

APPROVED MARCH 26TH

CITY OF EDMONDS PLANNING BOARD MINUTES

March 12, 2008

Chair Guenther called the meeting of the Edmonds Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 259 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Brian McIntosh, Parks and Recreation Manager
Noel Miller, Public Works Director
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Dewhirst

READING/APPROVAL OF MINUTES

BOARD MEMBER YOUNG MOVED THAT THE MINUTES OF FEBRUARY 27, 2008 BE APPROVED AS PRESENTED. BOARD MEMBER REED SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBER WORKS ABSTAINING.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Alvin Rutledge, Edmonds, said he attended the February 13th Planning Board Meeting when a representative from Stevens Hospital presented their master plan. He said he also attended the hospital board meeting on February 28th, where he submitted written comments for their consideration regarding the possibility of adding a floor to the existing hospital so the first floor could be used for retail space. He referred to a recent article in *THE ENTERPRISE* that discussed the possible relocation of the hospital, and he suggested the information in the article was way off base. Mr. Rutledge also recommended the Board appoint a liaison to represent them at City Council Meetings and that the City Council do the same for Board meetings.

PUBLIC HEARING ON 2008-2014 CAPITAL IMPROVEMENT PLAN (CIP) (FILE NUMBER AMD-08-2)

Mr. Fiene explained that the CIP is a requirement of the State Growth Management Act for planning and must be updated yearly. The City's CIP has 12 different funds that are managed by six different departments throughout the City. He noted that the proposed CIP includes spreadsheets for each of the 12 funds, which illustrate the proposed projects, revenues and expenditures. A project description was prepared for each project in the CIP, and the descriptions should be available to the public via the City's website in the near future. He reviewed each of the funds as follows:

- **Funds 112 and 125 (REET)** -- Mr. Fiene advised that both of these are transportation funds that cover a variety of projects such as street overlays, traffic signals, bicycle and pedestrian walkways, etc. The situation in these funds has improved significantly since 2006 because REET funding in excess of \$750,000 now goes into the transportation capital fund.
- **Fund 113** – Mr. Fiene said this fund is for the Multi-Modal Transportation/Edmonds Crossing Project, and the City is no longer the lead. The project is now being led by Washington State Ferries. It was included in the City’s CIP because the project is large and would happen within the confines of the City of Edmonds. It involves relocation of the ferry terminal to the south and linking all of the various modes of transportation at one location.

Board Member Bowman pointed out that the Board has been discussing the Edmonds Crossing Project for years. A lot of money has been spent when it seems unlikely anything would happen in the near term. He questioned if the project timeline would change with Washington State Ferries as the lead. Mr. Fiene said Washington State Ferries is still planning to move forward with the project, and they are currently seeking funding options. Although the Regional Transportation Initiative failed, Washington State Ferries believes it may be possible to obtain a favorable vote for money to fund this project in the future. They have not given up on the project, and they still believe it is important for the region. Board Member Reed inquired if the City has spent any money on the project to date. Mr. Fiene answered that to date, all of the project funding has come from State and Federal Government grants.

- **Fund 116** – Mr. Fiene said this fund pays for building maintenance projects. He recalled that when he initially presented the proposed CIP to the Board on February 27th, Board Member Young asked that staff place more emphasis on the fact that this fund is very much reliant on grant funding to make projects move along. He noted that the Power Point presentation staff prepared for the City Council was changed to emphasize this situation. It points out that many of the buildings in the City are old and need work, and the only local funding comes from the general fund, which is in short supply at this time. Fund 116 has been impacted by Initiatives 695 and 747, and grants are necessary to do most of the projects. There is funding available to implement the 2008 program, but funding in 2009 and beyond is a concern. Staff would emphasize that this fund needs attention and additional support.
- **Funds 125 and 132** – Mr. Fiene advised that these are both park construction funds. They cover a wide variety of construction projects at parks, but they should not be confused with the park acquisition fund. The presentation would emphasize the difference in the health of these two funds versus the park acquisition fund. Sample projects for this fund include Yost Pool, the 4th Avenue Cultural Corridor that is currently in the design phase, another skate park facility and Marina Beach Park improvements.

Board Member Works requested more information about the proposed Dayton Street Plaza Project. Mr. McIntosh explained that this project would take place at the north end of the old Public Works Building at the corner of 2nd Avenue and Dayton Street. The property is about 4,500 square feet, and the proposal is to renovate the site to make it a nice place to stop and rest while walking.

Board Member Henderson asked more details about the popularity of the existing skate park. Mr. McIntosh said the existing skate park has been very popular since the day it opened. They had some predictable problems, but these have tapered off as the older kids have moved on to more challenging courses. Even on cold days, there are young people using the park. He noted that a final piece was recently added to the park: a noise blanket on the north side to help dissipate the noise. He concluded that the park has been very successful. Board Member Henderson asked if staff has received any complaints from the people living to the north of the park regarding noise. Mr. McIntosh answered negatively.

- **Fund 126** – Mr. Fiene advised that this is the park acquisition fund, which receives a different portion of REET funding. He noted that a lot of this fund is earmarked for debt service to pay for projects such as the library roof, Marina Beach Park, acquisition of the Puget Sound Christian College, seismic retrofits, etc. He noted that land costs are high and the fund is not as healthy as Fund 125.

Board Member Reed requested clarification about the amount of REET money the various funds receive. Mr. Fiene answered that Funds 125 and 126 both receive \$1.4 million from REET. However, any amount of funding over \$750,000 in Fund 125 is used for transportation projects rather than park construction projects. Board Member Reed questioned if the REET revenue identified in the proposed CIP makes allowance for the slowing housing market. Mr. Fiene said the fund has not been adjusted, but he agreed that staff should keep an eye on the situation. Mr. McIntosh noted that the 126 Fund identifies a reduction in REET revenue from \$1.4 million to \$1.1 million in the years 2009, 2010, 2011 and 2012. Mr. Fiene said he would review this issue and make the appropriate adjustments before presenting the CIP to the City Council for final approval.

- **Fund 129** – Mr. Fiene advised that this fund is for economic development and is slated for the International District Project.
- **Fund 412** – Mr. Fiene advised that this is the utility funds. He said the City is planning to do another rate study this year, and minor increases in the utility rates are anticipated over the next several years.
- **Fund 412-100** – Mr. Fiene advised that projects in this fund are identified in the 2002 Water Comprehensive Plan that would be updated in 2008. Priority projects include improving fire flow, replacing deteriorated pipes, replacing 1% of the system per year, and addressing storage and control issues. He advised that the City has been doing water improvements on a stretch of Olympic View Drive in conjunction with the City of Lynnwood.
- **Fund 412-200** – Mr. Fiene advised that projects in this fund are identified in the 2003 Stormwater Comprehensive Plan. The projects address capacity and maintenance problems and environmental concerns. The North Stream Project became an emergency project at the end of 2007, and it has nearly been completed. Many projects in Southwest Edmonds are planned since the area basically had no stormwater system when it was annexed into the City 12 years ago. They have already constructed about 3,000 feet of pipeline, as well as an infiltration system throughout the area, and most of the work was completed in house. Large projects slated to be done in 2008 include an infiltration system at the Old Woodway School site where a park is being constructed.
- **Fund 412-300** – Mr. Fiene said projects in this fund are identified in the 2006 Sanitary Sewer Comprehensive Plan. Projects are intended to address maintenance and environmental issues, as well as capacity problems. The Station 8 Project is ready to go out to bid.
- **Fund 414** – Mr. Fiene said this fund is for the Wastewater Treatment Plan, and projects identified in the plan are intended to replace worn machinery, improve flows, replace meters, and replace outflow and inflow lines.

Mr. Fiene recalled that at the last meeting, Board Member Henderson raised the issue of why the Fiber Optic Program was not included as part of the proposed CIP. He said he approached the Administrative Services Director with this question and was informed that they are working on a CIP for this fund. They plan to propose an amendment to the CIP later in 2008 when they have more relevant studies and details to base the program on. Mr. Fiene suggested the Board mention this future addition to the City Council when they forward the CIP to them.

Board Member Works referred to the proposed Main Street Pedestrian Light project and inquired if this would be located between 5th and 6th Avenues. Mr. Fiene answered affirmatively and added that the City plans to move this project forward in 2009.

Mr. Fiene summarized that, overall, the proposed CIP offers a much better situation for the Transportation Plan. However, they need to emphasize that Fund 116 relies heavily on grant funding to meet the program needs. The other funds appear to be meeting minimum needs, but Fund 126 has to pay for a lot of debt service. The fiber optic project needs additional work for inclusion in the document. After the Board solicits public comments and provides their own comments regarding the proposed CIP, he recommended they forward the document to the City Council with a recommendation of approval.

Al Rutledge, Edmonds, referred to the drainage project that would be done in conjunction with the park improvement project at the Old Woodway School. He noted that the City owns half of the property, and a private developer owns the

other half. He reminded the Board that citizens have appealed the development proposal presented by the private developer, and one of their issues is related to drainage. He suggested the CIP should be adjusted to identify the additional funding necessary to pay for the legal process. Mr. Rutledge also noted that the CIP doesn't identify funds for relocation or remodeling the Senior Center, which are two options currently be discussed by the Senior Center Board.

THE PUBLIC TESTIMONY PORTION OF THE HEARING WAS CLOSED.

Mr. Fiene elaborated on the City's drainage plans for the park site, which is the only thing the CIP has to deal with. The issues related to the private development are not part of the CIP. He emphasized that the drainage project would be considered a regional improvement to take care of the drainage for 20 acres where there is no currently no system. He emphasized that the City is not required to do the project, as long as they do not make the situation worse as a result of their project. However, in order to better serve the neighborhood, the City believes the proposed project would be appropriate. The City has already completed some work in the area to improve the situation, and flooding occurs less frequently now.

Mr. Fiene explained that a lot is going on at the Senior Center, but this work has little to do with the CIP. The Senior Center is an old building, and there are quite a few projects on the horizon to resolve issues.

Board Member Young noted that Fund 112 identifies unsecured grant funding for the stabilization projects at Olympic View Drive and 76th Avenue West. He questioned what else needs to be done on the project. Mr. Fiene said this number is a carry over to finish paying for the emergency project. Mr. Gebert clarified that, at this time, the City has received verbal approval for grant funding, but they have not received the final written documentation. The Department of Transportation has assured staff they will fund the project, but the City has not yet received the money. That is why the numbers are identified in the 2008 CIP. He emphasized that both of the projects were fully funded by grants. Board Member Young suggested, and the remainder of the Board agreed, that these figures be identified in the CIP as secured funds.

Board Member Young referred to the \$45,000 that is identified as unsecured funding for the signal upgrades at 238th Street and 100th Avenue. Mr. Fiene said this project would take place in the Firdale Area, and there is a good chance that grant funding would not be available in 2008 and the project would have to be carried over to 2009. Staff would continue to pursue available grant opportunities for the project,

Mr. Fiene explained that, with the exception of street overlays, most of the transportation projects would require grant funding. If grant funds are not available, the projects would not move forward. Board Member Young pointed out that a new transportation act that comes into place in 2010 would make the grant process much more difficult. If the CIP is driven by the Comprehensive Plan, he asked what projects would be dropped if the level of grant funding is reduced. Mr. Fiene announced that the City has hired a consultant to prepare a 15% design of the Highway 99/76th Avenue Safety Project, with a lot of background information. This will enable staff to submit a strong grant application, and they are hoping to obtain \$1.1 million in grant funding. He noted that the project would be considered a regional improvement, which should make it more favorable for grant funding. He said that, in addition to grant funding, staff is anticipating the City Council would enact a Transportation Benefit District, and this project would qualify for funding, as well.

Board Member Young congratulated staff for their plans to pursue grant funding for worthwhile projects. However, he cautioned that they need to make it clear to the City Council that the Transportation Benefit District program is an integral part of the City's strategy. They must emphasize that while the budget can take care of the routine maintenance, there are large projects that cannot be done without grant funding. It is important to ask the City Council how they plan to fund these projects in the future. Mr. Fiene agreed to bring this information forward in his presentation to the City Council. He said it appears the City Council is in support of the Transportation Benefit District Concept, so staff believes there is a good chance the program could be enacted soon to provide an additional \$700,000 per year for regional projects.

Board Member Young questioned what building maintenance projects are being deferred as a result of shortages in Fund 116. Mr. Miller suggested the presentation to the City Council be changed slightly to emphasize that unless Fund 116 receives more money, they will have to start deferring maintenance projects by 2009. Board Member Young pointed out this is the last year the City would be able to fund the minimum building needs at the current funding level. Mr. Miller agreed that more funding from the General Fund would be required in order to maintain the buildings at an acceptable level in the

future. Board Member Young suggested it is important for staff to ask the City Council for policy guidance in 2009 as to what projects they want to defer or where additional revenue would come from. He said the initiatives have been in place for several years, and it is time for the City Council to decide what they are going to do about the problems that resulted from their passage. Mr. Miller said the City has been fortunate to obtain grant funding up to this point, and grants may be available in the future, as well. But the staff would be remiss if they do not point out to the City Council that the City is in a situation where they need to increase Fund 116 by the year 2009.

Board Member Henderson inquired when the project descriptions would be available on the City's Website. Mr. Fiene answered that they were working out technical difficulties at this time, but they should be available within the next month.

Board Member Henderson said he was disappointed that the numbers if Fund 113 were not adjusted to take into account the recent failure of the regional transportation initiative. He expressed his belief that the project would be delayed no matter how enthusiastic Washington State Ferries is about the project. Therefore, the funding and timeline identified in the CIP should be changed to accurately reflect the situation. Board Member Henderson said he was also disappointed that information related to the fiber optic program was not made part of the CIP. While he understands that more study must be done to identify actual costs, etc., estimated numbers should have been included in the proposed CIP as a placeholder.

Board Member Henderson also expressed concern that the REET numbers were not adjusted to reflect the current housing market. He explained that this information could have easily been calculated by finding the average housing price and average number of days on the market in 2007 to come up with a formula to predict what the numbers would be for 2008. Mr. Fiene agreed to ask the Finance Director to come up with a prediction for what the revenue would be in the future.

Board Member Reed noted that Fund 116 identifies a transfer of \$917,000 from Fund 126. However, he cannot find this number coming out of Fund 126. Mr. Miller said this number is associated with bond revenue transferred from Fund 126. Because the transfer from Fund 126 to Fund 116 did not balance out, staff agreed to work with the Finance Department to resolve the problem before forwarding the document to the City Council.

BOARD MEMBER REED MOVED THE BOARD FORWARD THE PROPOSED SIX-YEAR CAPITAL IMPROVEMENT PLAN TO THE CITY COUNCIL WITH THE CORRECTIONS IDENTIFIED BY THE BOARD AND WITH A RECOMMENDATION FOR APPROVAL. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED 5-1, WITH BOARD MEMBER HENDERSON VOTING IN OPPOSITION BASED ON HIS EARLIER COMMENTS.

CONTINUED DELIBERATIONS REGARDING EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) CHAPTER 20 – PROCEDURES (FILE NUMBER AMD-07-13)

Mr. Bowman referred the Board to the fifth draft of proposed amendments to ECDC 20, which incorporates the comments and recommendations the Board made at their last meeting. He reviewed the more significant changes as follows:

- **Section 20.06.006.** Mr. Bowman recalled that a Board Member mentioned moving Items B and C to the appeal section. However, because an open record appeal can occur for a Type II Permit, staff believes it is appropriate to leave the sections in this location.
- **Section 20.06.007.** Mr. Bowman advised that, at the request of Chair Guenther, the word “testimony” was inserted into the first line of Item f.
- **Section 20.07.003.** Mr. Bowman said a new clause was added to Section B.2 to address the issue of parties of record and attendance. He recalled public comment at the hearing that individuals who attend a hearing should be considered a party of record regardless of whether they testify or not. He also recalled Board Member Henderson’s suggestion that hearing attendees have an opportunity to sign up to become a party of record whether or not they testify. He said the proposed language would allow anyone who attends and requests to be a party of record or testifies at an open record hearing would become a party of record.

Mr. Bowman referred to the matrix that was provided to the Board at an earlier meeting and briefly reviewed which Type I and Type II review processes would be different based on the proposed language. He noted that all Type I permits, with the exception of sign permits, are currently administrative decisions, and appeals go to Superior Court. Sign permits are administrative decisions, but they are appealable to the Hearing Examiner. The new draft language changes sign permits to Type II actions to make it clear that they would remain appealable to the Hearing Examiner. The process for all other Type I permits would remain the same. All Type II permits are currently administrative decisions that are appealable to the Hearing Examiner but not the City Council. The proposed language would not change this process, either.

Mr. Bowman reminded the Board that the draft proposal they reviewed at the public hearing called for the City Council to be taken out of most quasi-judicial decisions, with the exception of final plats, final PRD's, site-specific and contract rezones and development agreements. He recalled that the public provided substantial testimony in favor of keeping the City Council involved in all quasi-judicial decisions.

Board Member Works referred to Section 20.06.008.D, which states that hearing bodies may view the proposed project site, but they are required to disclose the visit as part of the record. She noted that the Planning Board has never disclosed site visits. Mr. Bowman pointed out that the Planning Board is not required to conduct a site visit when considering an application, but the Hearing Examiner must do a site inspection before a hearing. Board Member Works asked if the Board Members would be required to disclose site visits in the future when considering rezone applications. Chair Guenther suggested it is the Chair's responsibility to review the Appearance of Fairness Rules prior to a public hearing. Mr. Bowman said the primary issue associated with the Appearance of Fairness Rules is that members of the hearing board have no outside contact regarding the subject of the hearing. A drive-by visit wouldn't be considered ex parte communications, and a Board Member would not be required to disclose a site visit. He agreed to review the language with the City Attorney to make sure the rules related to site visits are clear.

Board Member Reed said he anticipates the issue that will be the most controversial will be the proposal to remove the City Council from most quasi-judicial decisions. Mr. Bowman agreed and reminded the Board of their alternative recommendation that if the City Council remains in the quasi-judicial decision process, closed record hearings should be limited to written testimony only.

BOARD MEMBER HENDERSON MOVED THE BOARD FORWARD FILE AMD-07-13 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER YOUNG SECONDED THE MOTION.

Board Member Reed said that prior to becoming a Planning Board Member, he met with Mayor Haakensen and expressed his concern that the Planning Board often works hard on an issue only to have the City Council reject it because it was not the direction they wanted the Board to go. He suggested that if there are things the City Council does not want the Board to consider, they should give this direction to the Board. It is a waste of the Board's time to consider something that the City Council has no intention of supporting.

Board Member Reed said he would vote against the motion. However, if the Development Code were crystal clear and not subject to interpretation, he may have a different point of view. He said he works in the legal field and knows that arguments often arise about what looks to be a very clear contract provision. He expressed his belief that the citizens need to have somewhere to go to address land use situations that impact their neighborhoods besides the courts. The City Council has a responsibility to be fair on issues and make decisions based on the Code, but the citizens need to have this option. He said citizens are often at a disadvantage at hearings because they do not understand the code as well as a developer or an application, and the City does not offer any resources to help them prepare for their one opportunity for public comment. He suggested that when the proposal is forwarded to the City Council, it should be accompanied by the matrices so the public and City Council has a clear understanding of how the processes would change. He said he believes many of the changes proposed in the draft amendment are appropriate, but he cannot support the proposal to remove the City Council from most quasi-judicial decisions.

Board Member Young said he would support the motion. He reminded the Board that the dual purpose of the proposed language is to address ambiguities in the language and identify what body would be the best final arbitrator. He said that as much as he would like to have the City Council hear all appeals and make the final decision, he can no longer support this process because of the liability this presents to the City. He noted that they live in a litigious society, which makes it impossible for the City to take the chance of having the final decision making body deliberate in an objective manner. He reminded the Board that the people who are responsible for safeguarding the legal and insurance aspects of the City have both recommended that cities remove their elected bodies from most quasi-judicial decisions. If the City Council does not accept the Board's recommendation that they remove themselves from being the final court of appeal on quasi-judicial decisions except those required by law, he would strongly encourage them to only allow written evaluation of any appeal by people who are identified as parties of record. The City's current method for conducting closed record appeals is inappropriate and allows too many opportunities for inappropriate information to be added to the record.

Board Member Young said he was somewhat distressed to learn from a citizen at the last meeting that at least one City Council Member would send the item back to the Planning Board for further review because he didn't like this one item. He suggested that while the City Council can decide what issues the Board discusses, they cannot tell them what conclusions they must reach. Otherwise, there would be no purpose for the Board. He said he takes offense with Mr. Hertrich expressing what he thought a City Council Member said in an effort to convince the Board not to take the time to discuss the matter and make a recommendation.

Board Member Works agreed with the comments made by Board Member Young, and she plans to support the motion to recommend approval of the draft amendments. She recalled a presentation from the Washington Cities Insurance Association, which strongly recommends the City Council be taken out of the quasi-judicial decision making process. The closed record hearings end up being a free for all before the City Council, and the current process is not orderly. It is the City Council's right to disagree with the Board's recommendation, but it is the Board's responsibility to forward their best recommendation to the City Council.

Chair Guenther said he would also vote in support of the proposal. He agreed with the comments provided by both Board Member Young and Board Member Works that the proposed language represents the best format for the review process. As a citizen of Edmonds, he wants what is best for the City. He recalled the Board has heard testimony and discussed the issue for the past 2½ years, and he feels there is nothing else he can do but recommend approval of the proposed language.

Mr. Bowman said he would vote in favor of the proposal, as well. He said he has personally gone through the appeal process with the City Council; and as a complete novice, it was rather confusing. Staff was good to help him through the process, but the proposed language would stream line the process. If they do not recommend taking the City Council out of the quasi-judicial decision making process where possible, they will be setting the City up for more litigation cases. Requiring written comments only at closed record hearings would reduce the chance of error and litigation if the City Council chooses to remain in the process. He concluded that the City does not have a lot of money to spare for paying attorneys to litigate issues. He agreed with the comments provided earlier by Board Member Young.

Board Member Henderson said he would support the motion, as well. After many revisions, he felt the draft language addresses the subject clearly. He affirmed that the City Council should pass the regulations not administer what the Code says. Whether people are upset or not, if a proposal meets the Development Code requirements, the City Council must approve it. It is unreasonable to put the City Council in the position of having to say no to many voters; that should not be their role. The City Council's responsibility is to address public concerns by revising the code, but they should not be responsible for interpreting the existing codes. If the process is not done this way, the City's legal liabilities could be tremendous. He expressed his belief that the City is fortunate they haven't been sued more with the way the review process has been administered in the past. He said he supports the proposal that the City Council be taken out of most quasi-judicial decisions.

THE MOTION CARRIED 5-1, WITH BOARD MEMBER REED VOTING IN OPPOSITION.

Mr. Bowman said he would like an opportunity to clean the document up further based on the Board's comments before it is presented to the City Council. He particularly noted that he wanted to make the tables more consistent with the matrix. The Board agreed it would be appropriate for Mr. Bowman to make those changes.

THE BOARD TOOK A BREAK AT 8:30 P.M. THE RECONVENED THE MEETING AT 8:42 P.M.

CONTINUED DELIBERATIONS REGARDING DRAFT DESIGN STANDARDS AND DESIGN REVIEW PROCESS FOR DOWNTOWN RETAIL CORE (PROPERITIES IN THE BD1 ZONE)

Mr. Chave briefly reviewed the questions that were raised by the public at the hearing on February 28th as follows:

- **Purpose Section** – Mr. Chave recalled that Mr. Gregg raised concern about the last section of the purpose statement that references the “heritage center.” Mr. Gregg suggested this reference was not really pertinent to the proposed design standards, and staff agreed. He pointed out that the purpose statement outlines the Historic Preservation Commission’s (HPC) reasons for recommending the design standards. He did not think they intended for the purpose statement to be part of the actual code language. He recalled that Mr. Gregg asked that the last two sentences of the first paragraph be deleted.
- **Renaming the BD1 Zone** – Mr. Chave recalled that some citizens took exception to the concept of renaming the BD1 zone to some type of historic title. They suggested that calling the BD1 zone “heritage center” could place more emphasis on historic structures than was intended by the design standards. The HPC did not mean to imply all buildings in the BD1 zone are historic, but the area represents the historic center of the downtown. Chair Guenther suggested that if they rename the zone “historic” someone could imply that whatever is redeveloped in the zone would have to be of a historic nature. Mr. Chave said the ADB also had a negative reaction to renaming the zone to imply a historic character. However, they felt it would be nice to have some name for the zone in order to indicate a sense of place.
- **Thresholds for Design Review** – Mr. Chave explained that if the City requires Architectural Design Board (ADB) review for all projects in the BD1 zone, it could add unnecessary time and money to the process. He suggested it would be appropriate to pick out the types of projects that should require a public review process before the ADB and those that could be approved administratively by staff. He said that right now, the threshold is based on SEPA and is quite high, but the ADB and HPC both felt this threshold was too high. On the other hand, they felt it would be overkill to require smaller projects to go through the ADB review process. If the Board feels more things should go before the ADB for review, they could come up with a separate process that would eliminate the need for smaller projects to go through the two-tiered ADB review.
- **Applications for ADB Review** – Mr. Chave said this section is tied to the threshold discussion. The Board must consider how much applicants should be required to submit for small and large projects.
- **Demolition** – Mr. Chave said the City Attorney has indicated it would not be illegal for the City to require a waiting period for demolition permits to allow the HPC to explore other alternatives with the applicant. He noted the City is not obligated to issue a permit as quickly as possible, and they have the ability to require a waiting period for demolition permits. He explained that demolition permits are typically issued by the City fairly quickly, but if there is a project that identifies a 60-day waiting period, then property owners who are aware of the code would build that into their timeline. Chair Guenther asked if implementing this concept would require modification to other sections of the code. Mr. Chave agreed that is something they would have to discuss with the City Attorney.

Board Member Works asked if an applicant would be required to work with the HPC before a demolition permit is issued. She asked what would happen if an applicant did not want to work with the HPC. Mr. Chave said the HPC agrees that some structures in the BD1 zone are not worth saving; but in other situations, they would like a period of time to review options with the developer. The only requirement would be the 60-day waiting period until notice has been given to the HPC and they have provided feedback. The proposed language would not require the applicant to work with the HPC. He suggested the Board ask the City Attorney to provide language that better describes this

concept. It should be clear that the City would not force the applicant to work with the HPC, but the City would not issue a permit until the HPC has had an opportunity to review the proposal.

Board Member Reed asked if the first two pages of the document would become part of the code language. Mr. Chave said the HPC is really only suggesting that the sections related to demolition and threshold be codified as part of the design standards.

- **Incentives.** Mr. Chave noted that one suggested incentive is that the City should offer an alternative design review process for buildings on a historic register or the City's list of historic properties. This would allow a property owner to be exempt from the design standards. Instead, they would have to comply with the historic design standards. The HPC is hoping this would encourage property owners of historic buildings to go straight to them to expedite the permit process.
- **Ground Level Details.** Mr. Chave referred to Item 3 and suggested it be removed since ground floor residential units are not permitted in the BD1 zone. In addition, Item 2 must be clarified to be more consistent with the code. The language states that the primary entrance must be located at the street level and that sunken entrances are prohibited. He said this concept would be possible to implement on primary streets, but may not be feasible on secondary streets. The code is more forgiving in certain situations than what is indicated in the proposed language. There are exceptions where this concept just would not work, and the language should be changed to address these situations.
- **Building Rooftop and HVAC Equipment.** Mr. Chave recalled public comments that perhaps this section be modified so that screening would not be required for rooftop equipment as long as it is pushed back and not visible from the street level. However, he said it is also important to consider what the rooftop equipment would look like from uphill properties. He asked the Board to provide more direction regarding rooftop equipment screening requirements. The Board should also provide direction about whether the standards should address screening and noise requirements for HVAC equipment that is located on the ground.

Board Member Reed asked if the Downtown Design Guidelines would come into play if an issue is not addressed in the BD1 Design Standards. Mr. Chave explained that the design guidelines are recommendations and the design standards are requirements. If there is a conflict, the standards would be applied because they are more specific and mandatory. Chair Guenther suggested this be made clear in the draft language.

Mr. Bowman said he attended a walking tour of the downtown that was led by Historic Preservation Commissioner Steve Waite. Commissioner Waite pointed out there are some great buildings in the downtown that need to be saved, but he also noted that a lot of the building stock should be torn down because the buildings are past their useful life. He recalled that when the Board met with the Historic Preservation Commission (HPC), they couldn't tell the Board what it means for a building to be historic. In addition, he said he suspects that nobody talked to the building owners in the BD1 area before proposing design standards that would impact their investments. He said he is against the whole concept of creating historic design standards at this time. It is important to recognize that property owners have a right to tear a structure down. If the HPC wants to protect historic buildings, they should work with the property owners and explore options now rather than waiting until an application has been submitted for a demolition permit. He summarized his belief that they should pull back and redo the draft language, bringing the property owners into the process.

Board Member Works recalled she previously asked Commissioner Waite if the HPC talked to any of the property owners, and he indicated they had not. She agreed there are some nice buildings in the downtown, but there are others that should be taken down. She said is unclear about what buildings the HPC wants to protect. She expressed her belief that the buildings in the downtown cannot be considered historic. Board Member Henderson agreed. He suggested a better name would be the downtown retail core or just the BD1 zone. He agreed a lot of the buildings should be torn down, and he doesn't have enough information to decide whether the standards are too restrictive or not restrictive enough.

Board Member Young suggested that perhaps the test that could be applied to structures in the downtown is whether or not they would be eligible for the National Register of Historic Places. While it is a nice idea to preserve the buildings that are unique, the proposed standards put additional judgment on what the ADB already does. When buildings are replaced,

property owners should think about how they could become a better part of the community. Realistically, that is as far as the City could go.

Board Member Reed suggested they invite members of the HPC to attend the Board's next meeting to address their issues and concerns. Mr. Bowman agreed the concept of preserving historic structures is good and he likes the idea of keeping the small town feel and saving those buildings that are worthy of being saved such as the theater. However, other buildings should probably be torn down and replaced with something that meets the standards. Board Member Reed agreed this discussion needs to happen with the HPC. He further agreed they should talk with the business owners and property owners in the BD1 zone.

Mr. Chave agreed it would be helpful to invite Commissioner Waite to come before the Board again to discuss the issues of concern. While the first pages of the document make reference to historic preservation, the design standards are not aimed at historic character, but what is consistent with the character of the retail core area.

Chair Guenther said the purpose of the document is to preserve existing structures and provide design standards for new construction. He cautioned that the Board should get not hung up on preservation. While the first two pages talk about historic preservation and demolition, the design standards do not address what is historical. They provide a consistent standard for what would be appropriate for the downtown. However, the elements do attempt to address historic preservation in a round about way. Mr. Chave agreed. He suggested that people tend to get hung up on the first two pages of the document in determining that the design guidelines are aimed at historic preservation. When creating the first two pages, the HPC was interested in character of the downtown, but not in a way that all of the buildings were historic and should be preserved. He suggested the Board separate the two documents, and take action on the Design Standards only.

Chair Guenther agreed that preservation be addressed as a separate issue. Mr. Chave said the Board could recommend that if the HPC wants to protect historic buildings in the downtown, they need to formalize the concept through a historic district rather than shoehorning it into the zoning code. Mr. Bowman said it would also be appropriate to hold a hearing and invite all property owners from the district to participate in the process. The Board agreed to separate the preservation aspect of the proposal from the design standards.

Mr. Chave recalled that when the ADB reviewed the design standards, they compared them with the current design guidelines. They concluded that the design standards were more rigorous and provide more certainty. From that standpoint, they were supportive of separating the design standards from the historic issues.

Chair Guenther referred to Item 3 on Page 5, which lists three options for giving a visually distinct architectural expression to an entrance. He noted that it would be very complicated if not impossible to provide higher bays because the first floor is required to be 15-feet in height. The Board agreed it would be appropriate to change the language in Item 3 by replacing "two" with "one" and deleting Item a.

Chair Guenther referred to the ten items listed in Item 1 on Page 6 and asked staff to make sure they match the diagram. He noted that Item 3 on Page 6 should be deleted since ground floor residential units are not allowed in the BD1 zone. In addition, Mr. Chave suggested Item 2 should be changed to be consistent with existing code language.

Chair Guenther referred to Page 7, which provides standards for canopies and awnings. As currently written, it appears canopies would be considered a structure and awnings would not. Valances would be placed on awnings but not on canopies. He suggested the diagram provide an illustration of a clerestory or transom window. The Board spent some time talking about what a clerestory window was.

Chair Guenther referred to Page 8 and said the diagrams do not show how a sign would interact with an awning. The proposed language would require either an awning or a canopy on all new buildings in the BD1 zone, and the language should be clear about how the signs would interact with the canopies and awnings. Mr. Chave said he could provide a picture to illustrate this concept.

Chair Guenther referred to Item 11 on Page 8. He noted that this item should be deleted since it refers to the Arts Center Corridor, which is not part of the BD1 zone. The Board agreed this item should be deleted. Board Member Henderson noted that the illustration on Page 9 does not include awnings. Since either an awning or a canopy would be required, the illustration should be consistent with the requirement.

Chair Guenther referred to Item 1a on Page 10 and pointed out there are many choices for flat concrete blocks that are decorative. Mr. Chave said the ADB discussed this issue and they agreed that decorative concrete blocks would be okay, but flat unadorned concrete blocks should not qualify. The Board agreed to change this item to read, "Masonry (except for flat, non-decorative concrete blocks.)"

Chair Guenther noted that Item 2 at the top of Page 11 should be deleted since it makes reference to ground floor residential units, which are not allowed in the BD1 zone. Chair Guenther noted that rooftop gardens would not be possible in the BD1 zone because of the height limit. Therefore, this reference should be deleted from Item 1 on Page 11. Chair Guenther suggested that if rooftop equipment is moved back and not visible from across the street, screening should not be required. However, he agreed that equipment that is visible from the street should be either incorporated into the design or screened. The remainder of the Board agreed to change the last sentence of Item 1 to read, "If these features can be seen from the adjoining street, building design shall use screening, decoration, or other techniques to integrate these features with the design of the building."

The Board agreed to continue their deliberations to the March 26th meeting. Mr. Chave agreed to provide an update to the HPC on March 13th. He suggested the design standards would be simple to codify into the BD1 zone, and staff could prepare the language in ordinance format for the next meeting.

The Board agreed they didn't want to change the name of the BD1 zone. Mr. Chave said his interpretation is that information found in the first two pages is related to historic preservation, which is different than design standards. He suggested it would be too cumbersome for the Board to deal with both documents at this time. From a hearing standpoint, the advertisement was clear that the design standards would end up as part of the BD1 zone. He suggested the language in the first two pages was more troublesome at the public hearing. The Board could forward the language to the City Council and they could either incorporate it into the document or provide further direction to the HPC. He noted that when the process was started, the City Council was interested in having more firm standards for the BD1 zone and the Board's recommendation would be generally consistent with that.

REVIEW OF EXTENDED AGENDA

Mr. Chave advised that the next meeting agenda would include more work on the code rewrite project, but he is not sure which items would be brought forward. He noted they have not selected a consultant for the project yet.

Mr. Chave reported that Puget Consumer Co Op's (PCC) has a desire to create a project that achieves the Platinum LEED rating. This requires them to provide a water recycling facility on site, but there is no room for it. PCC suggested a code amendment that would allow them to place the tank in the street setback. The City Council Committee considered this request and felt it would be a good idea. They forwarded an interim zoning ordinance to the full Council for consideration on March 25th. He suggested this item might come before the Planning Board at some point in the future. Mr. Chave said there are only 100 buildings in the world that have achieved the platinum standard.

Board Member Henderson requested an update on when the vacant Planning Board Position would be filled. Mr. Chave reported that the City Council would interview candidates for the ADB and Planning Board at their next meeting.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Reed announced that the City Council has invited the property owners involved in the waterfront redevelopment project to present their plans and ideas to the City Council on March 25th. In addition, City staff has been invited to provide background information on planning and zoning. The public would be invited to provide their comments to the City Council on April 1st.

Board Member Works referred to an article in the March issue of *THE ATLANTIC MONTHLY* about what is happening in suburban developments when people lose their homes and squatters move in. She advised that the article could be accessed on Atlantic.com.

ADJOURNMENT

The Commission meeting was adjourned at 9:55 p.m.