressed his belief that if a nonconforming building is totally destroyed, any replacement structure should be required to comply with current zoning and building code requirements. He suggested it would be impossible to create language that would cover every possible situation, but it is important to remember that the ordinance does not need to address critical areas, historic buildings, or natural disasters. Board Member Henderson agreed with Board Member Young that if a nonconforming structure is damaged more than 75% the City should require any new structure to meet all of the code requirements of the existing zone.

Mr. Bowman referred the Board to Section 17.40.020.G.4, which states that "substantial compliance" shall be determined by the Architectural Design Board and appealable to the Hearing Examiner. He suggested that perhaps it would be more appropriate to allow staff to make decisions regarding "substantial compliance" with an appeal to the ADB or Hearing Examiner instead of requiring an upfront ADB review. However, he noted that, regardless of who is responsible for making

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these decisions, the term “substantial compliance” must be clearly defined and review criteria must be established. Board Member Young pointed out that this section is intended to apply only to nonconforming residential single-family structures in the commercial zones, not the residential zones. Therefore, he suggested it would be appropriate for staff to make the initial decision, and any appeals could be directed towards the Historic Preservation Commission.

Board Member Young said he would prefer to remove any reference to building age from Section 17.40.020.G.4, since any specific number would be arbitrary. He noted that some buildings could be considered historic even though they are not yet 40 years old. He suggested that this section should apply to all nonconforming residential structures in commercial zones, and not just those that are older than 40 years.

Board Member Freeman recalled that the Historic Preservation Commission has often talked about the town being eclectic, and they are trying to preserve examples of each era. She noted that structures that are built today could become good examples of the current era. Therefore, it should be emphasized that not only should the City encourage the preservation of old structures, they should be interested in preserving good architecture from all of the various time periods. Commissioner Waite agreed. Mr. Bowman reminded the Board that this section only applies to residential structures or houses in commercial zones. There is a range of different styles of house from older to newer, and much of the concern raised by the City Council had to do with preserving some of the residential uses in the downtown commercial area. The City Council is not likely looking for a specific age of buildings, but more of a mixture of uses and styles in the downtown.

The Board agreed that Alternative 1 would be their preference for Section 17.40.020.F. They further agreed that the language proposed by the Historic Preservation Commission regarding nonconforming single-family houses in commercial zones (Section 17.40.020.G) should be incorporated into Alternative 1. However, they concurred that no specific reference to age of a structure should be provided.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Bowman suggested staff be allowed time to update the draft based on the suggestions made by the Planning Board and Historic Preservation Commission. He said he would work with Mr. Chave and the City Attorney to discuss the best way to incorporate each of the changes. An updated draft could be presented to the Board for final review at their November 14th meeting.

BOARD MEMBER YOUNG MOVED THAT THE BOARD DIRECT STAFF TO PREPARE AN UPDATED DRAFT OF THE NONCONFORMANCE ORDINANCE THAT INCORPORATES ALL THE CHANGES AND DISCUSSION THAT HAS TAKEN PLACE THUS FAR AND PRESENT IT TO THE BOARD FOR FINAL REVIEW ON NOVEMBER 14, 2007. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE BOARD TOOK A BREAK AT 8:50 P.M. THEY RECONVENED THE MEETING AT 9:02 P.M.

CODE RE-WRITE PROJECT UPDATE AND TOPICAL DISCUSSION

Mr. Chave reported that Mr. Bowman is working with the City Attorney to prepare draft language for Title 20 of the Edmonds Community Development Code. In addition, the Hearing Examiner provided a report to the City Council, along with some recommended code changes that have already been integrated into the proposed code language. However, the Hearing Examiner also recommended some changes to the City’s Planned Residential Development (PRD) Regulations, and these changes could have an impact on Title 20, as well. Mr. Bowman would continue to work with the City Attorney to address both the Title 20 changes, as well as the recommended changes to the PRD Ordinance. The draft ordinance should be ready for Board’s review by the end of October or first of November.

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REVIEW OF REQUEST BY HAROLD HUSTON TO CHANGE COMPREHENSIVE PLAN DESIGNATION AND ZONING ON PROPERTY LOCATED AT 110 SUNSET AVENUE NORTH

Mr. Chave announced that on October 17, 2006 the City Council passed a motion to direct the Planning Board to consider the appropriate Comprehensive Plan designation for the property located at 110 Sunset Avenue North, which is immediately to the north of Rory's on the east side of Sunset Avenue. He noted that, currently, the property is designated in the Comprehensive Plan as Downtown Mixed Commercial. It is zoned BD2. The proposal is to change the plan designation to Downtown Residential-Office and the zoning to Office Residential (OR).

Harold Huston, Edmonds, recalled that after his presentation to the City Council last October, the City Council unanimously agreed to recommend the Planning Board consider the request. He noted the City Council also approved an application to rezone property across the street from the subject property to the new OR Zone, and the current proposal would change the land use designation and zoning on the subject property to be consistent with what exists on the properties across the street.

Mr. Huston reported that he has discussed the proposal with numerous people, including surrounding property owners, and all of them have indicated their favorable support for the change. He said he also spoke with Steve Bullock and Jeff Wilson, former City of Edmonds Senior Planners, who indicated that the proposed change would be appropriate for the subject property. He said the City Council has indicated their support for the proposal, and they would like the Board to review the proposal and send it back to them for final approval.

Mr. Huston expressed his belief that the proposed OR Zone would provide a better transition between residential and commercial zones than the current zoning. Again, he reminded the Board that 100% of the surrounding property owners have indicated their support for the proposed change.

Board Member Freeman referred to the City Council Minutes of October 17, 2006, in which Mr. Huston stated that the proposed change would make the zoning of the subject property the same as the zoning of the properties directly across the street. She pointed out that the zoning map shows that the properties directly across the street on the west side of the Sunset Avenue are zoned commercial. The OR zoned properties are located further to the north on the west side of the street.

Mr. Huston recalled that several years ago, Al Dykes came before the Planning Board with a proposal to construct residential units on the subject property. The Planning Board recommended denial of the proposal, and the City Council upheld their recommendation. No development proposals have been considered since that time. He noted that there is currently no buffer between the residential and commercial zones on the east side of the street. In addition, the subject property is very narrow. The intersection in this location is very busy as a result of the delivery trucks that visit the commercial businesses and the children and adults that walk in the area. There are also a significant number of cars accessing the nearby condominium project. He suggested that the intersection is probably one of the busiest in the City. The street is dangerous and several accidents have already occurred. He said he has spoken with numerous property owners in the neighborhood and all have agreed that there must be some type of transition zone between the commercial and single-family residential zones. The property owner, Mr. Young, has also indicated he would support the proposed change. No one has expressed opposition to the proposed change. Mr. Huston expressed his belief that it would be nearly impossible to construct commercial development on the subject property.

Loretta Huston, Edmonds, clarified that there is commercial zoning directly across the street from the subject property. However, the next few lots to the north were recently rezoned to OR. The next few lots before Bell Street are zoned single-family residential. However, on the east side of the street, there are two lots of commercial abutting single-family residential lots. The proposal is to provide the same type of transition on the east side of Sunset Avenue as the one that was created on the west side.

Mr. Huston advised that the subject property is currently developed as a single-family residential home that has been rented to the same person for a number of years. However, the zoning of the subject property is commercial. He said he does not see how commercial development would be viable on the subject property given the traffic congestion that is already present. An OR zoning designation would be a positive aspect for any future property owner to develop in a feasible manner.

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Board Member Freeman questioned if the proposed change could be considered spot zoning. Board Member Young noted that the Board is only being asked to consider the proposed Comprehensive Plan change at this time. Mr. Chave explained that because the City Council referred the proposal to the Board in 2006, it could be considered as part of this year's Comprehensive Plan amendments. He advised that, obviously, Mr. Huston is not just looking for a change in Comprehensive Plan, but ultimately a change in zoning, as well. He explained that because the OR zoning designation was specifically tailored to the west side of Sunset Avenue, adopting the proposed map changes would also require changes to the language in the zoning ordinance and Comprehensive Plan.

Again, Mr. Huston indicated that he has talked individually to all of the City Council Members, and all have indicated their support of the proposed change. They have forwarded a recommendation to the Planning Board that they consider the proposal and return a favorable recommendation back to them for final approval. Mr. Chave clarified that the City Council did not actually say the Board should approve the proposed change. However, they did ask that the Board consider the request.

Mr. Chave pointed out that in many areas throughout the City there are transitional zones between the commercial and single-family residential zones. There are only a small number of locations where single-family residential zoning abuts right next to commercial property, and the subject property is one of these situations. Again, he said it not a matter of simply changing the map to address the problem. The Board would also have to reevaluate the purpose of the OR zone and make appropriate language changes.

Board Member Henderson suggested that if the City wants to adopt a policy for providing a transition zone between single-family residential zones and commercial zones, the policy should be applied citywide. He said he would be hesitant to consider just this one lot, without considering all of the similar situations that exist in the City, as well. He noted this would take a considerable amount of time and preparation.

Board Member Young agreed with Board Member Henderson. He agreed with Mr. Huston's point that the subject property is zoned something that is probably not feasible to develop on the site. He also agreed that the land use designation and zoning could be changed to something else that would provide an economically viable transition between the single-family residential and commercial zones. However, he expressed his concern about creating a comprehensive plan and zoning designation that could be applied to just this one property. He concluded that he was not prepared to make a recommendation of support for the proposal. Board Members Works and Bowman concurred.

Board Member Freeman referred to the map that was provided in the Staff Report. She noted there are four single-family residential properties across the street from the OR zone on Sunset Avenue. She suggested that perhaps these are the properties that are incorrectly zoned. She agreed that the transition issue should be considered on a citywide basis a part of next year's Comprehensive Plan update. She suggested the Board should also take into consideration that the timing is not the best. The Board is trying to promote a new Waterfront Redevelopment Plan; and if it succeeds, the Board would have to review the zoning of all of the surrounding properties. If the plan does not succeed, the Board would need to consider changes that encourage more people to live within 15 minutes walking distance of the downtown in order for the downtown to be viable. She suggested it would be appropriate to wait until 2008 to address the subject proposal.

Mr. Huston said that when he discussed his proposal with Mr. Wilson, he suggested that it might be appropriate to place a moratorium on commercial development on the subject property until the issues related to the lot have been resolved. Again, he indicated that the existing congestion on Sunset Avenue would not support another commercial development on the subject property. He noted that the current commercial zoning would allow for development to occur right up to the property line, and this would require the elimination of the parking area. He suggested this would create even more traffic congestion on an already busy street. He said he wants the property to be developed into something that provides a benefit to the neighborhood and community. He urged the Board to consider the proposal as soon as possible and send a positive recommendation to the City Council.

The Board concurred that the issue should be addressed on a citywide basis rather than for only one property.

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Mr. Chave suggested that perhaps Mr. Huston should consider proposing a multi-family zoning designation for the subject parcel, since this would provide an appropriate transition. He noted that elsewhere throughout the City, multi-family zoning is used as an intervening transition between single-family residential and commercial zones.

Mr. Chave advised that if the Board doesn't want to move forward with a public hearing on the proposal at this time, they should at least forward a written report to the City Council, explaining their thoughts and the timing for moving forward in the future. The City Council could then decide what action would be most appropriate. Mr. Chave agreed to work with Chair Guenther to forward a report to the City Council indicating the Boards' desire to consider the proposal in a larger context for the entire City rather than just this one property.

Mr. Huston indicated he does not have a problem with the Board postponing their consideration of his proposal in order to address the problem citywide. However, he would like the City Council to put a moratorium on commercial development on the subject property until the Comprehensive Plan is amended to address his concerns. He suggested the Board also consider the option of rezoning the subject property to multi-family. Mr. Chave noted that this type of change would also require a Comprehensive Plan amendment. Board Member Henderson added that a rezone to multi-family would have to include all of the properties to Bell Street rather than just this one lot.

REVIEW OF EXTENDED AGENDA

Mr. Chave advised that the Board's October meetings would be taken up with code discussions. The Board discussed their meeting schedule for November and December, to accommodate the holidays. They decided to hold their regularly scheduled meetings in November, since neither of them would interfere with Thanksgiving. They agreed to cancel the second meeting in December.

PLANNING BOARD CHAIR COMMENTS

Chair Guenther reported that Vice Chair Dewhirst attended the October meeting with Mayor Haakenson. He indicated that at least one City Council Member expressed concern that the Board needs to move through the code re-write process faster. However, he expressed his belief that the Board is moving through the issues as quickly as possible. Chair Guenther announced that he met with Mayor Haakenson on September 24th, and he indicated he is fine with the progress the Board is making on the code issues.

PLANNING BOARD MEMBER COMMENTS

Board Member Freeman referred to the latest copy of *THE EDMONDS BEACON*, which contains an article about how Tony Shapiro, a local developer, is using goats to clear his property.

Board Member Works reported that the Comprehensive Parks and Open Space Committee held their last public hearing on the proposed Parks and Open Space Comprehensive Plan. She was not able to attend the meeting. Mr. Chave said the plan would be presented to the Board in October. Chair Guenther advised that Vice Chair Dewhirst attended the meeting on behalf of the Board.

Board Member Henderson announced that a public hearing on the proposed Waterfront Redevelopment Plan is scheduled for October 4, 2006 from 2:00 to 8:00 p.m. in the Brackett Room of City Hall. Board Member Freeman added that the meeting would be the first of two public meetings regarding the conceptual designs for the waterfront. She noted that LMN Architects would provide presentations of the alternatives at 3:00 p.m. and 6:00 p.m. She noted that the two most conservative conceptual plans called for lower building heights and very little public space, and they did not receive any support from the group of 33. It became clear to the group that in order to have a significant amount of public space as part of the redevelopment project, additional height would have to be allowed in exchange for the open space.

APPROVED

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

APPROVED