

APPROVED MAY 11TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

April 27, 2011

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

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Kevin Clarke
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT

Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Gina Coccia, Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Reed, Vice Chair
Todd Cloutier

READING/APPROVAL OF MINUTES

BOARD MEMBER JOHNSON MOVED THAT THE MINUTES OF APRIL 13, 2011 BE APPROVED AS AMENDED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON PROPOSED COMPREHENSIVE PLAN AMENDMENT BY SIDNEY ODGERS AND KEN AND AUDREY DARWIN TO CHANGE THE PLAN DESIGNATION AT 8609/8611/8615 – 244TH STREET SOUTHWEST FROM “SINGLE-FAMILY URBAN 1” TO “EDMONDS WAY CORRIDOR” (AMD20110001)

Ms. Coccia noted that no one was present in the audience to speak on this item except the applicants, so her presentation would be brief. She referred the Board to the Staff Report and its accompanying attachments. She particularly referred to Attachment F (Comprehensive Plan Map) and Attachment B (Zoning Map) and noted that the subject properties are currently designated as Single-Family Urban 1. The applicants are requesting to change the designation to Edmonds Way Corridor to be consistent with the adjacent designation to the east. Their intent is to then apply for a rezone from Single-Family Residential (RS-8) to Multiple-Family (RM). She reminded the Board that the Comprehensive Plan and Zoning Map must be consistent. Therefore, in order to apply for a rezone, they must first obtain a change in the Comprehensive plan to a designation that allows RM zoning.

Ms. Coccia reported that a State Environmental Policy Act (SEPA) review was done, and a Determination of Non-Significance was issued. The City did not receive any written public comments regarding the proposed Comprehensive Plan amendment and no SEPA appeals were filed.

Ms. Coccia then summarized that staff believes the proposal is consistent with the Comprehensive Plan. However, because they are located within a transition neighborhood between Highway 99 and Interstate 5, staff believes that Comprehensive Plan change to Multi-Family Medium Density would be more appropriate and would allow development that is consistent with the applicants' stated desire. Multi-Family Medium Density would provide for a better transition and maintain the appropriate balance of land uses in the City.

Based on the findings, conclusions, and attachments in the Staff Report, Ms. Coccia recommended the Board make a recommendation to deny the request to change the Comprehensive Plan Map designation for the three properties from Single-Family Urban 1 to Edmonds Way Corridor. She further recommended that the Board recommend approval of a change in the designation from Single-Family Urban 1 to Multi Family – Medium Density because it would be an appropriate transition between the more intense corridor designation and the single-family residential designation.

Chair Lovell said he didn't have an opportunity to drive by the subject properties before the meeting, but based on the investigation and review that was done by staff, their recommendation appears straightforward. He agreed with staff's recommendation that medium density would be more appropriate than the higher density to provide a greater transition for the residential properties to the north. He asked Ms. Coccia to explain why a two-step process is necessary in order to rezone the property. Ms. Coccia explained that the Board could not approve an application to rezone the subject properties to multi-family because the current Comprehensive Plan land use designation is single-family. It is necessary to change the Comprehensive Plan designation to something that allows multi-family development before a proposal to change the zoning to multi-family could be considered.

Ms. Coccia explained the difference between medium and high-density multi-family zoning. The size of the subject properties is approximately 39,000 square feet. An RM-1.5 (high-density) zoning designation would allow a maximum of 26 units to be constructed on the site. An RM-2.4 (medium-density) zoning designation would allow a maximum of 16 units, and an RM-3 (medium-density) zoning designation would allow up to 13 units. She noted that the property to the east of the subject property (approximately the same size) was developed into 18 units.

Chair Lovell noted that there is no Item 10 in the packet of pictures that were included as part of the Staff Report. Ms. Coccia noted that these pictures were submitted by the applicant to illustrate how the subject properties are currently developed. She suggested the Board invite the applicant to respond to questions related to their submittal.

Board Member Stewart noted there are several large fir and maple trees located on the subject properties, yet they were not addressed in the Environmental Checklist. Stormwater mitigation was not addressed in the checklist, either. She said she hopes the applicants are willing to consider the functional value of the current landscaping and native vegetation when addressing stormwater runoff. Using the existing vegetation can reduce the cost of providing infrastructure to handle stormwater. She said she also hopes they consider the potential impact to wildlife. She assumed the Board that Edmonds is a Backyard Wildlife Habitat Community and animals depend on the vegetation that exists on the property. She hopes that these issues would be addressed as part of the environmental review. She emphasized that the SEPA process should be used as intended to apply more scrutiny. She reminded the Board and the applicants that any future development of the property as multi-family would require Architectural Design Board review, and landscaping would be one component of their review. Preservation of existing trees would be encouraged, as well.

Board Member Clarke expressed specific concern about the existing traffic in the area given the location of the existing street infrastructure and the way traffic patterns have changed over time. As a result, 244th Street has become a major commuter corridor. There is significant traffic congestion during commute times, particularly in the afternoon, and on weekends. The two westbound lanes cross over Highway 99 and then the right lane diminishes. There is also a grade change, and congestion occurs when people try to turn into the restaurants from 244th Street. He said there are near miss T-bone accidents on a weekly basis at the La Chateau Condominiums because of the hill and the high traffic speeds. People coming from the restaurants often try to turn left across the double yellow lines, and this also creates a safety issue. He expressed

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concern about allowing higher-density development on the north side of the street on the brow of the hill. He questioned why the Staff Report did not address traffic safety. Ms. Coccia agreed with Board Member Clarke's concern about the safety issues at the top of the hill. However, she emphasized that a traffic impact analysis is not required as part of a Comprehensive Plan amendment application. She explained that traffic safety and mitigation would be addressed as part of a future rezone application if and when the Comprehensive Plan amendment is approved. A SEPA checklist would be required for the rezone application, which would allow the City to address issues that are not covered by the Development Code standards.

Board Member Clarke expressed concern that if proposed amendment is approved, the applicant would be allowed to apply for any rezone that is consistent with the land use designation. Ms. Coccia clarified that staff is not recommending approval of the Edmonds Way Corridor designation. Board Member Clarke expressed his belief that no commercial zoning should be allowed on the subject properties. He expressed his belief that maintaining the existing Comprehensive Plan designation and zoning would keep the area developed as low-density. Approving the change could result in additional applications to change the zoning to the east and west based on the logic that adjacent properties are zoned medium density. A low-density residential designation would allow the properties to be developed as duplex units and would be a true transition that stops density creep from occurring. He suggested that traffic should be considered as part of any land use designation change rather than waiting until a rezone application has been submitted. Mr. Chave explained that there is not a one-to-one relationship between the Zoning Map and the Comprehensive Plan. Multi-family zones are only allowed in areas designated in the Comprehensive Plan as either high or medium-density residential. A medium-density residential land-use designation would allow for either RM-2.4 or RM-3 zoning. If the proposed Comprehensive Plan amendment is approved, the applicant would likely follow up with an application for implementing zoning, and that is the point where decisions would be made about what zoning designation is appropriate. He said the purpose of the two-step process is for the applicant to gain some assurance that the City would support a potential rezone before they spend a substantial amount of time and money. He said traffic issues would be addressed as part of the rezone application review. In addition, the design review process would consider the actual site configuration, as well as circulation and access.

Mr. Chave advised that when staff spoke with the applicants at the time of application submittal, they provided a narrative of exactly what they wanted to do with their properties. They would like the ability to redevelop the properties as multi-family residential to offer more density in the City. He said he is not concerned that approving the Comprehensive Plan amendment and subsequent rezone would set precedence for similar applications in the future. He noted that the neighborhood is well established. Based on the property lines and how the properties gain access from 244th, it is not likely this would be the case. Ms. Coccia said that when staff discussed the Comprehensive Plan Map designation with the applicant, they did not have a strong feeling one way or the other whether it should be Edmonds Way Corridor or Medium Density Multi-Family. They simply desire to redevelop the properties with more than one dwelling unit per site. She suggested the Board ask the applicants how they feel about the staff's recommendation.

Board Member Johnson said she visited the subject properties and noted there is a hedge row of evergreen trees that could be retained along the east side of the property. Immediately to the east there is a one-story carport and a single access in and out to the three-story condominium.

Sid Odgers, Edmonds, indicated he is one of the applicants for the proposed Comprehensive Plan amendment and has lived at 8615 Edmonds Way for 33 years. He said he was planning to sell his property in three to five years because his kids will be in college and he felt it would be time for his family to move on. The Darwins asked him about the possibility of putting the properties together and selling them to a developer. He agreed that was a possibility, and they approached City staff to find out what the process would be. Staff informed them that they would have to change the Comprehensive Plan designation and then request a rezone in order to redevelop the properties as multi-family residential. He noted that the subject properties are currently developed as one-story single-family residential homes, yet the surrounding development is two and three stories high. The current development does not fit in. He said they were told they could probably get up to 27 units on the property, but he felt that would be too many. As a construction worker, he felt it would be more appropriate to construct four multi-family residential buildings that look more like single-family homes. However, he emphasized that they have not decided anything yet. The Comprehensive Plan amendment is the first step.

Mr. Odgers referred to Board Member Clarke's concern about traffic and agreed that 244th Street does get busy during rush hour, particularly when King's Garden School starts and ends each day. In addition, traffic can become congested further down 205th where the roadway meets SR-104 as a result of ferry traffic. There will always be people who take chances crossing the street, but he hasn't ever had a problem gaining access to and from his property. He pointed out that a center turn lane is located near the subject properties. He also pointed out that there are no driveways on the south side of the street. The properties on the south side are accessed from a different street. Mr. Odgers summarized that he is interested in redeveloping the properties into something that improves the community. If he sells his property and the proposed amendment is denied, it will likely remain as a one-story house that looks out of place.

NO OTHER MEMBERS OF THE AUDIENCE EXPRESSED A DESIRE TO ADDRESS THE BOARD AS PART OF THE PUBLIC HEARING. THEREFORE, THE HEARING WAS CLOSED.

Board Member Tibbott said he likes the idea of allowing the property to redevelop as medium density, particularly given that design review would be required at a later phase. He said he believes the subject properties are the appropriate place to add density.

Board Member Johnson pointed out that the subject properties have an interesting geography. They are located at the crest of the hill and are bordered on the north and west sides by single-family development. The property to the south is located in the City of Shoreline and is completely fenced off without any access from 244th Street. The property clearly has potential for redevelopment, and it seems the better choice would be single-family residential. However, she said she certainly understands why the property owners want to rezone the property so it can be sold and redeveloped as multi-family residential. If the Board were to recommend approval of a change, she would support redevelopment of one to two-story duplexes, which would be a more appropriate transition. She noted that a land use designation of medium-density residential would accommodate this type of low-density multi-family residential development.

Board Member Johnson expressed concern about the lack of internal circulation on the subject property, as well as the property to the west. While she recognized the Board cannot address this issue as part of the Comprehensive Plan amendment process, it should be a considered as part of any redevelopment proposal.

Board Member Johnson noted that as you ascend the hill, there is a climbing lane that provides a third lane. However, this lane disappears right in front of the condominium complex. In front of the subject property there is a two-way turn lane for the development that is located within the City of Edmonds. She observed that while there is a significant amount of traffic during peak times, it is manageable for those who are familiar with the area.

Board Member Clarke said he appreciates the applicants' hard work in preparing the application packet, as well as Mr. Odger's comments. He said he had forgotten about the fence along the Shoreline side of the road. He said he has traveled this route for almost 50 years, and he worked on the La Chateau Condominium development when it was constructed in the 1970's. He said the two-way left turn lane is a positive, as long as people are cautious going in and out of the development. Based on the applicant's testimony, as well as Board Member Johnson's comments, he said he is confident the traffic issues can be addressed as part of a future rezone application and development proposal. While he said he still does not believe that an Edmonds Way Corridor land use designation would be appropriate, he would support staff's recommendation to change the land use designation to Medium Density Multi Family, which would allow the applicant to request a rezone to either RM-2.4 or RM-3.

BOARD MEMBER CLARKE MOVED THAT THE BOARD RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION FOR FILE NUMBER AMD20110001 TO DENY THE REQUEST TO CHANGE THE DESIGNATION OF THREE PARCELS AT 8609, 5611 AND 8615 – 244TH STREET SOUTHWEST FROM "SINGLE FAMILY URBAN 1" TO "EDMONDS WAY CORRIDOR" ON THE COMPREHENSIVE PLAN MAP. HE FURTHER MOVED THAT, BASED ON THE FINDINGS OF FACT, CONCLUSIONS AND ATTACHMENTS IN THE STAFF REPORT, THE PLANNING BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO CHANGE THE DESIGNATION FROM "SINGLE FAMILY URBAN 1" TO MULTI FAMILY – MEDIUM DENSITY" BECAUSE IT WOULD BE AN APPROPRIATE TRANSITION BETWEEN THE

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MORE INTENSE CORRIDOR DESIGNATION AND THE SINGLE FAMILY RESIDENTIAL DESIGNATION. BOARD MEMBER TIBBOTT SECONDED THE MOTION.

The Board discussed whether it would be appropriate to address the issue of density as part of the motion. Board Member Clarke pointed out that the Board's discussion would be part of the record that goes before the City Council for final consideration. Mr. Chave clarified that if the Board's recommendation is approved by the City Council, the applicant would likely follow up with a rezone application for either RM-3 or RM-2.4 zoning. The rezone application would come before the Board for a public hearing and a recommendation to the City Council.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Chave said staff would notify the applicant of the date in which the proposed amendment would be presented to the City Council for a public hearing and final decision.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO ECDC 18.05 AND 20.50 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (WCF) (AMD20010004)

Mr. Clugston reviewed that the Planning Board has held numerous meetings on this topic since April 2010, most recently in March 2011. The entirety of their work led to the creation of a revised draft regulation that is the subject of the public hearing. He briefly reviewed the timeline of the Planning Board's work, and added that the Architectural Design Board also reviewed the draft regulations and provided comments relevant to aesthetic concerns and design standards. He reminded the Board that the issue came up when citizens inquired about a utility pole retrofit on 96th Avenue West. The City Council referred the matter to the Planning Board, directing them to "be as restrictive as possible with regard to new poles without limiting coverage." He noted that adopting the draft regulations is a Type V Legislative Action, which means the Planning Board conducts a public hearing and forwards a recommendation to the City Council. The City Council would make the final decision.

Mr. Clugston reminded the Board that Federal regulations prohibit local municipalities from excluding WCF's. It also prohibits local municipalities from regulating WCF's on the basis of health impacts if they meet federal criteria for radio frequency emissions. However, Edmonds can regulate the location of different types of facilities as well as their appearance through design standards. He explained that because Edmonds is largely residential and hilly, locating WCF's is more challenging. The City Council has indicated their desire that no monopoles be allowed in residential zones. Instead, they would like to use existing taller structures where possible, such as utility poles and buildings. They also expressed a desire to encourage co-location.

Mr. Clugston noted that the existing City regulations related to WCF's are found in Edmonds Community Development Code (ECDC) 18.05 and ECDC 20.50. ECDC 18.05 addresses utility wires that are placed in unzoned rights-of-way. It was updated in 2006 and again in 2008 to specify wireless antenna separation distance for mounting on utility poles. The updates also required the use of wooden poles and initiated a public notice process for WCF's. The Board is currently considering amendments that would add additional design standards. ECDC 20.50 regulates WCF's on zoned parcels in the City. It currently contains design standards for certain types of wireless antennas and facilities and is interrelated with ECDC 18.05. It was last updated in 1996.

Mr. Clugston advised that, currently, WCF's are regulated based on the type of facility. While the current regulations work well enough, the City Council felt they could be improved. The Board initially thought that minor changes to the existing code language would be sufficient to provide the additional clarification and protection the City Council requested regarding the siting and visual impact of WCFs. However, after public testimony from citizens and representatives from the wireless communications industry, it quickly became clear that the existing wireless regulations were largely outdated and needed to be reevaluated in a more comprehensive way. While this was a lot more work for the Board, it resulted in a more comprehensive approach.

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Mr. Clugston briefly reviewed the framework of the proposed new code language. He explained that the new language is intended to clarify the process and requirements for both applicants and the City. He specifically noted that a section was added to identify the types of facilities that are not permitted in Edmonds. As proposed, no guyed or lattice towers would be allowed in the City, and monopoles would be prohibited in residential zones, rights-of-way, public and open space zones and the downtown Waterfront Activity Center. He said the new language provides general design standards to address issues such as noise, color, lighting, equipment enclosures, landscaping and screening. It also identifies the City's location preferences for WCF's as follows:

- 1) Co-location of wireless antennas at existing wireless sites without an increase in height.
- 2) Co-location at an existing site where additional height is necessary over the existing height.
- 3) Placing antennas on a replacement and/or existing pole or structure.
- 4) Placing antennas on a new pole or structure altogether.

Mr. Clugston explained that during the application process, a provider must demonstrate how a proposed location meets their needs. If co-location is not proposed, they must explain why. He provided pictures and the following explanation of how the proposed regulations would be applied to the various types of WCF's:

- Building-mounted facilities could be placed in the Downtown Waterfront Activity Center, but no extra height would be allowed. Antennas must be flush mounted to buildings. If an existing building is taller than what the code currently allows, the antenna would be allowed to extend to the height of the building. In all other locations, building-mounted facilities would be allowed an extra nine (9) feet in height, but they must be designed to integrate into the appearance of the building. Equipment cabinets and cabling must be screened or painted to match.
- Structure-mounted facilities can be placed on utility poles as per ECDC 18.05, but a 15-foot separation would be required, and the poles must be constructed of wood. Six (6) feet of additional height would be allowed for the antennas. The equipment cabinets, antennas and cabling must be screened or painted to match.
- Monopole facilities are the least preferred option, and their location is restricted. Equipment cabinets and cabling must be screened or painted to match, and a conditional use permit would be required if the proposed height is in excess of the underlying zone. Monopoles must meet the setback requirements of the underlying zone. However, an exception is possible if the proposed location would result in tree retention or the preservation of open space, provide better screening or move the facility further from residentially-zoned properties.

Mr. Clugston recalled the Board discussed the need to implement a permitting process that is easy to understand and follow. As proposed, there would be specific application requirements, depending on the type of facility being proposed. Only a building permit would be required for co-locations, and an engineering right-of-way permit would be required for utility pole retrofits. A Type II Conditional Use Permit would be required for utility pole retrofits, and a Type III-B Conditional Use Permit would be required for monopoles that exceed the height requirement of the underlying zone. He summarized that the proposed new language encourages co-location by simplifying the permit process. He noted that specific timeframes are identified in the new language, and design review would be required for every application. A State Environmental Policy Act (SEPA) review would be required as per RCW.

Rich Busch, outside Council for AT&T and President of the Northwest Wireless Association, expressed his belief that Mr. Clugston has done a fabulous job in working with the Board and others to come up with a wonderful product. The proposed code language encourages carriers to integrate their facilities in the least intrusive way and provides the correct incentives to encourage the industry to do the right thing. He urged the Board to recommend approval of the proposed code language.

NO ONE ELSE IN THE AUDIENCE EXPRESSED A DESIRE TO PARTICIPATE IN THE PUBLIC HEARING SO THE HEARING WAS CLOSED.

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BOARD MEMBER JOHNSON MOVED THAT THE BOARD FORWARD THE PROPOSED AMENDMENTS TO ECDC 18.05 AND 20.50 (FILE NUMBER AMD20100004) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. CHAIR LOVELL SECONDED THE MOTION.

Board Member Johnson thanked Mr. Clugston and Mr. Busch for helping the Board work through the process and come up with appropriate code language to address the issues and concerns.

THE MOTION CARRIED 5-0-1, WITH BOARD MEMBER ELLIS ABSTAINING.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR NEIGHBORHOOD BUSINESS (NB) ZONE CHANGES

Mr. Chave reviewed that the Board last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He reminded them that the Neighborhood Business (BN) zones apply primarily in Five Corners, Perrinville, and Westgate. At this time, these commercial areas are developed primarily with strip mall type commercial spaces, with buildings setback from the street to allow space for parking in front. The current street front setback requirement in the BN zone is 20 feet for all buildings, which is inconsistent with the City's Comprehensive Plan Design Guidelines, which talk about moving buildings towards the street to create a more pedestrian-friendly environment. He summarized that the City has recognized the need to change the setback requirement in the BN zones for quite some time, and they are currently working with a team from the University of Washington and the Cascade Land Conservancy to study the Five Corners and Westgate neighborhood centers. They have conducted community design charettes and have produced some design concepts for potential redevelopment.

Mr. Chave advised that, in the meantime, City staff has been contacted by a bank who has expressed a desire to purchase the Shell gas station property at the southeast corner of 100th Avenue and SR-104 to construct a new bank facility. City staff informed them of the current 20-foot street setback requirement, which means the bank building must be set back into the site with a potential drive aisle between the building and the sidewalk area. He pointed out that setting the building back 20 feet would run counter to the pedestrian-friendly concepts that have emerged from the Westgate and Five Corners neighborhood centers.

Mr. Chave said the proposed amendment was presented to the City Council, but they expressed concern about changing the setback on an interim basis. They felt it would be more appropriate to go through the required process to amend the code permanently. The proposed amendment was presented to the EDC and Planning Board on April 13th, where they indicated their desire to move forward with a public hearing on May 11th. The purpose of this discussion is to review the proposed language and solicit feedback from the Board in preparation for the public hearing. He explained that the proposed amendment would change the street setback in the BN zones from 20 feet minimum to 5 feet minimum. This would allow sufficient space to enhance the pedestrian areas by providing some distance between the building and the sidewalk for landscaping.

Chair Lovell said it appears the City Council is a little nervous about making the change for all BN zones in the City. Mr. Chave agreed that there is some concern about the unintended consequences of making the change for all BN zones. However, staff can not pinpoint any argument that would support a more narrow approach. Again, he said the Design Guidelines indicate a clear intent to move buildings closer to the street in commercial areas. He observed that walking on a sidewalk in the Westgate area that is between a parking lot and the street creates a much different feeling than a sidewalk that is located between the street and the building. Pedestrian access appears to be less safe when the sidewalk is surrounded by car traffic on both sides. Having a building on one side provides a greater feeling of safety, particularly if the pedestrian area is enhanced with wider sidewalks and landscaping. He suggested the Board conduct a hearing based on a proposal to change the setbacks for all BN zones, recognizing that they could pull back and structure the amendment so it only applies to Five Corners and Westgate.

Mr. Chave pointed out that the neighborhood centers are located within close proximity to residential neighborhoods, and they need to improve the pedestrian safety to and from the businesses so people feel safe walking. Although there is a lot of traffic at Westgate, they should attempt to provide safe access for people who want to walk from store to store. The current

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configuration encourages people to drive between businesses, but the proposed change would enable development that encourages people to walk.

Again, Mr. Chave said that because the BN zones are limited in number, he does not see a down side to allowing buildings to be located closer to the street in all BN zones. Doing so would move them further from the backsides of the properties, which is where the residential development s typically located. He reminded the Board that they are only talking about adjustments to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

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CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

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Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr.

Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to

further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.

- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

APPROVED

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks Department staff. He also agreed to contact the Parks Director to schedule a quarterly report on parks on the extended agenda.

Chair Lovell welcomed Board Members Tibbott and Ellis as the newest members of the Planning Board.

PLANNING BOARD MEMBER COMMENTS

Board Member Johnson announced that a community meeting has been scheduled for May 3rd in the Plaza Room of the Edmonds Library Building from 6:00 to 8:00 p.m. regarding the Five Corners and Westgate Studies. The event would be hosted by the City, the University of Washington and the Cascade Land Conservancy.

ADJOURNMENT

The Board meeting was adjourned at 10:05 p.m.

APPROVED