

APPROVED JANUARY 8TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

December 11, 2013

Chair Reed called the meeting of the Edmonds Planning Board to order at 7:02 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

John Reed, Chair
Valerie Stewart, Vice Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Philip Lovell
Neil Tibbott
Madeline White (Student Representative)

STAFF PRESENT

Rob Chave, Development Services Director
Mike Clugston, Senior Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Ian Duncan (excused)

READING/APPROVAL OF MINUTES

Although not in attendance at the November 13th meeting, Chair Reed offered the following clarifications to the minutes (not corrections):

- The illustration referred to in the 7th paragraph on Page 16 was actually prepared by Board Member Lovell and not Chair Reed.
- Referring to the second to the last paragraph on Page 18, he noted that he had not yet notified the Board of his plans to resign, and Board Member Cloutier had already notified City staff of his desire to continue.

BOARD MEMBER LOVELL MOVED THAT THE MINUTES OF NOVEMBER 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

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

PRESENTATION BY MAYOR EARLING

Mayor Earling commented that one great benefit of the Planning Board and Architectural Design Board is that its members often serve more than one term. He announced that Board Member Reed joined the Planning Board in 2006 and is stepping down at the end of this meeting. Board Member Reed has shown great leadership and has been an active voice for a long time on the Planning Board. He presented Board Member Reed with a paperweight to thank him for his many years of volunteer service to the Planning Board and the City as a whole.

PUBLIC HEARING ON AT&T/BUSCH LAW FIRM PROPOSAL TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE TO ADDRESS THE LEGAL STATUS OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) THAT WERE BUILT PRIOR TO OR JUST AFTER ADOPTION OF THE CITY'S ORIGINAL WIRELESS ORDINANCE (FILE NUMBER AMD20130005)

Mr. Clugston advised that this proposal was put forward by the Busch Law Firm on behalf of AT&T, and Ken Lyons, from the Busch Law Firm, was present to present the proposed amendment. He referred the Board to Exhibit 1, which is AT&T's original code proposal. He explained that Exhibit 3 is basically the same proposal, but it includes edits that were recommended by the City Attorney to make the language more consistent with existing City code. He recommended the Board recommend approval of the language contained in Exhibit 3.

Ken Lyons, Busch Law Firm, explained that the proposed amendment is intended to deal with facilities that were built in the period of time just prior to and after adoption of the Federal Telecommunications Act, which is close to the same time the City adopted its first Wireless Telecommunications Facilities (WTF) ordinance. He indicated that he received a copy of the City Attorney's recommended changes, and he believes they accomplish the same thing as the original proposal. He said he supports the change and thanked staff, the City Attorney and the Planning Board for taking the time to carefully consider the amendment.

Chair Reed clarified that, as proposed, the language outlined in Exhibit 3 would replace the language in ECDC 17.40.023.A, which is the City's WTF Ordinance.

Chair Reed opened the public hearing. As no one in the audience indicated a desire to participate, the hearing was closed.

BOARD MEMBER CLARKE MOVED THAT THE BOARD FORWARD THE PROPOSED AMENDMENT TO ECDC 17.40.023.A TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS OUTLINED IN EXHIBIT 3. BOARD MEMBER CLOUTIER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING ON CLARIFICATIONS TO WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) REGULATIONS IN ECDC 20.50 AND 17.40.020 (FILE NUMBER AMD20130016)

Mr. Clugston advised that in addition to some minor changes to improve internal consistency and resolve confusion, changes have also been proposed to bring the City's WTF regulations into consistency with new regulations from the Federal Communications Commission (FCC). Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 provided the wireless industry with additional flexibility regarding modification of existing WTFs. Specifically, cities may not deny, and shall approve any eligible request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station. The proposed amendments to ECDC 20.50 and 17.40.020(J) would make the City's regulations consistent with Section 6409. He referred the Board to the following exhibits that were contained in the Staff Report.

- Exhibit 1 outlines the proposed code changes.
- Exhibit 2 contains the minutes from the Planning Board's last discussion on the proposed amendments on November 13, 2013.
- Exhibit 3 contains excerpted plan sheets and elevations to familiarize the Board with existing situations.
- Exhibit 4 a letter from Ken Lyons, Busch Law Firm, dated December 11, 2012.

Mr. Clugston referred to the proposed new language for ECDC 20.50.010(F), which was taken directly from Section 6409 of the act. As proposed, it would read:

“Specifically, the City may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station. An eligible facilities request includes any request for modification of an existing wireless tower or base station that involves: co-location of new transmission equipment; removal of transmission equipment; or

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replacement of transmission equipment. Any changes proposed to nonconforming wireless communications facilities must meet the criteria in ECDC 17.40.020(J).”

Mr. Clugston advised that a new subsection ECDC 17.40.020(J) was also proposed to address nonconforming WTF’s. He reminded the Board that there are currently two nonconforming WTF’s in the City. The proposed change is a specific response to Section 6409, which provides the wireless industry with some flexibility for co-locating facilities. As proposed, ECDC 17.40.020(J) would read:

“The antenna and related equipment of a nonconforming Wireless Communications Facility may be completely replaced with a new antenna and related equipment that occupies a substantially similar air space as the old antenna and related equipment, provided that, upon replacement, the applicant shall use the best available materials to enhance the appearance of the antenna and/or screen it from view in a manner that reduces the extent and/or conspicuity of the nonconformity.”

Next, Mr. Clugston referred to the proposed amendment for ECDC 20.50.080(A)(3)(b). Instead of being applicable to just monopoles, the proposed change would make this section applicable to existing monopoles, buildings and structures. However, after further consideration, staff is concerned that the proposed language does not really get at what the City wants to see for these particular sites. While he agrees with the concept of making the language broader to include structures and buildings, the proposed change may not adequately address concerns. Therefore, he recommended that the change be eliminated from the proposed amendment and considered at a later time. He noted that Mr. Lyons, from the Busch Law Firm, proposed slightly different language for this section.

Board Member Ellis pointed out that Table 20.50.060(B)(1) should all be on one page to make it easier to follow. Mr. Clugston agreed that the table should all be on the same page in the final version of the ordinance.

Chair Reed opened the public hearing.

Mike Lyons, Busch Law Firm, said he was present to represent AT&T. He advised that he has been involved in updating local codes related to Section 6409 throughout Washington and Oregon. He explained that Section 6409 is a new co-location law, and the intent was to streamline the process for upgrades and additions. He noted that the pace of technology has moved forward quickly, yet many local jurisdictions are still treating co-locations as if they were new facilities. He provided a copy of Section 6409, as well as additional information from the FCC to clarify the new law.

Mr. Lyons advised that AT&T and the Busch Law Firm supports the idea of adding language from Section 6409 into the City’s WTF ordinance. He said he has worked with numerous jurisdictions to incorporate the new law into local code. Throughout the process, jurisdictions have expressed concern about allowing an existing monopole to increase in height. They do not want to see the height of the monopole raised over and over again. He suggested it would make sense to limit height increases to just one time over the height that was originally approved. Jurisdictions have also indicated that they want providers to maintain the designs that are originally approved. For example, they do not want to see flagpoles turned into top hat designs. Also, existing screening should be continued when additional antennas are added. He suggested these are common sense limitations that the proposed amendments are intended to address.

Mr. Lyons referred to staff’s recommendation to eliminate the changes to ECDC 20.50.080(A)(3)(b) from the proposed amendment for the time being. He pointed out that the State has adopted new State Environmental Policy Act (SEPA) exemptions that relate to monopoles, structure and buildings. In addition, the FCC’s definition was based on one type of installation (monopole), the common reading of the text of the language talks about an existing tower or base station. A base station is defined as a facility that may be attached to rooftops and buildings. That is why it is reasonable for the provisions in ECDC 20.50.080(A)(3)(b) to apply to not only to towers (monopoles), but to buildings and structures, as well. However, he agreed that additional language could be added to protect against increases in height and changes to the original design.

Mr. Lyons said that in addition to his concern about ECDC 20.50.080(A)(3)(b), he would also like the Board to consider the following changes (see Exhibit 4):

- Table 20.50.060(B)(1). He suggested that the language be modified to only apply only to new facilities and not existing facilities that are being modified pursuant to Section 6409. He explained that the provision was intended to apply to utility pole replacements in the public right-of-way, where existing utility poles would have to be replaced to accommodate wireless facilities. However, as written, it would appear that a Conditional Use Permit would be required to increase the height of other kinds of facilities that are subject to Section 6409. He expressed his belief that it does not make sense to require a provider to go back through the process just to modify an existing pole. To clarify the requirements further, a reference to ECDC 20.50.080(A)(3)(b) could be added to this section.
- ECDC 20.50.130. He suggested that this provision be modified slightly to clarify that only “substantial changes,” as defined by Section 6409 and noted in ECDC 20.50.080(A)(3)(b), would be subject to a new Conditional Use Permit application.
- ECDC 17.40.020(J). He suggested this provision be modified to allow for the addition of new antennas and equipment, consistent with Section 6409, and that staff be provided the flexibility to approve modifications that would not otherwise substantially increase visual impacts.

Mr. Lyons said it is important that staff have enough flexibility to allow facilities to be upgraded in a way that is consistent to the original approval and compatible with the area, but not so strict that carriers are precluded from upgrading sites. He suggested the following language for ECDC 17.40.020(J) would address this need and be consistent with Section 6409:

“The antenna and related equipment of a nonconforming Wireless Communication Facility may be completely replaced with a new antenna and related equipment, provided that, upon replacement, the applicant shall use the best available materials to enhance the appearance of the antenna and/or screen it from view in a manner that does not substantially increase the visual impact or the conspicuity of the nonconformity.”

Mr. Lyons summarized that, overall, cities want the original design to be maintained. The proposed language for ECDC 17.40.020(J) would provide staff with enough latitude to require screening that is architecturally compatible. The intent is to look at the design more from a visual impact standpoint rather than the amount of air space the equipment would occupy. He concluded that, overall, he supports the proposed amendments, as presented by staff, with the changes he outlined above.

Board Member Tibbott asked Mr. Lyons to give the Board some idea of the direction wireless equipment is heading. Mr. Lyons answered that demand will continue to increase at a fast pace, which will require providers to continually upgrade existing facilities to incorporate new technology and more frequency. Although technology is actually getting smaller, providers must add equipment that is capable of supporting a greater number of frequencies, which often expands the size of the facility. In addition, the State of Washington requires carriers to provide four-hour battery backup at all their sites, and the required batteries are typically stored in cabinets. The goal is to attach the updated and/or expanded technology to existing poles, structures and buildings rather than creating new sites.

Mr. Lyons said that in addition to upgrading existing sites, providers are continually adding new sites. The most common location for WTFs in residential neighborhoods is one existing utility poles because they are the only tall, vertical structures available. However, providers have gotten better at making the new facilities more compatible with the surrounding neighborhoods.

Board Member Lovell asked Mr. Lyons to comment further on his previous statement that jurisdictions are typically concerned about providers increasing the height of existing monopoles or changing them so they no longer resemble the original design. He said his understanding is that the FCC does not allow municipalities to stop the providers from updating existing facilities and creating new facilities to provide better service to customers. He asked at what point the cost associated with adding new technology would become so significant that a provider would have to find some other, less-costly way to provide the needed service or pass the additional costs on to customers. Mr. Lyons said it is fair to say that customers expect wireless service to be as reliable as their landlines. He noted that 35% of residential homes no longer have landlines, and 65% only use landlines for emergency purposes. People want the ability to use wireless phones inside their homes, and this can only be done by providing facilities closer to where people live. He noted that most older codes only allowed wireless facilities in commercial zones, which no longer meets the growing demand for service.

Mr. Lyons said he anticipates that in that in the not too distant future, WTF's will be treated less like private providers and more similar to public utilities; and the Board has an important role as change evolve. The Telecommunications Act preserves local jurisdictions' right to regulate the use, and they can set limitations on their location and design, as long as the requirements do not have the affect of denying a provider's ability to site a facility. Because local jurisdictions have some ability to regulate WTFs, providers have made more effort to screen the facilities and make them more aesthetically pleasing than in the past. The idea is that since providers must figure out a way to build more facilities, they must come up with creative solutions that benefit customers and integrate the facilities into the neighborhoods they serve.

Board Member Ellis said his interpretation of Section 6409, as well as the proposed language in ECDC 20.50.010(F), is that the City cannot require a provider to start the permitting process over again when proposing to upgrade or replace an existing facility unless the dimensions of the tower or base station would be substantially changed. He asked if the term "substantially change" is defined in Section 6409. Mr. Lyons referred to a public notice issued by the FCC, which clarifies the requirements of Section 6409. He explained that while Section 6409 does not define what constitutes a "substantial change" in the dimensions of a tower or base station, the FCC has provided a four-prong test to make this determination. The language proposed in ECDC 20.50.080(A)(3)(b) is very similar to the language contained in the FCC's interpretation.

Mr. Lyons said the FCC's interpretation also clarifies the term "wireless tower or base station." A tower is defined as "any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities." A base station is described as "radio transceivers, antennas, coaxial cable, a regular or backup power supply, and other associated electronics." The FCC made it clear that Section 6409 applies to the co-location, removal, or replacement of equipment on a wireless tower or base station. They also indicated it would be reasonable to interpret a base station to include structures, as well. He summarized that the FCC's interpretation is that state and local governments "may not deny, and shall approve, any eligible facilities request. . ." However, they can require an application to be filed for administrative approval.

Board Member Tibbott observed that there is no quantifiable measure for determining what is "substantial change." Board Member Clarke pointed out that ECDC 20.50.080(A)(3)(b)(i) provides specific limitations for how much additional height and width would be allowed on an existing structure. He asked if the City would have the ability to limit height if technology requires a greater height. Mr. Lyons noted that monopoles in the General Commercial zone are allowed a height of 75 feet. A greater height would be allowed with a Conditional Use Permit.

Vice Chair Stewart expressed concern that existing utility poles are being used a lot for co-location, and they can end up being bulky in appearance. She suggested that there is too much haste in getting the facilities up and not enough consideration is given to their aesthetic impact. She noted that, currently, there is little or no process required. Mr. Lyons said it is amazing what SEPA will allow utility companies to do without any type of permit requirement. Wireless facilities, on the other hand, are required to go through a land-use process. All of the good and easy locations for WTFs are taken, and they are now working to place them in more sensitive environments where they must do a better job of locating them so they blend into the area.

Vice Chair Stewart asked if the City's WTF regulations have provisions that require providers to remove equipment and structures they no longer use. Mr. Lyons answered affirmatively.

Board Member Clarke referred to the proposed amendment to ECDC 17.40.020(J), which relates to nonconforming WTFs. He asked if it would be possible to include a sunset provision that would require that illegal and/or nonconforming WTF's eventually go away. He also expressed his belief that, at the very least, the City should have the ability to require a higher standard for WTF's that are nonconforming so they are made more attractive when changes occur. He reminded the Board that, typically, owners receive payment for allowing providers to locate WTF's on their buildings. He felt the City should have the ability to require a facility that is unattractive and out of date to be upgraded, and the proposed language would not provide this opportunity.

Board Member Clarke noted that the first line in ECDC 17.40.020(J) includes the phrase "and related equipment." He suggested this same phrase should be added to the last line after the word "antenna." This would allow the City to apply the screening requirement to both the antenna and the related equipment.

Mr. Lyons explained that Section 6409 gives carriers the ability to upgrade their sites. The question becomes how much authority does the local jurisdiction have to condition the upgrade? He agreed that local jurisdictions should have the ability to condition WTF's to make them look better, as long as the conditions do not cross over the line of having the effect of being a denial. For example, requiring a 20-foot landscaped area around an existing utility pole may be considered an effective denial. Board Member Clarke disagreed. However, it would be up to the provider to decide if the project would be economically feasible based on its model and the City's criteria. Mr. Lyons said AT&T recently had an experience where a local jurisdiction required a significant landscaped area, which would have required the removal of a number of parking spaces. The provider did not own the property, and the parking spaces were needed for the property owner to meet the parking requirement. Again, he said he is not opposed to reasonable conditions that are intended to improve the appearance of a site. However, the requirements must recognize that, in most cases, the providers do not own the underlying property. Most leases provide some latitude for minor modifications, and in some cases there is more opportunity for screening, etc. He said the recommended language in Exhibit 4 would give staff the latitude to condition the approval to whatever makes sense for the situation. Approval would be granted on a case-by-case basis. He cautioned against regulations that are too prescriptive. The intent of the proposed language is to require more screening where appropriate.

To address Board Member Clarke's concern, Mr. Chave pointed out that ECDC 17.40.020(J) uses the word "shall," which means that the provider would be required to use the best available materials to enhance the appearance of a facility. He agreed that adding the words "and related equipment" after the word "antenna" in the last sentence of ECDC 17.40.020(J) would be appropriate. He noted that this change would make the language all encompassing. It not only talks about screening, but the overall appearance of the facility must be considered. In some cases the best solution would be to paint antennas to blend in with the skyline. In other cases, screening may be more appropriate. The proposed language would allow the City to discuss the best options for achieving this goal with the provider.

Again, Board Member Clarke expressed his belief that ECDC 17.40.020(J) should require a provider to bring an existing nonconforming facility into code compliance if and when an update is done. Mr. Chave cautioned that the City must be cognizant of the federal law, which allows existing facilities to be upgraded. He said the purpose of ECDC 17.40.020(J) is to improve nonconforming situations over time.

Board Member Ellis compared the language proposed by staff for ECDC 17.40.020(J) to the language proposed by Mr. Lyons in Exhibit 4. He noted that the intent of the language in Exhibit 4 would require a provider to enhance the appearance and/or screen a WTF from view in a manner that does not substantially increase the visual impact or the conspicuity of the nonconformity. Rather than simply maintaining the status quo, the language proposed by staff would go a step further and require the provider to enhance the appearance in a manner that reduces the extent and/or conspicuity of the nonconformity. He asked Mr. Lyons to share his thoughts on the differences between the two proposals.

Mr. Lyons cautioned that the language proposed in ECDC 17.40.020(J) appears to have been created to deal with one specific site rather than apply universally to all nonconforming WTF's in the City. He pointed out that not all nonconforming sites are the same. In the two situations in Edmonds, one is nonconforming because it is located on the roof of the structure, and the other is nonconforming because the equipment is too wide. The alternative language he proposed in Exhibit 4 would tie the provision to the visual impact. The goal is to make sure the site does not look worse than it does today and better if possible. A provision that allows staff to assess the visual impacts would be better. He noted that it is possible to reduce the impact and still have an unsightly facility.

Chair Reed suggested that to address the issues raised by Mr. Lyons, the language in ECDC 17.40.020(J) could be changed to read, ". . . the applicant shall use the best available science to enhance the appearance of the antenna and related equipment and/or screen it from view in a manner that improves the visual impact or reduces the extent and/or conspicuity of the nonconformity."

Mr. Lyons indicated that the language proposed by Chair Reed would address AT&T's concerns and would allow enough flexibility for them to move forward with upgrades to their existing nonconforming facility in Edmonds, and it would address issues related to the other nonconforming situation, as well.

Mr. Chave said he supports the language proposed by Chair Reed for ECDC 17.40.020(J). In addition, he supports Mr. Clugston's recommendation to eliminate the proposed changes to ECDC 20.50.080(A)(3)(b) since they could potentially

complicate the provision in ECDC 17.40.020(J). He reminded the Board that the FCC has indicated they are still working on the rulemaking and interpretation. There has been some push back from other agencies regarding the FCC's interpretation, which is still in draft form. Therefore, including wording in ECDC 20.50.080(A)(3)(b) from the FCC's draft interpretation would be a mistake. It would make more sense to refer to Section 6409 and how it is ultimately interpreted. While the FCC's interpretation will have substantial weight, it will not be the final say.

Board Member Clarke recalled that, in some situations, the City has required a nonconforming property to be abated after a certain period of time. He asked if this concept could also be applied to nonconforming WTF's. Mr. Chave said there are provisions in the code that allow the City to require abatement of certain kinds of nonconformity. The provision is typically used when properties are annexed into the City such as a commercial use located in a residential zone. He reminded the Board that there are only two nonconforming WTF's in the City at this time, and the industry has indicated the locations are important to their networks and they do not have other alternatives. The FCC regulations make it clear that the City cannot require abatement of these sites.

Mr. Chave agreed that screening is not always the best approach for enhancing the appearance of a WTF. Screening on rooftop facilities could be more objectionable than the equipment, itself. He cautioned against requiring screening in all instances. The proposed language is intended to provide flexibility to have discussions about appearance at the time of installation and change.

As no one else in the audience indicated a desire to participate, Chair Reed closed the public hearing.

Chair Reed summarized the Board's discussion as follows:

- The Board Members generally concur with the language proposed by staff for ECDC 20.50.010(F).
- The Board also supports the proposed change that would add the word "new" before "monopole facilities" in the third line of Table 20.50.060(B)(1)
- Staff is recommending that the amendments to ECDC 20.50.080(A)(3)(b) be eliminated from the proposed amendment. However, Mr. Busch has expressed concern that he was unaware of the staff's proposal to eliminate the language and he would like more time to consider alternatives. The Board will need to decide if the language should be removed or modified to more accurately reflect the intent.
- The Board discussed the need to clarify what is meant by "substantial change."
- The Board discussed options for modifying ECDC to address concerns raised by the Board, the staff and Mr. Busch. At issue is whether the provision should require providers to improve nonconforming situations or simply maintain the status quo. The Board appeared to favor the language put forward by Board Member Reed.

Chair Reed recommended the Board continue the public hearing to a date certain for further discussion of the above mentioned items. It was noted that if Mr. Lyons is unable to attend the continued hearing, he could submit his comments in writing for the Board's consideration.

BOARD MEMBER ELLIS MOVED, SECONDED BY BOARD MEMBER TIBBOTT, TO CONTINUE THE PUBLIC HEARING ON FILE NUMBER AMD20130016 TO JANUARY 8, 2014. THE MOTION CARRIED UNANIMOUSLY.

WORK SESSION ON WESTGATE PLAN AND FORM-BASED CODE

Mr. Chave referred the Board to the latest draft of the Westgate Plan (Attachment 1), dated December 11, 2013. He noted that he also provided, via email, a draft version showing the changes that were made based on the Board's feedback at their last meeting. The most recent changes are identified in red. He reviewed that most of the changes were intended to deal with building location within the different quadrants. He recalled that the study prepared by the University of Washington mandated where buildings had to be located, and the Board raised questions about whether those locations would work in every case, particularly during the interim period. He advised that ECDC 16.110.010(C) outlines generally where they want the buildings to be, but it allows flexibility if a developer can demonstrate that a different location would make more sense. He summarized that the intent, over time, is for the buildings to migrate to a consistent location within the different

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quadrants, but the proposed language recognizes that this change will depend on the type and timing of future development. Staff believes that more flexibility is appropriate.

Mr. Chave advised that the Height Bonus Table, which outlines the requirements for obtaining a one-story height bonus, was also updated to make it clear that building height in the Westgate area would be limited to four stories. In no instance would five stories be allowed. The table was also updated to reflect comments submitted by Vice Chair Stewart and Board Member Lovell.

Mr. Chave explained that the proposed plan is geared towards the quadrant approach rather than treating the entire Westgate area as one development. He referred the Board to pictures he provided of the award-winning Orenco Station development in Hillsboro, Oregon, which illustrates the concept the City is trying to achieve with the Westgate Plan. While Orenco Station is much larger than the Westgate area, the commercial development fronts on a 45-mile-per-hour arterial that is actually wider than SR-104. He pointed out how the Orenco Station development works well with public space and buildings fronting on the highway. He commented that it is not so much that all the activity occurs along the frontage, but the buildings frame and act as a buffer between the roadway and the more active spaces on the side streets and behind. He particularly noted the picture of a farmer's market, which occurs behind the street front commercial space in the parking area that is adjacent to the side street. He also noted there are significant trees in the parking area, creating an attractive space for more public activity. He summarized that there is some advantage to having the buildings at the street front, not necessarily to create activity on SR-104, but it gives presence to create more amenities and open space inside the site by pushing the buildings out. When buildings are pushed back from the sidewalk, nothing but parking occurs between the street and buildings.

Vice Chair Stewart asked how far back from the right-of-way the buildings in the Orenco Station development were placed. Mr. Chave said he does not have the exact measurement, but it is basically the width of the sidewalk and a planting strip. The setbacks are close to those proposed in the Westgate Plan.

Board Member Lovell recalled that the City recently increased the setback requirement from 8 feet to a uniform 12 feet along SR-104 and 100th Avenue. He noted that these setbacks would be measured from the property line, and would be in addition to the right-of-way space.

Board Member Lovell commented that the City Council recently agreed to fund an additional study of the SR-104 Corridor. At a recent meeting of the Economic Development Commission (EDC), Mr. Williams, the City's Public Works Director, spoke about meetings the City has had with the Washington State Department of Transportation (WSDOT) regarding the long-term potential for SR-104. He said WSDOT informed the City that it has no plans to change the roadway at this time, but existing right-of-way width would allow for a slight expansion of the roadway width. Mr. Chave said the Public Works Director is confident that a 12-foot setback requirement would allow for future adjustments to the roadway width if deemed necessary in the future.

Board Member Lovell said he has given up on the concept of making the Westgate area bicycle and pedestrian friendly. The best they can do is screen the roadway from the activity areas. However, he supports setting the buildings back slightly and adding a landscaping buffer rather than placing the buildings right at the street front.

Chair Reed referred to the illustration on Page 25 that identifies the proximity allowed between landscaping and the various building types. He also referred to the illustration on Page 27 which shows the relationship between landscaping swales and pedestrians. He expressed his belief that providing more illustrations in the plan would be helpful. Mr. Chave agreed and suggested that they could incorporate actual photographs as examples of the concepts called out in the plan.

Vice Chair Stewart pointed out that requiring a 12-foot setback on 100th Avenue would still allow ample room for a bicycle lane. She suggested it would be helpful to include pictures in the plan to illustrate how a bicycle lane could work. Mr. Chave agreed that a bicycle lane would make the most sense on 100th Avenue, since it provides a link to other bicycle trails. Board Member Ellis asked if the bicycle lanes would be placed in the setback area or the right-of-way. Mr. Chave answered that that bike lanes are typically placed within the right-of-way, but they could be added within the setback area as a public amenity. The Board had a brief discussion about "sharrows," which is one option the City is using to mark bicycle routes on existing roadways. Board Member Clarke asked how the City could educate the general public about what "sharrow"

markings mean for both cars and bicyclists. The Board agreed that simply adding a bike strip on 100th Avenue would not necessarily provide a good solution.

Chair Reed commented that the plan should provide an illustration showing how all of the elements (bike lanes, right-of-ways, property lines, etc.) of the plan fit together. He expressed his belief that right-of-way allowance on SR-104 is important, even if WSDOT is not currently planning changes. The situation could change in the future if traffic is significantly increased as a result of development. Mr. Chave commented that, as per the recent traffic study, implementation of the Westgate Plan would not create a significant increase to westbound traffic on SR-104. The worst traffic problem is and will continue to be south bound on 100th Avenue, particularly the left turn lane at the intersection of SR-104. It is believed the problem is less about roadway width and more about signalization, and the City's Engineering Department is looking at adjusting the light to improve the queuing.

The Board briefly discussed the comments provided by Vice Chair Stewart via email regarding the Height Bonus Score Sheet. Vice Chair Stewart summarized that she is recommending that developers be awarded a greater number of points for meeting the higher LEED and Built Green standards. She also recommended that the Board consider allowing up to five stories for developments that meet the PassiveHaus or Living Building standards. She noted that these standards are very difficult to achieve. She advised that Kirkland was able to attract a PassivHaus project just by changing their codes to enable green building. She felt that this level of sustainable development should also be an option in Edmonds.

Board Member Clarke expressed concern that allowing an option for five-story development in Edmonds, regardless of how stringent the requirements are and the benefits provided to the community, would likely cause contention and make it difficult to obtain support for the Westgate Plan. He reminded the Board that height has been a contentious issue in the City in the past. Vice Chair acknowledged that allowing an option for five stories might not be appropriate for Edmonds at this time, but she still supports increased weighting for the higher levels of LEED and Built Green certification. She explained that meeting the lower Built Green and LEED standards is a self-verifiable process; but the higher levels require third-party verification, which involves a lengthier process and greater cost. If the City's intent is to encourage more sustainable development, they should offer more points for the more stringent standards.

Board Member Lovell asked Vice Chair Stewart to explain how sustainable development would benefit the citizens of Edmonds, in general. Vice Chair Stewart responded that sustainable development can result in a better indoor environment and protective features for the environment. She expressed her belief that everyone benefits from sustainable development, which is particularly attractive to a certain demographic of younger people. Mr. Chave said one of the most significant benefits of sustainable development is that it focuses a lot on energy and water, which are both resource based. Making buildings more efficient will reduce overall operating costs and decrease the need for utility infrastructure expansion in the future. He acknowledged that community benefits from sustainable development are not necessarily obvious on an individual basis, but applying the concept community wide can have a significant impact on overall utility structures and rates.

Chair Reed agreed that "green building" is an important aspect of sustainable development. However, other sustainable options, such as emphasizing walkability and encouraging less vehicular traffic, are also important. It is important that developers are required to incorporate a variety of elements as part of a sustainable development. Mr. Chave specifically noted that, as currently proposed, all development, regardless of height, would be required to meet a minimum Built Green or LEED standard.

Chair Reed referred to the table on Page 9, which outlines general allowed uses by floor for each building type, and questioned if this approach is too restrictive. Mr. Chave explained that there would be more than one option for any particular location. The idea is that not one size fits all, but there are choices on what kinds of buildings a developer could construct. He agreed that the table could be modified based on Board feedback.

Board Member Lovell pointed out that the only diagrams currently provided in the plan to show where development could occur and what building types would be allowed are located on Pages 7 and 9. There are no drawings or diagrams that support the quadrant concept other than the map that identifies the location of the four quadrants. Mr. Chave noted there is also a diagram on Page 34, which identifies the properties that are eligible for four-story development. He suggested that the illustrations contained in the University of Washington's study could be referenced in the plan. He commented that the

overall verbiage contained in the plan is intended to focus on the quadrant concept, but adding diagrams to illustrate the concept would be worthwhile.

Board Member Ellis pointed out that in the heading for Table 16.110-1 (Page 3), the title “MWU” should be changed to WMU. He also noted that references needed to be added to ECDC 16.110.020(D). Mr. Chave advised that these references would be filled in at a later time.

Board Member Ellis asked how the term “small-sized dwelling unit” (ECDC 22.110.000) (Page 8) would be defined. Mr. Chave said a small-sized dwelling unit is defined as 900 square feet or smaller, as identified in the University of Washington study. These units would typically be one and two-bedroom.

Board Member Ellis suggested that the definition for “rowhouse” in ECDC 22.110.010(A)(1) (Page 8) needs to be clarified. Board Member Cloutier suggested, and the Board agreed, that the definition should be changed by deleting the word “story.” Mr. Chave pointed out that a more detailed description of “rowhouse” is provided in ECDC 22.110.010(D) on Page 10.

Board Member Ellis pointed out that the “landscape” section of ECDC 22.110.010(D)(1) (Page 11) requires that a large tree be provided or an existing significant tree be maintained in each rear yard for shade and privacy. He questioned if this would be a reasonable requirement for all building types. Mr. Chave agreed that rear yards may not be the appropriate place for large trees in all situations. He said the requirement came directly from the University of Washington Study, and he agreed to review the rationale and report back to the Board. Board Member Ellis pointed out that the requirement should be updated in the other housing type descriptions, as well.

Board Member Ellis said that based on the language contained in the “access” section of ECDC 22.110.010(D)(2) (Page 13), he is not clear on how the “optimal court dimension” would be measured. Mr. Chave said the intent is to require a court dimension of 30’ by 40’. He explained that the reference to east/west and north/south orientation in the bullet at the top of Page 13 was getting at the need to maximize sun exposure and minimize shading in the courtyard. He suggested that perhaps ECDC 22.110.010(D)(2) could deal with just the issue orientation, and courtyard dimension could be addressed separately. Board Member Ellis pointed out that the language in ECDC 22.110.010(D)(6) (Page 21) provides a specific dimension for the courtyard requirement. Mr. Chave agreed that the language should be clarified, and Board Member Ellis noted that this same language is used in the other housing type descriptions, as well.

Board Member Ellis referred to the “housing” section of ECDC 22.110.030 (Page 26), which requires that at least 10% of the residential units be very small. It also states that not more than 10% of the dwelling units can exceed 1,600 square feet in size. He said he is uncomfortable including these numbers in the plan without at least understanding where they came from.

Board Member Clarke expressed concern about attempting to control the flow of demographics by restricting the square footage of the residential units. He suggested that demographics have more to do with affordability than the size of the units. He said he has never seen a code with this level of specificity, except for subsidized development. He requested more documentation about where the numbers came from and where they have been applied in other communities.

Vice Chair Stewart recalled that the Comprehensive Plan calls for providing a variety of housing choices, which means different sizes to reach across the demographics. She expressed her belief that it would be desirable to have more choices than what currently exist in Edmonds, and the proposed limitation should help broaden the demographics, which is important for the City.

Board Member Clarke expressed his belief restricting the size of residential units would actually have a limiting affect on demographics, as it would focus on the low-income spectrum rather than letting the market guide development. Board Member Cloutier pointed out that the restrictions would force an increase in density. Board Member Clarke disagreed and said the size limitation would send a statement that the City is not interested in accommodating young professionals. Mr. Chave reminded the Board that the size limitations would only apply to the Westgate area. Board Member Clarke recommended that rather than restricting unit size, developers should be allowed to build to meet the market demand. Mr. Chave agreed that is one option, but it would undermine the EDC’s direction to have more units that are smaller and more affordable. The size limitations are intended to target the specific type of development the City wants to see in this part of Edmonds.

Board Member Ellis said he is not opposed to limiting the size of development in a particular area of the City, as long as it accomplishes the intended goal. Mr. Chave said the intent is to focus the residential development in Westgate towards people who want smaller units and use public transportation rather than private vehicles. He noted that larger units require more parking. He agreed to contact the University of Washington team to learn more about their rationale for the proposed criteria.

Board Member Ellis referenced the “amenity space” section in ECDC 22.110.070(C), (Page 31) which requires landscaping in open space to have a minimum of 20% planted pervious surface area and a maximum of 30% impervious surface. While he understands the intent, he suggested the language should be reviewed to ensure it makes sense from a planner standpoint and that it is even possible.

Board Member Ellis referred to the “green open space” section of ECDC 22.110.070(C) and questioned if the provision pertaining to steep slopes would have prevented approval of the Walgreen’s development. Board Member Lovell said his interpretation of the proposed language is to prevent vegetation removal that makes the slope susceptible to landslides. He noted that Walgreen’s spent a considerable amount of money to construct a retaining wall to stabilize the slope behind the store. Board Member Ellis suggested that this provision may be too restrictive since it does not appear to allow removal of even a portion of the slope. Mr. Chave explained that, generally, the City allows some disruption of the slope, but not so much that it removes all of the trees above. He agreed that the language does not provide enough balance.

Board Member Ellis questioned the meaning of the term “specified recycled mulch” as it is used in the “public space: sustainability” section of ECDC 22.110.070(C) (Page 32). Vice Chair Stewart answered that there is actually a formula for what the mulch should be in a rain garden to provide nourishment and moisture. It is important that the right mulch be used, but she questioned the requirement that it be recycled. Mr. Chave suggested it might be more appropriate to simply require a layer of mulch, without being too specific.

Board Member Tibbott asked if the plan identifies any pull outs or bus stops for transit service. He said he likes to think of Westgate as a transit friendly location, but this will not be true unless appropriate accommodations are made. Mr. Chave answered that accommodations could be placed within the public right-of-way or within the setback area, but the transit agency will dictate where these sites are located. Board Member Tibbott asked if it would be appropriate to include a recommendation for transit stops as part of the plan. Mr. Chave agreed that it would be possible to include verbiage in the plan that encourages coordination with the transit agency to locate bus stops and pull outs. However, mandating the locations would be difficult unless the transit agency offers its support. He expressed his belief that once the area starts to redevelop, the transit agency will likely want to add more stops, and he is comfortable there would be space to accommodate the expanded need.

The Board agreed that language could be added to Item C.1 on Page 1 that encourages the City to work with the transit agency as part of any new development. It was also suggested that language could be added to the purpose section of the actual code language about accommodating transit-oriented activity. Board Member Tibbott expressed his belief that Westgate could become a destination under the right circumstances. Parking will be a premium in the area, and the City should encourage opportunities for people to use public transit, walk and ride bicycles as opposed to using cars.

Board Member Tibbott said he would like the plan to include a comprehensive landscape design for the rights-of-way that could be implemented at all four quadrants at roughly the same time as opposed to piecemeal as development occurs. This would be one way of tying the area all together, regardless of how the buildings are developed. Mr. Chave cautioned that implementing a uniform landscape plan for all the public rights-of-way would be costly, and there is no funding available. He reminded the Board that Councilmember Johnson has requested the City Council approve a corridor study for SR-104 that will talk about improvements within the rights-of-way. Landscaping within the rights-of-way at Westgate could be addressed as part of that study. He said it is important to understand that private developers are not typically required to fund public projects, but the City could require some landscaping as part of frontage improvements. The only way to get the landscaping done all at the same time would be through a Local Improvement District (LID), which must be approved by the property owners. While he does not disagree that developers, as well as the public, would benefit from a comprehensive landscape project, funding would be tricky. The remainder of the Board concurred.

Board Member Clarke pointed out that the most recent development at Westgate has been one-story structures that are not necessarily consistent with the proposed Westgate Plan. It is not likely that these sites will be redeveloped within the next 50 years so change will happen very slowly. Chair Reed agreed, but emphasized that the goal is to create the opportunity for change, and there are some undeveloped or underdeveloped properties that could take advantage of the new code in the near future.

Chair Reed observed that the Westgate Plan was already slowed significantly to address transportation issues. He voiced concern about delaying it further while the City completes a corridor study. Mr. Chave clarified that the corridor study will not be specific to Westgate, and it will not alter the transportation study that was recently completed. Instead, it will identify the types of amenities that are desirable within the public rights-of-way. He reminded the Board that, as per the traffic study, implementation of the Westgate Plan will create only an incremental change to traffic. The traffic study points out that there is already a high traffic volume on the roadway.

Vice Chair Stewart referred to the “amenity space” section in ECDC 22.110.050(C) (Page 30) and asked if a green roof could be used to provide all of the required amenity space. She commented that the City of Seattle allows green roofs to count for all of the required amenity space, and this has resulted in buildings that cover the entire lot. She understands this is necessary in Seattle where space is very limited, but she would be opposed to the City allowing all of the amenity space to be located on the rooftop, with none on the ground level. She suggested that the City only allow green roofs to count for a portion of the required amenity space.

Board Member Ellis observed that amenity space is designed to encourage people from everywhere to gather, and a green rooftop would only be available to people living within the building. Mr. Chave clarified that amenity space is not just for the benefit of the public, at large, but also for the benefit of the people living in the development. The Board agreed it would be appropriate to allow green roofs to count for up to 25% of the required amenity space. The remaining amenity space should be located at the ground level.

Vice Chair Stewart suggested that increasing the point values on the Height Bonus Score Sheet should be left to the discretion of staff based on the Board’s discussion. However, she noted that they should be consistent with the language found in the “green building and site design criteria” in ECDC 22.110.030 (Pages 25 and 26).

Board Member Clarke asked if an applicant would have to provide a separate room with showers in order to meet the “indoor/enclosed bicycle storage and changing facility” credit. Mr. Chave answered that showers would not necessarily be required, but the applicant would have to demonstrate that an enclosed storage area and changing area is available.

Chair Reed recalled that prior to the time when the Key Bank project was permitted, an interim ordinance was approved that reduced the setback requirement from 20 feet to 8 feet on SR-104 and 5 feet on 100th Avenue. Staff informed him that before the interim ordinance expired, Walgreens applied for and received permits to redevelop the entire area, including the bank site. Although the bank project did not move forward, the permit remains valid until sometime in 2014 as long as the design is not changed. He asked if it would be possible for the City to void the permit. Mr. Chave answered that the permit is vested and cannot be revoked by the City prior to its expiration date.

Chair Reed referred to the Use Table 16.110-1 on Pages 3 through 5. He suggested that perhaps the City should be more restrictive about the uses that are allowed in the commercial mixed use area of Westgate. For example, is it really appropriate to allow car dealerships and service stations in this area? Mr. Chave agreed this is a worthwhile topic of discussion.

Chair Reed recalled that, previously, the Board heard three different presentations by representatives from nearby jurisdictions about how they implemented a hybrid of a form-based code. The current proposal would take a similar approach by adding a small code section followed by specific design standards. He suggested that perhaps it would be appropriate to identify a maximum height limit in the development standards so the information is available up front.

Chair Reed expressed his belief that the proposed parking requirement of 1.2 spaces per unit will be insufficient, particularly when there will be no opportunity for on-street parking. He said he would prefer a parking requirement of 1.5 spaces per unit and even more for larger units. Vice Chair Stewart pointed out that having a lower parking requirement would drive the choices people make. Mr. Chave clarified that 1.2 spaces per unit would be the minimum parking requirement, but

developers are not likely to put in too few parking spaces or they won't be able to sell and/or rent their units. However, he agreed that perhaps the parking standard should be greater for larger units, which would provide an incentive for smaller units.

Board Member Clarke asked staff to provide examples of where high-density residential uses have occurred in locations where on-street parking is not available to accommodate overflow. Again, Mr. Chave said he does not believe developers will under park the site.

Board Member Clarke announced that the Compass Project has recently sold out, and the actual economics of the project were almost zero profit. The only reason it penciled out was because the land was purchased during the recession at a low cost. Providing underground parking significantly increased the cost of the project. Mr. Chave argued that a mixed-use commercial building in that location was sketchy, and it would have made more sense for that type of building to be located at Westgate.

Board Member Reed pointed out that the individual sections of the proposed design standards are incorrectly labeled Chapter 16 instead of Chapter 22. He also suggested it would be helpful to number the bulleted items.

Mr. Chave announced that a public hearing on the Westgate Plan and Form Based Code is tentatively scheduled for February 12, 2014. He agreed to update the documents as per the Board's feedback and send out an electronic draft for their review. The Board can then decide if another review is necessary before the public hearing.

REVIEW OF EXTENDED AGENDA

Vice Chair Stewart inquired when the Critical Areas Ordinance (CAO) amendments would come back before the Board. Mr. Chave said the amendments would be added to the Board's extended agenda in the near future.

Chair Reed reminded the Board that they continued the public hearing on amendments to the Wireless Telecommunications Facilities Ordinance for January 8th. This will be in addition to a discussion on the Parks, Recreation and Open Space Plan, a work session on Initiative 502 (cannabis) implementation, and a review of Planning Board procedures, guidelines and codes.

ELECTION OF OFFICERS

BOARD MEMBER STEWART NOMINATED BOARD MEMBER CLOUTIER TO SERVE AS CHAIR OF THE BOARD IN 2014. BOARD MEMBER ELLIS SECONDED THE NOMINATION. THE NOMINATION WAS UNANIMOUSLY APPROVED, WITH BOARD MEMBER CLOUTIER ABSTAINING.

BOARD MEMBER REED NOMINATED BOARD MEMBER TIBBOTT TO SERVE AS VICE CHAIR OF THE BOARD IN 2014. BOARD MEMBER CLOUTIER SECONDED THE NOMINATION. THE NOMINATION WAS UNANIMOUSLY APPROVED, WITH BOARD MEMBER TIBBOTT ABSTAINING.

PLANNING BOARD CHAIR COMMENTS

Chair Reed explained that leaving the Planning Board was a difficult decision for him. He enjoyed gaining an understanding of what was going on in the City by participating on the Board. Although the Board does not have any action power, they have recommendation power even if some of their ideas and recommendations are turned down by the City Council. He will miss the opportunity he has had over the past seven years to participate on the Board and serve the citizens and the City Council. He thanked each of the Planning Board Members for the support they have shown and the insight they have provided on so many issues over the years. While they do not always agree, for the most part, they have maintained professionalism and civility as they wrestled with difficult issues.

Chair Reed thanked City staff for working with the Board to provide input and support for the changes they want to make and the ideas they put forward, particularly Mr. Chave, Mr. Lien, Mr. Clugston, Mr. English, and Ms. Cunningham. He also thanked the City Council for giving him the opportunity to serve on the Board.

APPROVED

Chair Reed announced that the Board is scheduled to present a quarterly report to the City Council on January 7, 2014, and Board Member Stewart has agreed to make the presentation.

PLANNING BOARD MEMBER COMMENTS

Board Member Ellis thanked Board Member Reed for his service and said he enjoyed working with him.

Board Member Clarke said he first met Board Member Reed through their two sons, who attended school together. He said that of all the people that he has had the opportunity to serve with, Board Member Reed is a man of integrity and a special person. He is a hard worker, and they are all better people because of the opportunity to learn from him and follow his leadership. He had firm hands on the tiller when the Board was going through challenging issues such as the Harbor Square Master Plan. He also thanked Board Member Stewart for her leadership over the past year. In addition, he thanked all of the Board Members. He said he marvels at how well they read their materials at a comprehensive level beyond his skill. The documents get better and better as a result of this effort. He thanked Mr. Chave for his contribution and commented that he is an unsung hero in the City. He also thanked Ms. Noyes for making what he says sound even better on paper.

Board Member Stewart also thanked him for his strong leadership and said it was an honor to serve as vice chair alongside him. She learned a lot. He is a man of integrity, he respects everyone's opinions and he listens even when he does not agree. He cares about the City and it shines in everything he has done over the past seven years. She wished him well in the future. She also thanked the Board and staff for their support. She feels blessed to be part of the group.

Board Member Tibbott thanked Board Member Reed for his contribution as a leader on the Board, especially for welcoming him and the other new members. He encouraged them to speak up and taught them how to navigate the documents. He said he also appreciates his sense of humor in conversations outside of the Board venue. It has been enjoyable getting to know him.

Board Member Cloutier recalled that when he was first appointed to the Board, it was apparent that some Board Members had been serving for a long time. It helped him develop his perspective faster by hearing from experienced voices like Board Member Reeds. He thanked Board Member Reed for being not only a voice of experience, but also for leading lucid, calm discussions about things that were extraordinarily complicated and contentious. This helped the Board accomplish a lot throughout the past year.

Board Member Lovell thanked Board Member Reed for his leadership, as well. Without repeating all of the comments made thus far, he agreed that Board Member Reed did a fantastic job. He also congratulated Board Members Tibbott and Cloutier for being nominated to lead the Board in 2014. He advised that the best way for them to find out what is going on in the City is to meet regularly with Mayor Earling. Mr. Chave is also a good source of information and experience.

Board Member Lovell requested a progress report on the Strategic Action Plan Oversight Committee that was supposed to have been formed. Board Member Reed recalled that he had agreed to represent the Board on this group to figure out how to move the Strategic Action Plan forward to implementation. With his leaving, the Board will have to designate a new representative. Mr. Chave reported that Mr. Clifton is working towards City Council approval to hire a part-time assistant to help implement the Strategic Plan. More information should be available in the near future.

Board Member Lovell reported on his attendance at the November meeting of the Economic Development Commission (EDC) where Evan Pierce announced his resignation. Council Member Bloom also announced that Council Member Fraley Monillas would replace her as the Council representative on the Commission. Board Member Lovell said he plans to attend the EDC's next meeting on December 18th, as well.

Board Member Lovell encouraged the Board Members to review the draft Parks, Recreation and Open Space (PROS) Plan. He said he participated in most of the discussions that took place to prepare the plan, which is very thorough. It is a lengthy and fascinating document that contains photographs, charts, tables, etc. Mr. Chave added that the consultant presented the draft PROS Plan at the last City Council Meeting. He encouraged the Board Members to watch the presentation and provide feedback to the Parks, Recreation and Cultural Services director in preparation for the Board's workshop on January 8th. He noted that the City's website provides a link to the plan, itself.

APPROVED

Board Member Lovell reported that at the December 3rd City Council Meeting, a citizen, Ken Reidy, made a good point that there seems to be a pattern in the City where projects identified in the Strategic Action Plan, the Capital Improvement Plan (CIP) or the Capital Facilities Plan (CFP) suddenly receive grant funding and move forward without the public having knowledge. This has resulted in objections from citizens. Examples include the Five Corners Roundabout and the Sunset Avenue Walkway. He expressed concern that this same situation could occur with the railroad crossing. When the Board reviews the CIP and CFP in the future, he encouraged them to pay close attention to the projects identified in the plans, which could move forward if and when grant funding is available.

Board Member Clarke said a citizen recently brought it to his attention that, although there was a line item in the CIP for a study of alternatives for a future railroad crossing, it was not discussed by the Board prior to recommending approval. He summarized that the staff did not inform the Board of what was being planned, and there was never any discussion about whether or not a railroad crossing was appropriate. Chair Reed pointed out that Mr. Hertrich, a citizen, raised questions about the railroad crossing and the ferry terminal relocation at the public hearing before the Board, and the City Engineer responded that the ferry terminal relocation was still a part of the Comprehensive Plan and the proposed study was to consider alternatives. The Board did not discuss the issue in depth. Mr. Chave recalled that the City Engineer talked briefly about a railroad crossing study at the public hearing for the CIP. He noted that the railroad crossing is tied to concerns about providing emergency access to the waterfront, as well as studying other alternatives for refiguring the ferry terminal. He said the City Council ultimately decided to include the study in the CIP for funding in 2014.

ADJOURNMENT

The Board meeting was adjourned at 10:35 p.m.

APPROVED