

CITY OF EDMONDS PLANNING BOARD MINUTES

May 11, 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
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT

Rob Chave, Planning Division Manager
Mike Clugston, Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Reed, Vice Chair
Kevin Clarke

READING/APPROVAL OF MINUTES

BOARD MEMBER STEWART MOVED THAT THE MINUTES OF APRIL 27, 2011 BE APPROVED AS AMENDED. BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Roger Hertrich, Edmonds, said he attended the public open house where the University of Washington/Cascade Land Conservancy presented their report. He said he found the study flawed because it did not address traffic. He reminded the Board that traffic is one of the largest impacts associated with development, particularly when properties are located next to major state highways and arterials, which include large rights-of-way to allow for future expansion. He also reminded the Board that more people have been invited to use SR-104 as a result of the ferry expansion and the train service. The goal is to become a transportation hub, and access will come from SR-104. While he acknowledged it is difficult to identify what the traffic needs will be in the future, he felt the plan was overzealous on the amount of potential development identified in the study. Again, he said he is dismayed that the team's work did not include a traffic study to identify the potential future impacts.

PUBLIC HEARING ON APPLICATION BY WHITWORTH LAND CO., LLC TO REZONE THE PARCELS LOCATED AT 9511 AND 9513 EDMONDS WAY FROM SINGLE-FAMILY RESIDENTIAL – RS-8 TO MULTI-FAMILY RESIDENTIAL – RM-1.5 (FILE NUMBER PLN-2011-0005)

Mr. Clugston explained that the application before the Board is a Type IV-B Action, which means the Board conducts a public hearing and forwards a recommendation to the City Council. The City Council will conduct a closed record hearing and make a final decision. He reminded the Board that they are only considering the rezone

proposal at this time. Any future development request would be subject to the applicable codes, including a possible conditional use permit, traffic impact analysis, design review, parking, height/setbacks, building permit, etc.

Mr. Clugston reminded the Board of the six rezone criteria they must consider when reviewing the application. He also provided an aerial photograph of the site, which is bounded on the north by 228th Street Southwest, on the east by 95th Place West, and on the south by Edmonds Way (SR-104). He provided a zoning map and pointed out that the parcels across 228th Street are zoned RS-8 and developed with single-family residences. Across 95th Place West are two parcels zoned and developed as Planned Business (BP). Further east and north is the Westgate Chapel and its associated surface parking. Across Edmonds Way (SR-104) are parcels zoned and developed as multi-family. The parcel immediately to the west is zoned RS-8 and contains a single-family dwelling unit. The two parcels further to the west were rezoned in 2007 to Community Business – Edmonds Way (BC-EW), but have not yet been redeveloped. Further west is a larger vacant BC-EW parcel, and there is a pending commercial development application under review by the City for that site.

Mr. Clugston advised that the subject properties are identified in the Comprehensive Plan as Edmonds Way Corridor, which allows the following zoning types: Planned Business (BP), Neighborhood Business (BN), Community Business (BC) or similar commercial, and Multi-Family (RM). He emphasized that the current RS-8 zoning is not an allowed zone in the Edmonds Way Corridor land use so current zoning is inconsistent with the Comprehensive Plan. He reviewed that if the subject properties are rezoned to a commercial use (BP, BN, BC), the site could be developed as retail, service, office, and multi-family above commercial. The applicant is requesting an RM 1.5 zoning designation, which would allow up to 16 units on the site. In addition to apartments/condominiums, the site could be developed as a group home, retirement home, and housing for low-income elderly. With a conditional use permit, a daycare center or office would also be allowed.

Using an aerial photograph, Mr. Clugston pointed out that the two properties are mostly treed and vacant. They are located on a peninsula of land that is bounded by Edmonds Way, 95th Place West, and 228th Street. He said staff believes the applicant's request to rezone the property is reasonable. Once again, he referred the Board to the rezone criteria they must consider, and reviewed each one as follows:

- 1. Comprehensive Plan.** *Whether the proposal is consistent with the Comprehensive Plan.* Staff believes the proposed RM zoning would be consistent with the Comprehensive Plan designation but the current RS designation is not. Several business designations would also be possible, but the applicant has noted that higher-intensity commercial uses at the subject site would be inappropriate given its location relative to the existing single-family residents north of 228th Street. The applicant also noted that RM zoning would be more appropriate because access to the site would likely come from 228th Street rather than SR-104.
- 2. Zoning Ordinance.** *Whether the proposal is consistent with the purposes of the Zoning Ordinance, and whether the proposal is consistent with the purposes of the proposed zone district.* Staff believes the proposed zoning would be consistent with the purposes of the zoning ordinance. While the applicant does not yet know the type of use that would be developed on the site, all zoning and building requirements would be verified when a development proposal for the site is submitted.
- 3. Surrounding Area.** *The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property.* Again the site is located on a peninsula of land surrounded by roads. While the properties to the north are largely single-family residential, there is multi-family development to the east and west of 95th Place West. There is an existing Community Transit bus stop adjacent to the site on SR-104.
- 4. Changes.** *Whether there has been sufficient change in the character of the immediate or surrounding area or in City policy to justify the rezone.* Several rezones have occurred in the vicinity in recent years, including the BC-EW rezones to the west and the expansion of the Westgate Chapel.
- 5. Suitability.** *Whether the property is economically and physically suitable for the uses allowed under the existing zoning and under the proposed zoning.* The subject properties appear to be economically and physically suitable for development under the proposed RM-1.5 designation because the SR-104 corridor

provides significant opportunities for transit services. In addition, pedestrian amenities are available nearby at the Westgate shopping area.

6. **Value. *The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property owner.*** In addition to increased value that the property owner may realize from the change in zoning, the City would also receive a small increase to the tax base. More importantly, the proposed rezone would make the zoning consistent with the Comprehensive Plan designation, which encourages more intense development on sites that are already served by existing infrastructure.

Mr. Clugston concluded his presentation by stating that the proposed rezone is consistent with the Comprehensive Plan land use designation for the subject property. It is also consistent with the purposes of the zoning ordinance. Based on the Findings of Fact, Analysis, Conclusions and attachments in the Staff Report, he proposed that the Planning Board make a recommendation to the City Council to approve the request to rezone properties located at 9511 and 9513 Edmonds Way from Single-Family Residential – RS-8 to Multi-Family Residential – RM-1.5.

Chair Lovell reminded the Board Members of the Appearance of Fairness Rules and invited them to disclose any discussions they might have had about the subject of the hearing outside of the hearing (ex parte communications). No one identified an ex parte communication. None of the Board Members identified a potential conflict of interest or reason that would cause them to act unfairly when reviewing the application.

Chair Lovell requested additional information about what appears to be a gulch on the western side of the subject properties. Mr. Clugston answered that there is not a significant grade change on the subject properties, but there is a significant slope on the property located to the west. Chair Lovell said he presumes all issues related to surface water runoff would be addressed as part of a development application. Mr. Clugston answered affirmatively.

Board Member Ellis pointed out that if the rezone is approved as presented, there would be one single-family lot between the properties recently zoned as BC-EW and the subject properties. He noted there is currently a single-family home on each of the lots. He also pointed out that Questions 6 and 7 at the end of the Environmental Checklist (Attachment 5) were not answered. Mr. Clugston provided the following response to answer the questions:

- ***Question D.6 – How would the proposal be likely to increase demands on transportation or public services and utilities?*** The site is already served by adjacent existing utilities, and there is an existing Community Transit bus stop adjacent to the site, as well. Because SR-104 is already a major arterial, staff does not believe the additional traffic demands would be significant. In addition, the City’s traffic engineer indicated that based on the types of uses allowed in an RM-1.5 zone, he does not believe it likely that an increased intensity of use would have a great impact on traffic in the area. Because the site is located on a peninsula, it would likely have to use 228th Street for access.
- ***Question D.7 – Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.*** The site is currently zoned RS-8, which is in conflict with the Edmonds Way Corridor land use designation found in the Comprehensive Plan. Rezoning the property as proposed would make the zoning consistent with the Comprehensive Plan.

Board Member Stewart questioned where the large trees on the site are located in relation to the gulch, which has a slope of about 35%. Mr. Clugston answered that trees are scattered throughout the subject properties, but the significant slope is actually located to the west. If and when a development proposal is submitted to the City, staff would encourage the developer to retain as many of the existing trees and landscaping as possible.

Board Member Stewart referred to Question D.2 of the Environmental Checklist (Attachment 5) which asked how the proposal would affect plants, animals, fish and marine life. The response states that it is assumed the site would be cleared to allow for development. She cautioned against making this assumption outright. Instead, this decision should not be made until a development proposal has been submitted to the City.

Board Member Johnson referred to Question A.8 of the Environmental Checklist (Attachment 5) which asks the applicant to list any environmental information related to what has been or will be prepared. She asked staff to elaborate on the multiple critical area evaluations for these properties. Mr. Clugston said that the critical areas checklist was done last year. Based on the available information, staff identified a wetland on the site and retained the services of Landau Associates to research the issue further. They discovered that the water on the site came from an existing stormwater system on 228th Street; a stormwater pipe was dumping stormwater from 95th Place West onto the site, and the site had been used as a detention pond for a number of years. This situation has been changed, and the City has revised the critical areas designation. Board Member Stewart asked if the area dries out in the summer. Mr. Clugston answered affirmatively and said the area no longer has the characteristics of a wetland.

John Bissell, JBA Consultants, Edmonds, said he was present to represent the applicant. He commented that staff did an excellent job with their staff report, and he did not have a lot to add. He pointed out that the site is tricky. It is designated in the Comprehensive Plan as Edmonds Way Corridor, which can accommodate a number of different zones, but not the current RS-8 zoning designation. State law requires that zoning is compliant with the Comprehensive Plan, and there is a range of choices. He pointed out that to the north of the BP-zoned properties is a parking lot that exists with a conditional use permit for the Westgate Chapel. To the north of the subject site is single-family residential zoning. He explained that the characteristics across the street are different. The applicant believes that RM-1.5 zoning would have less impact on adjacent single-family properties than a commercial zone would have. He observed that the multi-family residential development that has occurred on Edmonds Way to the east is all RM-1.5. He summarized his belief that RM-1.5 would be compatible with the development characteristic that have already been occurring in the area. RM-1.5 appears to be the most appropriate way to make a transition from the intense locations on Edmonds Way and the single-family properties.

Mr. Bissell said he concurs with the comments provided in the Staff Report to explain why the proposed rezone would meet all of the rezone criteria. He noted that the applicant's submittal (Attachment 7) also points out how the rezone criteria would be satisfied. He felt his comments were very similar to those provided by staff.

Regarding questions related to the Environmental Checklist (Attachment 5) and the Critical Areas Ordinance, Mr. Bissell explained that once the property is rezoned, the developer would have to apply for a development permit that is consistent with the standards of the zone. That means the site could be cleared, which is the worst case scenario. Any restrictions related to trees, clearing slopes, etc. would be addressed as part of a development permit review and not as part of a rezone application. He briefly described the type of soil that currently exists on the subject properties and pointed out that stormwater runoff flows into a drainage corridor that is located on Edmonds Way. If the site is developed as RM-1.5, the applicant would be required to comply with the currently approved stormwater manual. Because there is a large stormwater system on Edmonds Way, there is no shortage of ability to release the stormwater appropriately. He said he does not foresee a problem complying with the stormwater requirements.

Mr. Bissell explained that several years ago the City had a flooding problem in the area due to the installation of walkways on West 95th and West 96th Streets. They tried to solve the problem on an emergency basis by installing an infiltration system in the public right-of-way that dispersed the flow onto the subject properties. This caused the property to flood at certain times of the year. The City has since connected the stormwater to the Edmonds Way system. As soon as the hydrology was removed, the site was no longer consistent with the characteristics of a wetland. After additional analysis and review, the City has concluded that there is no wetland on the site.

Board Member Johnson reminded the Board that the City has three different multi-family residential densities: RM-1.5, RM-2.4 and RM-3. She agreed with the applicant that most of the multi-family residential zoning along the corridor is RM-1.5. However, it should be noted that most of these properties have access from SR-104, and they are not typically located adjacent to single-family residential zones. She said the Staff Report indicates that an RM-1.5 zoning designation would allow up to 16 units on the two parcels. She asked how many units would be allowed if the properties were rezoned to RM-3 and RM-2.4. Mr. Bissell responded that RM-2.4 would allow a maximum of about 11 units, and RM-3 would allow about 8.

Given the information provided in the Staff Report, Board Member Johnson raised questions about what multi-family residential zoning would provide the best transition, given that access would come from 228th Street and that

single-family residential development is located directly across the street. Mr. Bissell observed that, in most situations on Edmonds Way where multi-family residential zoning is located adjacent to single-family residential zoning, the multi-family residential properties are located behind the single-family residential properties. When residents have been asked if they prefer the multi-family residential zoning to be located across the street from single-family residential zoning or abutting the rear property line, the response was approximately 50-50. He said that he, personally, would rather have the higher-density zoning be located across the street so the street could serve as an additional buffer.

Mr. Bissell said the applicant assumes the access to the subject properties would come from 228th Street because it would be a safer option, but there is also a bus stop on Edmonds Way. The City's Traffic Engineer believes there is sufficient sight distance to provide an access on Edmonds Way, but the bus stop would have to be relocated.

Mr. Bissell explained that the International Traffic Engineers (ITE) Manual counts fewer trips per unit as multi-family units get smaller. If the property were rezoned to RM-3, the individual units would be larger, resulting in more trips per unit. Increasing the density could actually reduce the traffic impact per unit because the units would be smaller with fewer people living in them. Mr. Chave pointed out that the height, bulk and setback standard are the same for all the City's multi-family residential zones. The only thing that varies is the number of units allowed on the site. In most jurisdictions, higher density means larger buildings, but that is not necessarily the case in Edmonds. He referred to the zoning map and pointed out that, in most cases, the multi-family residential zones back up against the single-family residential zones. However, in this case, the multi-family residential zoning would be located across the street from single-family residential.

Roger Hertrich, Edmonds, voiced support for the proposed rezone. He said the increased density would be appropriate for this location given its close proximity to the Westgate shopping area and to transit service. Also, the smaller units would create less traffic. He pointed out that the subject properties have never been developed because the site is not suitable for either single-family residential or commercial uses. The proposed rezone is a good solution. He said he believes there would be an adequate transition because the subject properties would be separated from the single-family residential properties by a roadway. Another plus is that the smaller units would be more affordable. He encouraged the applicant to work with adjacent property owners to create a single access road that could serve multiple properties. He said his main concern with rezone application is traffic, and the applicant should be able to satisfy this concern by accessing the property from 228th Street. He concluded that the subject property is a good place for increased density because there would be no impact to adjoining properties. He recommended the Board approve the rezone application as presented because it is consistent with the intent of the Comprehensive Plan.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

CHAIR LOVELL MOVED THAT, BASED ON THE FINDINGS OF FACT, CONCLUSIONS, AND ATTACHMENTS IN THE STAFF REPORT, THE BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER PLN-2011-0005, A REQUEST TO REZONE PROPERTY LOCATED AT 9511 AND 9513 EDMONDS WAY FROM RS-8 TO RM-1.5, AS RECOMMENDED BY STAFF. BOARD MEMBER STEWART SECONDED THE MOTION.

Chair Lovell commented that the rezone proposal is appropriate because smaller units would be more affordable and might attract younger people to the City. The properties are located within walking distance of the shopping area, and people could live on the property and never own a vehicle. Board Member Cloutier said the property could also be developed as transitional housing for elderly people who want to downsize their living arrangements without leaving the community.

THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING ON PROPOSED AMENDMENT TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) SECTION 16.45.020 TO REDUCE REQUIRED STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE FROM TWENTY (20) FEET TO FIVE (5) FEET. (FILE NUMBER AMD-2011-0003)

DRAFT

Mr. Chave reviewed that staff presented a proposed interim zoning ordinance to the City Council on April 5th, to potentially amend the City's BN zones to reduce the required setbacks from the current 20 feet to a 5-foot minimum. The City Council remanded the amendment to the Board for review and a recommendation as a potential permanent amendment. He reminded the Board that the Comprehensive Plan policies and the design objectives talks about wanting buildings to be oriented towards the street. The current BN zone setback requirements hearken to a traditional model of strip mall type development, with buildings setback from the street and parking located between the buildings and the sidewalks and street edges. This requires people to walk through the parking areas to access the buildings from the sidewalks, which is a less than ideal situation if the City is trying to encourage pedestrian activity and transit use.

Mr. Chave said the proposed amendment was prompted by a potential development at Westgate. While the property owner has not submitted an application yet, their preliminary work indicates that in order to comply with the 20-foot street setback, the building would be placed back into the site so there is adequate room for a drive aisle between the building and the sidewalk. Since this property is located at a key intersection, this type of development could be problematic because it would set precedence for future development in the area that is inconsistent with the policies in the Comprehensive Plan. If the proposed amendment is adopted, the property owner would be allowed to bring the building closer to the sidewalk and street edge. Because staff believes it is appropriate to maintain some setback between the building and the street edge to accommodate the sidewalk and a landscaped area, they are recommending a minimum setback of 5 feet. He summarized that a 5-foot setback would be more consistent with the Comprehensive Plan.

Mr. Chave provided photographs to illustrate the typical kind of development that occurs in the BN zones where most have parking areas between the street/sidewalk and the building. He also provided an example to show how a reduced setback would be better. He pointed out that as buildings are moved closer to the sidewalk, there are opportunities to make connections between the sidewalk and the buildings. Parking can be placed either to the side or behind the building. He explained that if the setback was reduced to 5 feet, there would still be enough space to provide a 5-foot landscape strip and an 8 to 10-foot sidewalk. The landscape strip would provide separation between the sidewalk and the street. He summarized that a 5-foot minimum setback requirement would allow future development to at least meet the standard.

Mr. Chave explained that if the Board concurs with the idea of reducing street setbacks in BN zones, they have a couple of options:

1. Have the 5-foot setback standard apply to all BN zones.
2. Have the 5-foot setback standard apply only to BN zones in the Westgate Community Business and Five Corners Neighborhood Center as designated in the Comprehensive Plan.

Mr. Chave reminded the Board that the Westgate and Five Corners plans are far enough along that it is clear most people in these locations want the buildings focused towards the streets. This sentiment is also consistent with the existing Comprehensive Plan policies and design objectives. He summarized that the current BN setback requirements do not conform to the policies in the Comprehensive Plan.

Mr. Chave advised that at the City Council meeting, a third option was mentioned, which would be to have the setback apply in conjunction with a development agreement. However, he cautioned that there would be no real incentive for a developer to go through the lengthy development agreement process just to be able to set a building closer to the street front.

Board Member Cloutier asked how the 5-foot minimum setback requirement would impact the City's ability to widen the streets at some point in the future. Mr. Chave answered that the Transportation Plan and the Official Street Map control the number of lanes needed, and there is nothing in either one that indicates that an additional lane would be needed in the future. He said that in his experience the more lanes you build, the more you encourage people to use them. He emphasized that setbacks are not "reservations of rights-of-way." The Transportation Plan and Right-of-Way Map are intended to identify potential rights-of-way needs and how they will be obtained. Setbacks are intended to provide unity in building location, orientation, etc.

Board Member Cloutier recalled staff's earlier comment that a 5-foot minimum setback requirement would mean a building would be setback at least 15 feet from the street edge because of the right-of-way. Mr. Chave said that would be the case for most, if not all, properties in the BN zones. Board Member Cloutier asked if staff has sketched out the right-of-way depths to make sure buildings would not end up right on the sidewalk. Mr. Chave said he does know the exact location of the sidewalks that are located on private properties, but most of them are located within the right-of-way and do not take up all the right-of-way width. He summarized that it is not likely the 5-foot minimum setback requirement would result in buildings right up against the sidewalk.

Board Member Tibbott asked if it is possible to have design guidelines that encourage landscape buffers along the street rather than the building. Mr. Chave said staff discussed this issue with the Engineering Department, and it was pointed out that the street profiles on SR-104 call for a minimum 5-foot landscape buffer along the street. The sidewalk would be located between the landscape buffer and the building. That means there would be 15-feet between the building and the street. Currently, the sidewalks in this area are located directly next to the streets, which results in an unpleasant walking environment. The City's goal is to encourage a safe, pedestrian-friendly environment, and the current 20-foot minimum setback requirement does not accomplish this goal.

Board Member Tibbott asked if the bank is proposing to provide access directly from their facility to the sidewalk. Mr. Chave answered affirmatively. He added that there would also be access directly to the parking lot on the other side of the building. Board Member Tibbott inquired how the City could ensure there is a connection between the street front and the building. Mr. Chave noted that this is already a policy in the design objectives found in the Comprehensive Plan. The proposed Development Code amendment is intended to implement this policy.

Board Member Stewart expressed her support for the proposed amendment to reduce the minimum setback requirement. However, she is not confident it should be applied to all BN zones at this time. Also, given the fact that SR-104 is a heavily-traveled street, with fast-moving traffic, perhaps an 8-foot minimum setback requirement would be more appropriate. This would allow room on the street side of the walkway for bioswales, rain gardens, etc. to infiltrate rain water and offer protection for the pedestrians.

Board Member Ellis asked why staff is recommending a 5-foot minimum setback. Mr. Chave answered that staff reviewed the location of the existing rights-of-way and sidewalks. They found that a 5-foot setback would allow a developer to accommodate the 15-foot profile described earlier. He emphasized that 5 feet would be the minimum setback, and developers would be encouraged to place their buildings closer to the street front. However, the proposed amendment would not eliminate a developer's ability to set the building back further onto the site.

Board Member Ellis asked if there are any best management practices or other studies that indicate that a 5-foot minimum setback requirement would be the best option. Mr. Chave explained that traffic volume is higher in Westgate than in the other neighborhood business centers. In addition, the speed limit is 35 miles per hour, and people do not always abide by the speed limit. He said an 8-foot minimum setback would also make sense to acknowledge the higher volume of traffic and give more room for low-impact development.

Board Member Ellis noted there are three or four large BN zones, with smaller ones scattered throughout the City. He asked if staff considered the affect the proposed amendment would have on the smaller areas. Mr. Chave answered that while there are numerous situations associated with each of the BN zones, it is difficult to identify a down side to applying the amendment to all. While some members of the audience have expressed concern about unintended consequences, no one has identified a specific reason why buildings should continue to be setback onto a site. Mr. Ellis pointed out that setting a building back further on the site would minimize potential sight distance problems. In addition, parking lots that are visible from the street provide less opportunity for them to be used for other activities. Mr. Chave pointed out that sight distance is addressed by the Engineering Department during their review of development applications. The proposed amendment would not automatically allow a developer to place a building closer to the street front if it would create a sight distance problem. Usually, the commercial areas are located at controlled intersections, which limit the traffic flow. Regarding parking, Mr. Chave observed that most commercial sites do not have all their parking located in front of the building. Some is provided on the sides and rear, as well. He summarized that parking is typically configured in such a way that makes customers feel safe and

allows for good traffic circulation. He said he is not concerned that pushing the parking into the site would result in future problems.

Board Member Johnson observed that approval of the proposed amendment would not prevent a developer from placing a building in the center of the site. The bank's preliminary design shows a drive aisle around the SR-104 and 100th Avenue Sides of the bank, with three parking stalls. Eliminating this surrounding drive aisle would help achieve the City's design objectives and allow more parking on the site. The designated setback would be the minimum required. She noted that current practice for developers is to provide easy access and parking between the street and building. For example, the Bartells across the street is setback with pedestrian/transit amenities plus two row of parking and a drive aisle. She questioned if staff is proposing the correct amendment to achieve the desired objective. She said it is obvious that a good relationship between the sidewalk/landscaping and the building is important, but perhaps there is a better way to address the issue more directly. Mr. Chave explained that staff envisions the proposed amendment to be a short-term change. They are anticipating that the Westgate and Five Corners studies will identify the permanent changes that are needed. It is possible the outcome will suggest a mandatory requirement that buildings be constructed at the property line. The proposed amendment is intended to engage the applicant and encourage them to do more in keeping with what they want rather than continuing to encourage what they know they do not want. They know they do not want a bank at this particular intersection set back on the site with a drive aisle on the street front.

Once again, Board Member Johnson pointed out that merely changing the minimum setback requirement would not necessarily resolve the problem. Mr. Chave said that using the design objectives already in the Comprehensive Plan, staff would encourage applicants to bring the buildings closer to the street fronts. The current 20-foot setback requirement does not allow staff to approach applicants with this option. He explained that staff is not suggesting that a 5-foot setback be mandatory at this time, because they are not sure of the final outcome of the Westgate and Five Corners studies. The amendment would allow staff to work with developers in the interim to encourage the type of development that is desired by the City. He reminded the Board that one option is to recommend approval of the proposed amendment, but only for the Westgate and Five Corners BN zones. The design objectives and policy language would remain unchanged in the Comprehensive Plan.

Board Member Tibbott asked to what extent the interim proposal would encourage the possibility of other kinds of development that would move buildings closer to the sidewalk in BN zones. He also asked if it would encourage the new type of development at both Westgate and Five Corners. Mr. Chave answered that other changes would be necessarily, as well. For example, the current BN zoning language does not allow true mixed-use development because only one residential unit is allowed per site. Mr. Chave summarized that the proposed amendment is intended to deal with one obvious inconsistency between the Comprehensive Plan and Development Code related to the BN zone. He expressed his belief that if the proposed amendment is not approved, they will likely have at least one development that is counter to the Comprehensive Plan policies and the likely outcome of the two studies.

Board Member Johnson recalled that at their last joint meeting with the Economic Development Commission (EDC), the University of Washington/Cascade Land Conservancy Team presented two views for Westgate. She asked if the team would provide a preferred recommendation at the joint meeting on May 12th. Mr. Chave said the team would provide an outline of what they have heard so far regarding the two concepts, but they would not present more specific concepts. The team will provide a report to the City Council, indicating where they are in the process and what the next steps will be.

Roger Hertrich, Edmonds, asked the Board to remember that BN stands for Neighborhood Business. He noted there are a lot of BN zones in the City. He expressed concern that City staff is proposing an amendment that implements what they envision the eventual plans will be. He said he would rather the Westgate area have its own zoning designation because it is much more regional and transit-oriented than the other BN zones in the City. The other BN zones could be left as they currently exist. He said he lives near an existing BN zone where the building is set back more than would normally be required. That means there are no cars parked next to the residential properties. Instead, the parking is located on the other side of the building. He expressed concern that if buildings are located close to the street, with the parking behind, the garbage and storage areas would be visible from the parking areas.

Mr. Hertrich expressed concern that placing the buildings right up to the street would restrict the future expansion of SR-104, and he felt this would be poor planning. He explained that jurisdictions all have very large rights-of-way to accommodate change. He voice concern that City staff cannot even identify the location and width of the current rights-of-way. He summarized that the entire amendment came about because a bank proposed to develop a building on property that used to be a gas station. He said he believes it is premature for the City to adopt the change before the Westgate and Five Corners studies have been completed.

Mr. Hertrich reminded the Board that the City Council did not approve the interim amendment. Instead, they remanded it to the Board for review. He said he attended the Westgate and Five Corners public meetings, and he did not interpret the public comments as wanting buildings right at the street. He expressed concern that locating buildings right at the street could obstruct sight distance. He observed that Westgate is different than downtown. Downtown is a pedestrian-friendly area, and it is important to have the buildings located next to the sidewalk. He summarized that no matter what the City does to encourage pedestrian safety, SR-104 will remain a highly-traveled roadway and buildings should not be placed close to the street.

John Bissell, Edmonds, announced that he was involved in the Bartells project, which is actually in a different location than what was originally proposed. It had to be developed in its current location to provide adequate space to meet the City's parking requirement. When the Bartells plan was presented to the Architectural Design Board (ADB), the ADB indicated their desire for the building to be located on a lot to the west and close to the street. Both the ADB and the developer would have preferred the alternative location and site plan, but the current setback requirements left them little choice. He expressed his belief that the current street setback requirement is inconsistent with the intent of the zone, which talks about bringing the buildings forward. The proposed amendment would eliminate this conflict and allow developers to comply with the Comprehensive Plan policies.

Mr. Bissell agreed with Mr. Hertrich that Westgate is different than the other BN zones, and perhaps a different zoning designation would be appropriate. However, he agreed with Mr. Chave that the proposed amendment would be appropriate on an interim basis so developers are not forced to make mistakes that are permanent. Mr. Bissell explained that the Engineering Department reviews each development proposal to ensure there is adequate sight distance. Projects that do not have adequate sight distance cannot be approved. He pointed out that downtown Edmonds was developed with zero street front setbacks, and there is almost never an issue with the sight triangle because there are sidewalks.

Mr. Bissell said comments were made that perhaps developers prefer to have parking located in front. He said that while that was a true statement nearly 20 years ago, developers are now less interested in having parking in the front. He expressed his belief that the ADB would work hard to make sure that buildings are not developed in the middle of properties in the BN zone, with parking all around them. He said he would not bring a project forward to the City for approval that would require him to fight too hard with the ADB. He summarized that the design guidelines provide good criteria for the ADB to work with applicants to prevent these situations from occurring.

THE PUBLIC HEARING WAS CLOSED.

Chair Lovell advised that Board Member Reed was unable to attend the hearing. He provided the following written statement for the Board's consideration.

"I do not believe this section of the code should be permanently changed in this manner. The proposal is to make this change to all BN zones. Each one is uniquely different (there are 8 or 9 total in the City). This is particularly true of the two major BN zones currently under discussion - Westgate and Five Corners - as reflected by the variety of alternatives that have been developed with the public and that are under discussion.

I also do not believe a specific BN zone can be called out if it is not separately identified in the Edmonds Community Development Code – that would require a separate action to create new zones, which will undoubtedly be part of the process currently ongoing by UW/Economic Development Commission. Recall that downtown is divided into five subzones, each of which has different rules.

I question the assumption that a 5-foot setback from the property line is appropriate, particularly in the Westgate

DRAFT

area. Safety and traffic have been mentioned numerous times in the Westgate comments during the study. Westgate (and possibly other BN zones as well) may require different treatment. We should not accept this assumption without question.

I believe the Board should not act before the study that has been ongoing since last year is completed and a recommendation comes down from Council on acting on the two major BN zones. Making a change in reaction to a specific proposal to all zones of a particular designation could be a recipe for disaster - the term "unintended consequences" comes to mind. If the City Attorney is at the meeting, perhaps he can comment on this process.

There are specific sections in the comprehensive plan - See Commercial Land Use, C. Goals for Community Commercial Areas, D. Goals for Neighborhood Commercial Areas, D.6.a Five Corners, E. Goals for the Westgate Corridor, F. Goals for the Edmonds Way Corridor - that are not referred to in the staff memo of April 5, 2011. The references in that memo are from Urban Design: General Objectives, which also covers numerous other considerations and is not exclusive to the BN zones. Footnote 2 of the proposed changes also refers exclusively to the Urban Design section to the exclusion of the other sections referred to above.

My recommendation is that the proposed changes be rejected and sent back Council with comments that they are premature and no changes should be made at this time. They could also act on it as an interim ordinance as it was originally intended."

Mr. Chave clarified that the City would not be required to adopt new BN zoning in order for the 5-foot minimum setback requirement to only be applicable at Westgate and Five Corners. This would require a simple amendment to the BN Chapter stating that the minimum street setback is reduced from 20 to 5 feet for BN zones located within the Westgate and Five Corners areas.

Chair Lovell reminded the Board that they discussed the proposed amendment with the EDC, and they indicated their desire that the Board move the amendment forward to the City Council with a recommendation of approval. Board Member Clarke previously voiced his support for the proposed amendment, as well. He said he walked through the Westgate area today and took photographs. He said he found the Bartells, Starbucks and Ivars developments attractive and workable from a pedestrian standpoint. However, the pedestrian atmosphere was much less appealing and comfortable where the sidewalk was surrounded by SR-104 on one side and a parking lot on the other. He agreed that the situation at Westgate is a bit unusual because of the high traffic volume, but he does not think that future development of the area would go forward without first addressing traffic and environmental issues. He emphasized that redevelopment is desperately needed in the neighborhood areas. He said he is opposed to waiting to do anything until the Westgate and Five Corners plans are done. They should move forward to make the City the way they want it to be in the future.

Board Member Ellis commended the staff for taking the initiative to suggest the proposed amendment when the potential development was brought forward. He emphasized there is no incentive for the staff to propose the change. The development will take place; it is now a question of how it will take place in this location. The fact that the staff recommended a change that might improve the area and lead the City down the path to the kind of development they want in the future impressed him. He felt they did a great job of providing enough information to move the amendment forward. He acknowledged there may be some unintended consequences, but none have specifically been set forth. He emphasized that the proposed amendment would not actually require that the building be placed within 5 feet of the property line, but only allow it. The proposed amendment leaves it up to the design review procedure to address the potential unintended consequences.

Board Member Stewart suggested the Board consider an interim ordinance that applies to the Westgate activity center only. She said she is uncomfortable with a minimum 5-foot setback. She felt it should be a little more.

BOARD MEMBER JOHNSON MOVED THAT THE BOARD TABLE THEIR DECISION AND HAVE FURTHER DISCUSSION AT THEIR NEXT MEETING.

Board Member Johnson said she has some concerns she would like to have resolved, and she does not think waiting two weeks to get answers would be detrimental. She specifically said she needs assurance that there would be

sufficient right-of-way to allow for the design standard for SR-104, which requires a 5-foot buffer between the road and a 10-foot wide sidewalk. They are talking about creating an environment that encourages pedestrian activity by making walkers feel safe. She said she does not currently feel safe walking on the sidewalks in Westgate, and it is difficult for her to envision a building located close to the sidewalk, with only a 5-foot setback to provide for safety.

Board Member Johnson said she did some research and found the right-of-way in the Westgate area is 80 feet, with approximately 90 feet in front of Ivars to allow for the bus pullout. Her experience in working with King County Metro is that they do not want bus pull outs because they deter from the schedule. They want to be able to stop traffic and move forward. She suggested they need to look at the entire corridor, and not just this one property.

Board Member Johnson agreed that they need to consider Westgate as a special case, and there may be individual differences in each of the BN locations. Even between Westgate and Five Corners there are different standards for roads. What is appropriate for SR-104 may not be appropriate for 220th Street, Bowdoin Way, or Main Street. She suggested they focus the amendment on just Westgate. She encouraged the Board Members to visit the site, looking at the existing conditions to help them understand the situation better. She noted that, currently, the Shell station has two driveways on SR-104. Adjoining the property to the south, Ivars also has two driveways. On 100th Avenue there is a driveway/alley along the southern end of the Shell property that provides access to the Chopsticks restaurant. Currently, it is also possible to access the adjacent properties via a network of parking lots and alleys from Herfy's to Ivars.

Board Member Johnson referred to the Staff Report, which states that the developer prepared a plan that meets the code. Staff saw their plan and agreed it did not meet the intent of the Comprehensive Plan, which resulted in the proposed interim zoning ordinance. The Council raised the question of a moratorium, and staff discussed and rejected the option. Staff responded that they felt the only way to address the issue was via an interim zoning ordinance. Board Member Johnson expressed her belief that there is always more than one solution to a problem. She said she studied the proposed site plan dated February 23, 2011 and suggested the City and State could encourage shared driveways on SR-104 to minimize the conflicts, provide a safer environment and reduce accidents. The way the land is configured, there could be a shared driveway between Ivars, the Shell station and Chopsticks. This would enable the property owners to rearrange the parking to meet the City's current requirements.

CHAIR LOVELL SECONDED THE MOTION. THE MOTION FAILED 5-1, WITH BOARD MEMBER JOHNSON VOTING IN FAVOR AND CHAIR LOVELL AND BOARD MEMBERS STEWART, ELLIS, TIBBOTT AND CLOUTIER VOTING IN OPPOSITION.

Chair Lovell suggested the Board consider sending an interim ordinance to the City Council. This would allow them to have more time to solidify the Westgate and Five Corners studies. He recommended the interim ordinance only apply to Westgate and establish a 5-foot street front setback on 100th Avenue and an eight-foot street front setback on SR-104. Mr. Chave suggested that rather than an interim ordinance, the Board could recommend a sunset date for when the temporary amendment would expire. He explain that an interim ordinance is ruled on directly by the City Council and is intended to allow the Planning Board and City Council more time to work through the details to create a permanent ordinance. An interim ordinance would also require a public hearing before the City Council, and then the issue would be remanded to the Board to consider a permanent ordinance change.

Chair Lovell commented that the City is anticipating a final report from the University of Washington/Cascade Land Conservancy team in July. Mr. Chave added that the report would be followed by an adoption process. He suggested the sunset clause should be set for at least a year out.

Board Member Ellis questioned if it would be possible to create a zoning ordinance that changes setback requirements depending on the street. Mr. Chave agreed that would be possible, but the language would need to be very specific.

Board Member Tibbott questioned if it is possible to word the amendment to ensure there is always a 12 to 15-foot buffer between the building and the street. Mr. Chave emphasized that the City is not without leverage. They have

a standard profile for the various streets. When reviewing a site plan, the expectation is that the developer would provide the required buffer. A minimum 5-foot setback would be sufficient in all situations as far as staff can tell.

Board Member Ellis asked if it is possible to address the issue of shared driveways as part of the design review. Mr. Chave answered that this could become awkward if only one property is being developed at a time. He emphasized that the City cannot enforce shared driveways when the opportunity does not exist. However, shared driveways are encouraged when a large stretch of property is developed at the same time. He said they also encourage connections between properties, and the applicant is proposing an internal connection between the Shell property and the Ivars Property. He summarized that the City cannot force private agreements for shared driveways. This must be voluntary.

Board Member Ellis agreed that Board Member Johnson's ideas were good, but he felt they went beyond the scope of what the Board is being asked to consider. Board Member Johnson recalled that a statement was made in the Staff Report that the existing code requires them to place a drive aisle and parking between the street and their building. Board Member Cloutier said that is not the way he understood the staff's comment. Instead, staff was pointing out that the only way to meet the current parking and setback requirements is to put parking between the sidewalk and the building. Staff stated that if the setbacks were reduced, not only could the developer achieve the city's goal of moving the building closer to the street, but the on-site circulation would be much better, too. Once again, Board Member Johnson pointed out that shared driveways would address the issue, as well. Mr. Chave pointed out that a shared driveway would require a partnership agreement to assure future access. Board Member Johnson clarified that she is not necessarily opposed to the proposed amendment, but she is not convinced that all the details are in place to move it forward for approval.

BOARD MEMBER CLOUTIER MOVED THAT, BASED ON THE FINDINGS OF FACT, CONCLUSIONS, AND ATTACHMENTS IN THE STAFF REPORT, THE BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER AMD-2011-0003, A PROPOSED AMENDMENT TO ECDC 16.45.020 TO REDUCE REQUIRED STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE WITH THE FOLLOWING CHANGES:

- **ESTABLISH A SUNSET DATE OF ONE YEAR FROM THE DATE OF ADOPTION**
- **THE AMENDMENT WOULD ONLY APPLY TO THE WESTGATE AREA.**
- **THE STREET FRONT SETBACKS WOULD BE REVISED TO 5 FEET ON 100TH AVENUE AND 8 FEET ON SR-104.**

CHAIR LOVELL SECONDED THE MOTION. THE MOTION CARRIED 5-1, WITH CHAIR LOVELL AND BOARD MEMBERS STEWART, CLOUTIER, ELLIS, AND TIBBOTT VOTING IN FAVOR AND BOARD MEMBER JOHNSON VOTING IN OPPOSITION.

REVIEW OF EXTENDED AGENDA

Chair Lovell referred the Board to the updated extended agenda and noted that a public hearing is scheduled for May 25th regarding proposed adjustments to the downtown BD zones. He suggested the Board Members carefully review the Staff Report so they can move through their deliberations more efficiently. He noted that the Parks Department staff would provide a parks report on July 13th.

Chair Lovell suggested the Board consider possible language to potentially implement development agreements for the downtown/waterfront area. Mr. Chave explained that the Shoreline Master Program would likely require extensive work by the Board over the next several months. They could also start their work to implement the Five Corners and Westgate plans as early as July. He suggested that before the Board has any lengthy discussion about the downtown/waterfront area, they should have a discussion with the City Council to make sure it is something they want the Board to pursue. The City Council may want to provide specific direction to the Board before they begin this process.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell did not have any items to report during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart reported that she and Board Member Johnson took an inventory of the current uses in the BD1 zone. They found 84 fronts (doors that go into buildings). About 23% of the fronts were eating establishments, 27% were retail uses, 13% were empty spaces, and 8% were medical and wellness related. About 11% were beauty related, 6% were art related, and 10% were finance/real estate related. The theater and Christian Science reading room were just 2% of the fronts. She noted that the large Old Mill Town empty space was counted as two, and they did not count the family dental business because it is not technically in the BD1 zone. Board Member Johnson added that there are also several parking areas that could be redeveloped as retail front so the buildings are connected better.

Board Member Tibbott asked if the eating and art establishments were considered retail spaces. Board Member Stewart said they were counted as separate categories. The Board agreed they could also be considered retail spaces. Chair Lovell asked Board Members Stewart and Johnson to prepare a memorandum outlining their findings that could be shared with the EDC at the joint meeting on May 12th. Chair Lovell recalled that at their last meeting, the Board discussed the idea of prioritizing the desired uses in the BD1 zone with retail and food services being the highest priority. He suggested the data collected by Board Members Stewart and Johnson would be useful in this regard.

Board Member Stewart reported that she attended the Downtown Port Townsend Commercial Space Tour on April 29th. She said people were out on the street handing out flyers about where the vacant spaces were located, and there was a central office where people were available to provide additional information about the spaces. People who represented the vacant spaces were ready to make deals and some agreements were reached that day. She said she reported on the event to Mr. Clifton, Edmonds Economic Development Director, and Frank Yamamoto, Chair of the EDC. They brought the idea forward at the Downtown Edmonds Merchant's Association, and they are considering a similar activity in downtown Edmonds. She noted that the Port Townsend event was coordinated with guidance from the Main Street Program, of which Edmonds is an affiliate member.

ADJOURNMENT

The Board meeting was adjourned at 9:33 p.m.