

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**February 27, 2013**

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

**BOARD MEMBERS PRESENT**

John Reed, Chair  
Valerie Stewart, Vice Chair  
Kevin Clarke  
Todd Cloutier  
Ian Duncan  
Philip Lovell

**STAFF PRESENT**

Rob Chave, Development Services Director  
Stephen Clifton, Community Services/Economic Development Director  
Mike Clugston, Senior Planner  
Jen Machuga, Planner  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Bill Ellis (excused)  
Neil Tibbott (excused)

**OTHERS PRESENT**

Kristiana Johnson, Edmonds City Council Member

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER LOVELL MOVED THAT THE MINUTES OF FEBRUARY 13, 2013 BE APPROVED AS AMENDED. VICE CHAIR STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

**Ron Wambolt, Edmonds**, reminded the Board that in June 2011, they made an important recommendation to the City Council to allow the use of development agreements. Currently, the only flexibility allowed in the BD zones is through a variance, which requires a developer to meet six criteria. While the variance concept is well intended, it generally curbs the granting of any variance. The development agreement provision would open new opportunities for controlled flexibility. It would offer developers more flexible codes, but the City Council would retain full veto power over the flexibility.

Mr. Wambolt said that when reviewing the Planning Board's recommendation, it appears that the City Council's biggest concern was the provision to extend the height limit by 5 feet, to a maximum of 30 feet. He suggested it would surprise most, if not all, Council Members to learn that most of the very few buildings that have been constructed in the downtown in the past 10 year are legally over 30 feet in height, which is made possible by sloping lots. He specifically noted the following:

- The building on the southeast corner of 5<sup>th</sup> and Walnut is a little over 35 feet above 5<sup>th</sup> Avenue.
- The building on the northeast corner of 5<sup>th</sup> and Walnut is 35 feet above 5<sup>th</sup> Avenue.

- The building on the northeast corner of 3<sup>rd</sup> and Dayton is a little over 35 feet above 3<sup>rd</sup> Avenue.
- The building on the northeast corner of 3<sup>rd</sup> and Bell is 32 feet above the street.
- The building near the southeast corner of 3<sup>rd</sup> and Bell is just under 35 feet above 3<sup>rd</sup> Avenue.
- Several condominium buildings have also capitalized from being on sloping lots. For example, the building that he lives in is as much as 39 feet above Dayton Street.

Mr. Wambolt summarized that because of topography in the downtown area, it is likely that the vast majority of the redevelopment exceeds 30 feet, which means that the minority who build on relatively flat lots have a height disadvantage. If they want three floors of development, they can't also get the higher ceilings that buyers prefer. The availability of a development agreement could remedy the disadvantage. However, he encouraged the Board to consider expanding the menu of three criteria, of which two must be met, in order to receive a development agreement. He also encouraged them to add a fourth criteria that reads, "The development is on property that currently would allow a maximum height of no more than 32 feet."

**PUBLIC HEARING: Draft proposal to amend the Edmonds Community Development Code (ECDC) to apply design standards to the BD2, BD3 and BD4 zones to replace the requirement for building setbacks. The proposal also includes a provision exempting small decorative "blade signs" from sign code area calculation limitations.**

Mr. Chave advised that this is a continued public hearing on a draft proposal to amend the ECDC to apply design standards to the BD2, BD3 and BD4 zones to replace the requirement for building setbacks. He reminded the Board that mandatory design standards are already in place for the BD1 zone, but there are currently no design standards for the BD2, BD3 and BD4 zones. Instead, there is a setback provision that requires the portion of a building greater than 25 feet in height to be stepped back 15 feet. This provision is problematic in that some of the historic buildings people value in the downtown do not meet the setback requirement. The provision is also counterproductive to the City's desire to achieve buildings that are consistent with the historic character of the existing building types. Although setbacks are required, the current code does not provide any specific design standards to encourage building features that are typical of the downtown.

Based on the Planning Board's recommendation in 2011, the City Council expressed interest in eliminating the setback requirement in the BD2, BD3 and BD4 zones; but they wanted to make sure design standards were in place prior or at the same time the setback requirement is removed. They referred the issue back to the Planning Board for a recommendation as to the appropriate design standards for the three zones. The Board reviewed the current BD1 design standards and determined that, with some slight changes, they could be applied to the BD2, BD3 and BD4 zones, as well. The BD5 zone is the 4<sup>th</sup> Avenue Arts Corridor, which has its own unique design parameters. Implementing the 4<sup>th</sup> Avenue Arts Corridor plan will require more tailored design standards. He referred the Board to the draft language for ECDC 16.43 (BD – Downtown Business) and ECDC 22:43 (Design Standards for the BD Zones). He advised that, as currently proposed, the current BD1 Design Standards would be applied to the BD2, BD3 and BD4 zones, but the setback requirement would be retained for the BD5 zone until more specific standards can be crafted. He reviewed that the design standards address such things as emphasizing the ground floor, preventing blank walls, insuring that the overall design of the building is oriented towards pedestrians, and providing pedestrian amenities. He advised that the design standards are specific in some ways, but they also provide some flexibility so buildings do not look exactly alike.

Mr. Chave said the proposal also includes a provision that would exempt small "blade signs," such as those that hang or project from a building. He explained that businesses in the downtown are restricted to a maximum sign area that can be apportioned amongst the different types of signs. It can be a challenge, particularly with the smaller storefronts in the downtown, to have enough sign area for a standard sign with space remaining for a small blade sign to draw pedestrian attention. The small blade signs near the pedestrian level can be decorative in design, and the proposed provision would exempt small blade signs from the sign code area calculation limitations. That means that blade signs of four square feet or less would be allowed even if the sign area allowed has been used for other signage. He summarized that the intent of the provision is to encourage more creativity and signage that is appropriate at the pedestrian level.

Mr. Chave noted that a few changes were made to the draft language as per the Board's direction on February 13<sup>th</sup>. The most significant was related to the requirement for transparency and windows. He recalled that at their last meeting, there was some confusion about when transparency would be required versus dealing with blank walls. As discussed by the Board, the language was changed so that the transparency requirement is tied to facades located on designated street fronts where

pedestrian activity is expected. The provisions that are designed to prevent blank walls would apply to the remaining facades.

Chair Reed clarified that the Board first discussed the proposal on January 9<sup>th</sup>, and a public hearing was held on February 13<sup>th</sup>. However, because of a glitch in posting all of the information regarding the proposal, the Board decided to err on the side of caution and continued the public hearing to February 27<sup>th</sup>. Staff has made the changes discussed by the Board on February 13<sup>th</sup>, and the public will be invited to comment once more before the Board forwards a recommendation to the City Council.

Mr. Chave explained that blade signs are not addressed elsewhere in the current code. Instead, they are considered a type of projecting sign. He suggested that rather than introducing the new term “blade signs,” the language in ECDC 22.43.040(B)(9) could simply say that projecting signs of four feet or less are exempt from the overall sign area calculation. This would be consistent with the existing sign code language. He suggested that a footnote could also be added to the sign code that refers to the design standards for the BD zones.

**Ron Wambolt, Edmonds**, recalled that on June 8, 2011, the Board unanimously passed a motion recommending that the City Council make a number of changes to the BD zoning regulations. The recommendation included eliminating the setback requirement for the BD2, BD3 and BD 4 zones. The City Council reviewed the recommendation, but decided not to act upon the setback provision until design standards are in place for the BD2, BD3 and BD4 zones. The issue was remanded back to the Board. The Board reviewed the existing BD1 Design Standards and determined that they would be appropriate to apply to the BD2, BD3 and BD4 zones, as well. He said he hopes the Board can complete their discussion tonight and forward a recommendation back to the City Council. He pointed out that, since the BD1 design standards were implemented seven years ago, there has been very little construction in the BD zones. He recalled that at the February 13<sup>th</sup> hearing, Mr. Spee, a developer, expressed his belief that the design standards are fair and easy to understand. He said he hopes Mr. Spee is given an opportunity to put them to use.

**Roger Hertrich, Edmonds**, expressed his belief that design standards in the City have gotten out of hand. He referred to the new development that took place on Edmonds Way near the new veterinary clinic. He expressed his belief that the new buildings are totally out of scale and are placed too close to the street. He said he supports the provision that requires the portion of a building greater than 25 feet in height to be stepped back. He said the original intent was that buildings in the downtown would be primarily two story, so the setback provision would not be utilized significantly. He urged the Board to retain the setback requirement for the BD zones. He noted that the streetscape in downtown Edmonds allows the sun to come into the pedestrian area. If a third story is allowed without a setback, the buildings would start to close in and create a walled effect.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Vice Chair Stewart asked how other jurisdictions address the issue of blade signs. If “blade signs” is a common term, perhaps it would be appropriate to use the term in the proposed language and then define it as “a type of projecting signs.” Board Member Cloutier suggested a better approach would be to change “Decorative blade signs” in ECDC 22.43.040(B)(9) to “Projecting signs (including blade signs).”

Board Member Clarke referred to a projecting sign attached to the awning on the front of the new UPS store at Westgate Village. The sign is used to indicate the length of time a person can park in front of the building. While this sign is less than four square feet in size, it is out of character. Mr. Chave said he has not seen the sign, so he could not comment on whether it would be exempt from the total sign area by the proposed new provision.

Mr. Chave referred to the pictures submitted by a sign company to illustrate good examples of projecting signs. The projecting signs that currently exist in the downtown are permitted under the existing code. He explained that the sign code allows businesses to have one square foot of signage for each linear foot of building frontage. Window signs are not calculated as part of the total sign area. He emphasized that the proposed provision would not alter the sign code standards. However, the provision would allow a business to have one small projecting sign regardless of the total amount of sign area, as long as it meets the height requirement in the sign code, and is no greater than four square feet in size. This change will encourage blade signs where they might not otherwise be located.

**APPROVED**

The Board agreed that the second sentence in ECDC 22.43.040(B)(9) should be changed to read, "Projecting signs (including blade signs) of four square feet or less are permitted and are not counted when calculating the amount of signage permitted for a business in ECDC 20.60." They also agreed that a definition for "blade signs" could also be added to the sign code.

Chair Reed asked if it would be possible to change the language in ECDC 22.43.040(B)(9) to address Board Member Clarke's earlier concern about the parking sign at the new UPS store. Mr. Chave said it is not possible to change the language to regulate sign content.

Chair Reed pointed out that the correct title for ECDC 16.43.035 is "Design standards – BD zones." He also noted that the term "stepback" is used consistently throughout ECDC 16.43.030(C)(2)(b). He asked if that means that, absent of a sloped roof, a stepback would still be required for the portion of a building above 25 feet in height. Mr. Chave answered affirmatively. Chair Reed suggested the language should be clarified. Chair Reed said the drawings shown in Figure 16.43-3 are intended to illustrate how the stepbacks were originally designed to be applied. He asked if the drawings are still necessary if the stepback requirement is eliminated. Mr. Chave advised that the stepback requirement would still apply in the BD5 zone.

Chair Reed asked if the City Council considered retaining or at least encouraging the stepback for the portion of buildings over 25 feet or for a third story when they made the decision to eliminate the stepback requirement or if they were satisfied that adequate design standards would address their concerns. Mr. Chave answered that they did not. He explained that stepbacks are potentially counterproductive, considering some of the other building design in the downtown.

Chair Reed asked if the language in ECDC 22.43.060(B)(1)(j) was updated to incorporate the Board's February 13<sup>th</sup> comments. Mr. Chave recalled that the Commission discussed whether this item should include both "green walls" and "living walls." Board Member Duncan pointed out that green walls can be accomplished in several different ways. He suggested that perhaps the language should be a little more specific to require that the plant material must cover a certain amount of the wall upon installation. Chair Reed recalled that at the last meeting, Vice Chair Stewart suggested a definition for "green walls" and pointed out that "living walls" is another name for "green walls." At that time, she recommended that both "green walls" and "green facades" should be used in Item J. Mr. Chave suggested that Board Member Duncan's concern could be addressed by adding a footnote that requires a minimum coverage of 25% of the wall at the time of installation.

Regarding Mr. Hertrich's comment about whether or not the stepback requirement should be eliminated, Chair Reed clarified that the City Council has already made the decision to eliminate the stepback requirement, but they decided not to take formal action until design standards are in place to guide future development. They tasked the Board with making a recommendation regarding the appropriate design standards for the BD2, BD3 and BD4 zones. The Board has decided the best approach would be to simply apply the existing BD1 Design Standards to the other BD zones, with some minor changes. Board Member Clarke added that the Board has already forwarded a recommendation to the City Council that the stepback requirement be eliminated for the BD2, BD3 and BD4 zones, and the City Council concurred.

Board Member Clarke asked if projecting signs would be limited to one per building. Mr. Chave answered that the limit would be one projecting sign per business. He emphasized that the sign code would still limit the maximum amount of sign area allowed for each building, and the property owner would be responsible for parceling out the allowed sign area amongst the businesses located in the building. He said that, typically, projecting signs are placed near the street front entries where the pedestrian activity occurs. The businesses located on upper floors typically use window signs to identify their businesses. Board Member Clarke referred to the picture provided of the Dayton Place Building, which has multiple slats at the corner of the building to identify the various businesses located inside. Mr. Chave advised that this signage would be included as part of the overall sign area allowed for the building. However, he pointed out that directional signs, such as those at the corner of the Dayton Place Building are encouraged.

Mr. Clifton said that a lot of jurisdictions include pictures in their code to illustrate what a blade sign is. They are typically relatively thin compared to other signage. He encouraged the Planning Board to use the term "blade sign" rather than the more generic term of "projecting sign." He explained that blade signs can either project out from a building or hang from an awning. He noted that several business owners in the downtown have expressed a desire to install blade signs. It is

important to allow both projecting and hanging blade signs to meet the needs of each individual building. Board Member Cloutier pointed out that the actual code language states that projecting signs are “attached to or affixed to a building or wall in a manner that is no more than 12 inches from the surface of the building or wall.” Mr. Chave explained that, traditionally, awnings are considered part of a building, which means that hanging signs would also be allowed. He cautioned against making more extensive changes to the sign code now, given that it will be reorganized and updated later in the year.

Board Member Duncan referred to ECDC 22.43.060(B)(1)(h) and asked if the design standards require artwork and wall graphics to cover a certain percentage of a wall. Mr. Chave answered that there is no minimum coverage for artwork and wall graphics. Given that there is no minimum coverage requirement for the other elements in ECDC 22.43.060(B)(1), Board Member Duncan questioned the appropriateness of identifying a minimum coverage for green walls. The Board remainder of the Board agreed.

**CHAIR REED MOVED THAT THE BOARD FORWARD ECDC 16.43 (BD—DOWNTOWN BUSINESS) AND ECDC 22:43 (DESIGN STANDARDS FOR THE BD ZONE) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS REVISED PER THE BOARD’S DISCUSSION. BOARD MEMBER CLARKE SECONDED THE MOTION.**

Board Member Lovell referred to the comments he made at the last meeting regarding the proposal. Since that time, he has listened to the comments and suggestions that have been offered and has read the various emails and written materials pertaining to the proposal once again. He reiterated his belief that the City does not need to adopt additional design standards for the BD2, BD3 and BD4 zones because the design guidelines set forth in the Comprehensive Plan are adequate. In addition, he believes the staff and developers have the ability to figure out what is appropriate for downtown Edmonds, given the design guidelines contained in the Comprehensive plan and the zoning regulations. He said he supports the proposed provision that would exempt blade signs from the sign code area calculation limitations, but he will abstain from voting on the motion because he believes the recommendation the Board forwarded to the City Council in 2011 is very adequate and appropriate.

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

**DISCUSSION ON INCREASING TIME FRAME FOR VALIDITY OF PRELIMINARY SHORT PLAN APPROVAL (FILE NUMBER AMD20130002)**

Ms. Machuga said the purpose of this discussion is to consider the option of increasing the time frame for validity of preliminary short plat approval for subdivisions of fewer than five lots. She briefly reviewed the current short plat process, which consists of three phase:

- During the **Preliminary Review**, the City reviews the proposal based on the zoning regulations, critical areas regulations, etc. and identifies the conditions necessary for the subdivision to comply with the code. This process takes about three to five months to complete.
- As part of the **Civil Review**, an applicant provides more detailed engineer drawings showing the proposed civil improvements. This process usually takes three months to complete.
- During the **Final Review**, the City reviews the final documents to make sure all of the conditions from the preliminary approve are met. This process typically takes about a month to complete.

Ms. Machuga explained that the current code causes preliminary approval of short plats to expire after five years. That means an applicant has five years after preliminary approval to complete the civil and final review processes and for the subdivision to be recorded. She advised that in 2010 and 2012, the State extended the time frame for formal subdivisions (five or more lots) to allow up to seven years for final approval if preliminary approval is issued on or before December 31, 2014. The time frame for final approval for formal subdivisions that received preliminary approval before December 31, 2007 was extended to nine years. The time frame reverts back to five years for final approval when preliminary approval is issued on or after January 1, 2015. However, state law does not mandate a deadline for short plats, so it is up to each jurisdiction to determine the appropriate time frame. She advised that some jurisdictions have changed their time frames for short plat approval to mirror the state’s time frames for formal plat approval. She referred to Attachment 1, which provides a sampling of time frames established by other local jurisdictions for short plat approvals.

**APPROVED**

Ms. Machuga provided a chart to illustrate the number of applications the City received for preliminary short plat approval from 2005 through 2102. The chart also identifies the number of applications that expired before final approval was obtained. She advised that about half of the applications that expired had reached the civil review stage, and several got part way through the final phase but were never recorded.

Ms. Machuga said staff presented this issue to the City Council's Planning and Public Works Committee on February 11<sup>th</sup>, and the Committee felt it would be appropriate to increase the current five-year time frame and/or add provisions for an extension to the current time frame. They moved to forward the item to the Planning Board for discussion and a public hearing. Ms. Machuga cautioned that vesting is always a consideration when changing time frames. When time frames are extended, it potentially means that newer regulations will take longer to implement through actual development. She particularly referred to the City's stormwater requirements and explained that as stormwater codes are updated, they typically become stricter than the previously established requirements. She emphasized that the timing for vesting to code requirements should be taken into account when determining whether the validity of a preliminary short plat approval should be increased. Something else to consider is whether or not the time frame for applications that have already expired should also be extended. They could also add a provision for the extended time frame to sunset after a certain date.

Board Member Lovell asked for further clarification about the implications an extension could have on the City's ability to implement new stormwater requirements. Ms. Machuga explained that an application is vested to the regulations (including stormwater requirements) that are in place at the time of preliminary approval. Mr. Chave added that, once preliminary approval has been obtained, an applicant currently has five years to complete the civil and final review processes. An extension would allow more time, but it would also result in a longer period of time when an applicant is vested to potentially older conditions.

Board Member Duncan asked if it would be possible for the extension to be contingent upon how close an application is to current code standards. Mr. Chave said that not only would this be difficult; but given the time frames they are talking about, it would probably be unnecessary. For example, the changes to the stormwater code over the next few years will not likely be significant.

Board Member Clarke expressed his belief that the issue could be adequately addressed by increasing the time frame for short subdivision approval to be consistent with the state's extension for formal subdivision approval. In addition to increasing the time frame for short plat approval, Ms. Machuga said staff believes it would also be helpful to have the option of extending both short plat and formal subdivision applications for a short time to relieve pressure as the deadline approaches. She cautioned that if the Board recommends an increase in the time frame for short plat preliminary approval, they should also recommend a sunset provision similar to the current state law for formal subdivisions. She pointed out that, in a good economy, short plats can be completed in six months to a year.

If the Board recommends a time frame for short plats that is similar to the state's timeline for formal subdivisions, Board Member Clarke asked if staff is also recommending an additional extension option for both short plats and formal subdivisions. Mr. Chave clarified that the issue currently before the Board can be addressed by simply applying the state's current time frame for formal subdivisions to short plats, as well. He cautioned that the issue related to extensions for both short plats and formal subdivisions is more complicated and could be dealt with as part of the code reorganization and update process. He emphasized that the change is needed to address current economic problems. Getting into a long, drawn out discussion about the time frame and potential options for extension could postpone final action until the window is passed. He advocated keeping the solution simple at this time.

Chair Reed asked if all code requirements are vested at the time of preliminary approval. Mr. Chave answered that only the development regulations pertaining to the subdivision of land are applicable to short plat and formal subdivision applications. All other building and development code requirements would be addressed as part of a building permit application. Board Member Duncan asked if a preliminary short plat approval would be transferrable to a new owner. Ms. Machuga answered affirmatively.

Mr. Chave commented that if the Board recommends an extension of the time frame for current applications, it seems only fair to grant extensions for recently expired applications, as well. Ms. Machuga pointed out that nine short plat applications

expired in 2012 and three have expired in 2013. Several of these applicants had already started the civil review process. Because of the current economy, the availability of financing, and the speculative nature of development, Board Member Clarke felt this would be a fair option to consider.

Two members of the audience indicated a desire to speak to the Board about the timeline for short plat preliminary approval, and the Board unanimously agreed to allow them an opportunity to speak.

**Steve Miles, Edmonds**, said his preliminary short plat approval expired in January 2013. Knowing of the impending expiration, he looked into possible solutions. He was excited to learn about the state's extended timeline for formal subdivisions, but was disappointed to discover that it did not apply to short plats. He continued to research the issue and contacted State Representative Jan Angel, who co-author the state provision related to formal subdivisions. She was surprised to learn there was a distinction between short plats and formal subdivisions. She said she fully meant for the law to apply to both situations. He said he is not a builder or a developer, and he has owned his property for 30 years. It took four years to complete the preliminary short plat approval, leaving only one construction season to build. The outcome of the project is now worth only one third of its value when he originally applied for the short plat in January 2008. He expressed his belief that the new state law was meant specifically for his situation. He urged the Board to consider changing the short plat timeline to be consistent with the state timeline. He said that although only two new homes would be constructed on his property, he has agreed to voluntarily upgrade the stormwater system to accommodate four homes.

**Donna Bresky, Civil Engineer**, said she was recently approached by a client regarding property that has preliminary approval from the City of Edmonds for a three-lot short plat that expires in March. She said staff's explanation of the short plat process left out the fact that after completing the preliminary and civil reviews, an applicant must also complete actual construction of the subdivision (stormwater, sewer stubs, frontage improvements, surveys, etc.) before obtaining final approval for the short plat to be recorded. While the current time frame for short plat approval is sufficient in a good economy, the recent recession made it difficult for developers to obtain financing to complete construction of the subdivision improvements. While the financing situation has improved, she was shocked to learn that the City watched nine short plat applications expire in 2012 without taking action to extend the timeline. She said she approached City staff, pointing out that other cities have already extended their timelines. Staff's response was for her to take the issue to the City Council, which she did.

Ms. Bresky said that while she is glad the City is finally trying to address the issue, they should have taken action two or three years ago. She said she believes the Board has a clear understanding of the need for change. She said her client is looking to purchase a three-lot short plat with preliminary approval, but there is not enough time to do the civil engineering work and get final approval before the preliminary approval expires in March. She pointed out that extending the timeline for an additional two years, consistent with the state's extension for formal subdivisions, would allow developers enough time to complete construction work as weather conditions allow. She pointed out that if the proposed change is approved, her client will contract her to do the civil engineering work, which means money in her pocket. She emphasized that the recession has resulted in a difficult scenario for civil engineers.

As per the Board's discussion, staff agreed to prepare a proposal that would extend the time frame for preliminary short plat approval to be consistent with the state's time frame for formal subdivision approval, with a provision to address those applications that have already expired. The Board scheduled a public hearing on the proposal for March 27, 2013.

#### **DISCUSSION ON CITY-SPONSORED REZONE OF 22133 – 76<sup>TH</sup> AVENUE WEST**

Mr. Clugston said that as part of a potential redevelopment being considered at the Doug's Mazda site on Highway 99, staff did some research regarding a contract rezone that would be part of the project. He found that the rectangular parcel at 22133 – 76<sup>th</sup> Avenue West (Parcel A) was rezoned in 1988 from RM-2.4 to a contract CG. Unfortunately, the zoning map was not properly updated at the same time. This parcel should have been shown as a contract CG designation and the small area to the northwest (Parcel B) should have remained as RM-2.4.

Mr. Clugston further explained that in 1995, the City sponsored and approved an area-wide rezone for most of the remaining RM-2.4 parcels, with the clear intent of rezoning the whole area between 220<sup>th</sup> and 224<sup>th</sup> from 76<sup>th</sup> Avenue West to Highway 99 to CG2. However, because the 1988 contract rezone was not accurately shown on the zoning map, the area was not

included in the 1995 rezone. He said the current zoning map still shows incorrect zoning for Parcels A and B. Parcel A is shown as contract CG2 and should be Contract CG, and Parcel B is shown a CG and should be RM-2.4. Although the problem could be corrected by administratively updating the zoning map to accurately reflect the zoning designation, it would not reflect the City Council's 1995 action that zoned the entire area between Highway 99 and 76<sup>th</sup> Avenue West as CG2. Staff recommends that a city-sponsored rezone of Parcels A and B would finally bring the properties into alignment with the larger area and eliminate confusion about possible redevelopment of the site.

Mr. Clugston advised that staff has contacted the property owner, Mr. Ikegami, but has not received a response. However, they anticipate he will support the proposed change. He will likely be glad to have the issue resolved. Board Member Clarke pointed out that the Comprehensive Plan identifies the properties as CG. Therefore, the proposed CG2 zoning would be consistent with the Comprehensive Plan.

The Board agreed to schedule a public hearing on the rezone application for March 27, 2013.

### **DISCUSSION ON EDMONDS WAY ZONING**

Mr. Chave explained that the recent "Compass" development along Edmonds Way was completed under the new zoning classifications of Edmonds Way Community Business (BC-EW) and Multi-Family (RM-EW). The BC-EW and RM-EW zones were proposed by a private developer and were intended to be an Edmonds Way flavor of the standard Commercial Business (BC) and Multi-Family (RM) zones. He recalled that the standard BC zone was originally created to apply to the downtown properties. The BC zoning in the downtown was superseded by the new Business District (BD) zones, but there are still other properties in the City zoned BC.

Mr. Chave advised that concerns have been raised about the development that resulted from the two new zones, and the City Council has asked the Planning Board to review the BC-EW and RM-EW zoning designations and recommend appropriate changes. He said that setbacks are of particular concern. Many have expressed concern that the development is too close to the Edmonds Way Corridor and is out of character with surrounding development. In addition, Council Member Petso has asked the Board to review the incentives and standards for low-impact development. He noted that in terms of future development potential, there are no other properties zoned RM-EW along the SR-104 Corridor, but there are two undeveloped properties that are zoned BC-EW. Chair Reed pointed out that other property owners could request a rezone to one of the two new zoning designations.

Chair Reed commented that the BC-EW and RM-EW zones were reviewed by the Planning Board in December 2006, which was his first meeting as a Planning Board Member. The Planning Board voted to recommend denial of the application because there was no specific proposal attached. In January of 2007 the City Council voted against the Planning Board's recommendation and approved the two new zoning designations. He noted that none of the current City Council Members were serving on the Council at that time. He asked how the properties were rezoned to the new zoning designations. Mr. Chave said this was done through the standard rezone process.

Mr. Chave summarized that, after seeing the type of development that can potentially result from the two new zones, the City Council has asked the Board to review the BC-EW and RM-EW development standards and recommend appropriate changes. He particularly noted the language that calls for incorporating low-impact development techniques where feasible. Although the Compass development incorporated rain gardens and some other type of low-impact development to meet the letter of the zoning requirement, he suggested that basing low-impact development on feasibility is probably not the best approach. He cautioned that the Board should focus their review on the actual BC-EW and RM-EW zoning provisions rather than the locations where the zoning is currently located. He noted that the RM-EW zoning provisions are more modest than the BC-EW zoning provisions. The RM-EW zone allows up to 35 feet in height, which is not out of proportion with Edmonds Way. However, the taller buildings allowed in the BC-EW zone have raised concern, particularly due to the lack of setbacks.

Board Member Clarke asked if the Comprehensive Plan contains specific guidance regarding the BC-EW and RM-EW zones. Mr. Chave said the Comprehensive Plan includes some general language about the Edmonds Way Corridor. He suggested one option would be to incorporate design standards or design guidelines into the zoning language. However, he

felt it would be better for the design guidelines to apply to the entire corridor rather than just two specific zones. He suggested the Board focus their discussion on concrete zoning provisions such as setbacks and height limits.

Board Member Lovell asked if the City has received any development proposals for the other properties zoned BC-EW. Mr. Chave indicated that no applications have been submitted. Board Member Lovell commented that some City Council Members seem to think this is an emergency issue, and they have attempted unsuccessfully to place a moratorium on building in the BC-EW zones. Chair Reed advised that the issue has been scheduled for continued Board discussion on April 24<sup>th</sup>. Mr. Chave invited the Board Members to forward their additional comments to staff. Chair Reed reported that he received a letter from Council Member Petso, which he forwarded to each Board Member.

Board Member Clarke referred to the City Council Minutes, which suggest the need to consider the 40 mile per hour speed limit on Edmonds Way, particularly related to ingress and egress. Mr. Chave pointed out that access points are carefully controlled by engineering standards. He felt the main issues of concern center around whether or not the development and design standards are consistent with the overall character of the Edmonds Way Corridor.

### **REVIEW OF EXTENDED AGENDA**

Chair Reed announced that a Planning Board Retreat is scheduled for March 13<sup>th</sup> at 6:00 p.m. Topics of discussion will include the following:

- How Vision 2040 and the Growth Management Act will affect projects the Board is working on.
- A presentation by Stephen Clifton regarding the Strategic Plan items that will involve the Development Services and Parks, Recreation and Cultural Services Departments, which both fall under the Planning Board's umbrella. Mr. Clifton will discuss where they are in the process and how the Board will work with staff to complete some of the projects identified in the plan.
- Code reorganization, which is intended to make the code easier to work with.
- A discussion with Mr. Chave regarding budget cuts that will impact the Development Services Department and Planning Board.

Chair Reed advised that the March 27<sup>th</sup> agenda will include a public hearing on the Westgate Plan and form-based code, a public hearing on increasing the time frame for validity of preliminary short plat approval, and a public hearing on a rezone to correct the map for parcels at 22133 and 22121 – 76<sup>th</sup> Avenue West. The Board will continue their discussion regarding the BC-EW and RM-EW zoning classifications on April 10<sup>th</sup>.

Chair Reed announced that the City Council will continue their discussions regarding the Harbor Square Master Plan on March 19<sup>th</sup>. He reminded the Board that the City Council voted not to reject the plan by a vote of 4-3. Now they are considering changes and modifications to the existing plan.

### **PLANNING BOARD CHAIR COMMENTS**

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

### **PLANNING BOARD MEMBER COMMENTS**

Vice Chair Stewart informed the Board that she and Board Member Duncan would make a presentation to the City Council regarding "sustainable design" on March 5<sup>th</sup>. She invited the Board Members to share additional guidance with them before the presentation.

Board Member Lovell reported on his attendance at the February 20<sup>th</sup> Economic Development Commission (EDC) meeting where the following items were discussed:

- It was proposed that the EDC form a Communications and Community Outreach Subcommittee, with the goal of enhancing communications between the EDC and the City Council. Council Member Bloom suggested one way to

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start would be for each of the EDC Members appointed by a specific Council Member to arrange separate meetings with the City Council Members to exchange ideas and thoughts.

- The EDC has drafted an ordinance and updated the matrix related to permitted uses in the downtown zones. As proposed, the ordinance would limit the BD1 zone to strictly retail uses. The EDC has not explored the nature of what kinds of services would be allowed, but the goal is to have only retail uses in the front 45 feet of the ground floor space in the BD1 zone. Concern has been expressed that this change would limit property owners' flexibility. He suggested that if the goal is to create a downtown retail area, they need more restaurants and places of entertainment. He pointed out that this would be difficult to accomplish because many of the existing structures in the BD1 zone would require major retrofits to meet the current code requirements, particularly for restaurant uses. The EDC has not acted upon the ordinance yet.
- The Tourism Subcommittee reported on a investigative study led by Commissioner Dewhirst regarding the potential of introducing gaming casinos in the Highway 99 area of Edmonds. While significantly more work is needed, the study identified the substantial amount of revenue that is generated by gaming establishments in neighboring jurisdictions.
- The Technical Subcommittee, led by Commissioner Haug, reported on the City's expansion of its fiber optic network, which is going well. New users are signing up, and the cable has been extended to the Port of Edmonds and other areas in town.
- The Strategic Plan Subcommittee advised that they are waiting for the City Council to adopt the final Strategic Plan. The final draft of the Strategic Plan is available and will be reviewed by the Strategic Plan Steering Committee before it is presented to the City Council for action.
- The Land Use Subcommittee, led by Commissioner Senderoff, reported on the concept of introducing a business incentive program to encourage development and higher uses of commercial properties in Edmonds through tax relief. A study has been undertaken, but no action has been taken by the EDC.
- Francis Chapin, Cultural Services Manager, reported that Mayor Earling will present his "State of Edmonds" address at the Wade James Theater on March 13<sup>th</sup> at 8:30 a.m. In addition, an Arts Summit in Edmonds is scheduled to take place on June 29<sup>th</sup>.

Chair Reed recalled that at an earlier meeting, staff informed both the EDC and the Planning Board that zoning modifications must come through the Planning Board, and this would include the EDC's proposal to limit uses in the BD1 zone to retail only. Board Member Lovell questioned if it is within the EDC's purview to forward items to the Planning Board for consideration. Mr. Chave answered that the City Council authorizes the Board's actions, and they directed the EDC to work on this issue with the Planning Board.

Board Member Lovell reported that he received information in the mail regarding a petition to stop the proposed new development at the top of the Point Edwards Property. Mr. Chave advised that this project is currently before the Architectural Design Board for review and will not come before the Planning Board.

Board Member Duncan invited Board Members to share concrete examples of how sustainable design and using low-impact development technology can result in construction and operating cost savings.

## **ADJOURNMENT**

The Board meeting was adjourned at 9:18 p.m.

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