

**SPECIAL MEETING  
EDMONDS CITY COUNCIL APPROVED MINUTES  
November 3, 2014**

The Edmonds City Council meeting was called to order at 6:10 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

**ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Diane Buckshnis, Council President  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember (arrived 6: 50 p.m.)  
Strom Peterson, Councilmember  
Joan Bloom, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Thomas Mesaros, Councilmember

**ALSO PRESENT**

Noushyal Eslami, Student Representative

**STAFF PRESENT**

Al Compaan, Police Chief  
Don Anderson, Assistant Police Chief  
Phil Williams, Public Works Director  
Carrie Hite, Parks & Recreation Director  
Scott James, Finance Director  
Shane Hope, Development Services Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Rob Chave, Planning Manager  
Deb Sharp, Accountant  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

**1. CONVENE IN EXECUTIVE SESSION TO DISCUSS PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

At 6:10 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss pending or potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Peterson, Bloom and Mesaros. At 6:40 p.m., Mayor Earling announced to the public present in the Council Chambers that an additional 10 minutes would be required in executive session. Others present were City Attorney Jeff Taraday and City Clerk Scott Passey. The executive session concluded at 6:50 p.m.

**2. MEET WITH HISTORIC PRESERVATION CANDIDATE KATIE BOJAKOWSKI FOR APPOINTMENT TO POSITION #2 - PROFESSIONAL OF THE HPC**

**3. MEET WITH HISTORIC PRESERVATION COMMISSION CANDIDATE ERIC LIVINGSTON FOR APPOINTMENT TO POSITION #10 OF THE HPC**

At 6:51 p.m., the City Council met with Katie Bojakowski, a candidate for appointment to Position #2, Professional of the HPC, and Eric Livingston, a candidate for appointment to Position #10 on the HPC.

The meeting took place in the Jury Meeting Room, located in the Public Safety Complex. All City Councilmembers were present.

Mayor Earling reconvened the regular City Council meeting at 7:02 p.m. and led the flag salute.

**4. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present.

**5. APPROVAL OF AGENDA**

Council President Buckshnis requested Item 13 be removed from the agenda and scheduled on the November 10 study session agenda due to a number of questions and amendments proposed by a Councilmember and to allow the Edmonds Downtown Business Improvement District Board an opportunity to review the proposed amendments.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO REMOVE ITEM 13 FROM THE AGENDA AND SCHEDULE IT ON THE NOVEMBER 10 STUDY SESSION AGENDA. MOTION CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

**6. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF OCTOBER 28, 2014**
- B. APPROVAL OF CLAIM CHECKS #211231 THROUGH #211336 DATED OCTOBER 30, 2014 FOR \$338,869.68 (REISSUED CHECK #211317 \$240.00)**
- C. CONFIRMATION OF KATIE BOJAKOWSKI TO POSITION #2 - PROFESSIONAL OF THE HISTORIC PRESERVATION COMMISSION**
- D. CONFIRMATION OF ERIC LIVINGSTON TO POSITION #10 OF THE HISTORIC PRESERVATION COMMISSION**
- E. ADOPTION OF ORDINANCE DESIGNATING THE SCHUMACHER BUILDING LOCATED AT 316 MAIN STREET, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR OR HER DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION. (FILE NO. PLN20140037)**

**7. AUDIENCE COMMENTS**

**Ron Wambolt, Edmonds,** relayed in studying the Police Department 2013 annual report and the 2013 budget, he learned, 1) the police responded to 21,789 dispatched calls for service in 2013 which includes calls to Woodway, 2) the Police Department 2013 budget was \$8.9 million, 3) applying 100% of the department's expenses to the 21,789 service calls equates to \$408/service call, 4) \$408 x 10 calls per month to Woodway equates to \$4,080/month. He concluded the charge should be something less than that

amount since Edmonds Police are not patrolling Woodway to do crime prevention, parking or traffic enforcement, etc. To those that say the Edmonds Police is excessively diluted by calls to Woodway, the annual report states there were 762 incidents for field service officers in 2013. Assuming the same now would be true, Woodway's 120 calls are only 16% of one of those officers. To those that say Woodway is not paying enough; with an annual contract fee of \$36,720, the 16% equates to an expense of \$233,000 or approximately double the cost of one officer. His understanding was if the Council decides to give up the Woodway contract, the City would lose revenue but lose not any expenses. He urged the Council to retain the proposed three year contract term because two years, which some Councilmembers favor, passes too quickly. He urged the Council to make an unemotional and objective assessment of the issue and approve the proposed Woodway Police contract.

**Dave Page, Edmonds**, relayed the study session seating arrangement looks terrible from the TV audience's point of view; and there is a loss of decorum when the Council is televised seated at the table. With regard to Westgate, he recalled at the Town Hall meeting held by Councilmembers Bloom and Petso, most of the people were opposed to the proposal or had a lot of questions. The Town Hall meeting prompted him to do research that he had not done before. He recalled during the last election, people spoke about keeping the town small which felt was a selfish stance and would require doubling taxes. He agreed something needed to be done at Westgate and he applauded the planning that had gone into the Westgate plan. He recalled some residents at the Town Hall meeting who said they were hearing about the plan for the first time. He suggested residents stay informed about City business by reviewing meeting agendas on the City's website.

**Carla Nichols, Mayor of Woodway**, requested Council's support of the proposed police contract for the following reasons, 1) Woodway has appreciated the partnership with Edmonds, and 2) Woodway receives excellent backup police service from Edmonds' Police Department. When the Council last reviewed the contract about two years ago, the City wanted a higher dollar amount which was done, a 400% increase. The Council wanted an inflationary index to be included in the contract; the proposed contract includes a CPI indexed increase. Woodway wants to have its own Police Department and does not want a full contract with Edmonds. To the suggestion that the police contract be similar to the Fire District 1 contract, she explained FD1 provided all Woodway's fire suppression and emergency medical services. The Police contract is for officers to respond only to Priority 1 and 2 calls; Edmonds officers do not patrol Woodway streets, do not do detective work, do not follow up after emergencies, and do not do traffic control. Those tasks are all done by Woodway officers. Essentially Edmonds is receiving approximately \$40,000/year for mutual aid which usually is not a contract between municipalities. During the 21 months of the current contract, the base level of 10 calls/month was exceeded in 3 months, calls were under the base during 14 months and the most frequent call level was 7/month. She concluded the contract is working and she requested the Council approve it as proposed.

**8. PUBLIC HEARING ON THE 2015 PROPOSED CITY BUDGET**

Finance Director Scott James reviewed where budget documents can be found on the City's website via a link on the home page to 2015 Budgeting. The link accesses the 2015 Proposed Budget, 2015 Decision Packages, 2015 Preliminary Budget Book Changes, Department Budget Presentations, 2015 LTAC Application, 2015 Council Allocation of \$250,000 and 2012-2019 Forecast. He displayed two proposed Council allocations from the \$250,000:

<b>Proposal #</b>	<b>Description</b>	<b>Cash Increase (Decrease)</b>
1	Veterans Park Design	(\$10,000)
2	2 Train Trench Peer Reviews (Vancouver's and Edmonds')	(\$20,000)

Mayor Earling opened the public participation portion of the public hearing.

**Catherine Gold, Edmonds**, ceded her time to her husband. **Charles Gold, Edmonds**, referred to the Tetra Tech study released today regarding the cost to build a train trench along the Edmonds waterfront. He explained the real fight is to stop BNSF from double or triple tracking through Edmonds. He provided two pictures of the view of Main Street looking west (created in 2012 for the Mayor's save the beach proposal), 1) existing or with a train trench, and 2) with a bridge, explaining if nothing is done and BNSF surface double or triple tracks, the result will be the view with the bridge which is unacceptable. The only thing the City has to offer BNSF that could be a better system and save Edmonds is a train trench. He noted the existing view from Main Street looking west does not change with a trench; if the waterfront is surface multi-tracked, the result will be bridges, overpasses and re-grading the approaches. He urged the City Council to vet the train trench proposal and have it presented to BNSF. He expressed concern the \$10,000 non-transparent "quick and dirty" study that unnecessarily expands the scope to the south and does not check basic facts, is full of errors and omissions and has cost estimates the consultant characterized as inappropriate until a real design study is done. The study states due to the myriad costs no accurate cost estimates can be done until a full design study is completed.

Mr. Gold referred to other projects in the CIP, explaining none them would be harmed by delaying until the following year to allocate \$50,000 - \$100,000 for a study by Jacobs Engineering, an international firm with a local office in Bellevue whose trenches cost less because of their experience which includes building the Reno trench or BergerABAM as an alternate. Whatever funding source is used must allow an immediate start because the opportunity to partner with BNSF is lost when they begin surface multi-tracking. He expressed concern with the City government that is unable to act due to a short term and narrowly focused political consideration. The result will be bridges unless the Council independently commissions a qualified proper design study of the train trench as outlined in EdmondsTrainTrench.net, preferably by Jacobs Engineering who built the Reno trench that has 12 bridges for \$170 million 10 years ago. Tetra Tech estimated a train trench in Edmonds with two bridges and half the length would cost twice as much. Even allowing for soil conditions, he estimated the cost of a trench in Edmonds would be close to half of what Tetra Tech has provided.

**Kurt Greiner, Edmonds**, expressed appreciation for the inclusion of funds for engineering wayside horns at the Main and Dayton Street railroad crossings in the Mayor's proposed budget and hoped the Council would approve the \$55,000 allocation. The installation of the horns will make crossings safer, reduce noise level from train horns approximately 98% in the affected area, improve property values near the railroad, help businesses such as the Best Western hotel and the marina, and make the community a better place to live although they will not help him due to his location. He cited an omission in the proposed budget: funds for engineering and planning of the train trench. A report on the potential costs was published by Tetra Tech today, a firm that specializes in coastal marine work but has never been involved in building a train trench. The train trench is essential tabled until 2019-2020 in the proposed CIP. BNSF has indicated they will install a second and perhaps third track through Edmonds and the Tetra Tech report states the rail bed has already been widened for the second track. If the second tracks are laid, in his opinion the trench was no longer a viable consideration. The train trench is an expensive project, will get more expensive in the future and competition for money will increase as more cities ask the state and federal government for money for similar work as train traffic increases. Edmonds Crossing does not decrease the number of trains passing through Edmonds; it only moves the ferry traffic. A trench has many benefits including trains no longer delaying ferry schedules and the large cost of moving ferries Edmonds Crossing would be avoided. Time is of essence and he asked the Council to allocate \$100,000 in the 2015 budget for the development of a plan with a company that has experience with trench projects.

**Kevin O'Keefe, Edmonds**, ceded his time to Mr. Gold. Mr. Gold continued his earlier comments, expressing concern City government had not seriously, professionally and transparently looked into the real design and cost of a train trench or compared the economic benefits of a trench versus an overpass. The poorly done, erroneous study primarily supports an alternatives analysis that has now been put off because it wasn't honest to begin with. He asserted City government had done nothing to save the City from surface multi-tracking. The \$10,000 devoted to the cursory investigation and the timing of its release

along with changing the topic of the Town Hall from solving train crossing issues to a regional coal trains meeting instead shows what goes on behind the scenes. Only by the Council hiring Jacobs Engineering or BergerABAM can the City say they actually tried to preserve Edmonds' signature value and quality of life. One of the many omissions and errors in Tetra Tech's report is the fact that BNSF has not yet double tracked Edmonds and can use environmental mitigation funds toward the trench such as was done in Reno where the railroad paid the first \$60 million of the \$170 million cost, creating a private-public partnership. He thanked Councilmembers who care about Edmonds and their constituents to do the right thing.

**Dave Page, Edmonds**, commended Mr. Scott and the Mayor for the bottom line in the 2015 budget, recalling the disastrous 2012 and 2013 preliminary budgets when many thought a bond measure would be needed. He was proud of the City for coming out of that mess and urged the City not to squander money, noting possibly the City needed to spend money doing as the previous speakers suggested.

Hearing no further public comment, Mayor Earling closed the public participation portion of the public hearing.

Council President Buckshnis relayed the Council will hold a study session on the budget next week. She suggested the public contact Councilmembers with any questions.

## **9. PUBLIC HEARING ON THE PROPOSED 2015-2020 CAPITAL FACILITIES PLAN/CAPITAL IMPROVEMENT PROGRAM**

Mayor Earling opened the public participation portion of the public hearing.

**Charles Gold, Edmonds**, displayed two photographs of the view of Main Street looking west, 1) the existing/with a train trench, and 2) with a bridge. He suggested when considering a train trench, the future economic value of Edmonds as well as the quality of life needs to be taken into account. He noted photograph of a bridge would need to include a bridge over Dayton as well as Main as well as emergency access. Placing the train in a trench below preserves Edmonds; everything at surface stays the same and views are not blocked. The trench also protects the marsh by creating a tray to catch spills/drips from cars and protects the town in the event of an explosion on the tracks. When he proposed this to the former Community Services/Economic Development Director Stephen Clifton, who spent a great deal of time on the Edmonds Crossing project, Mr. Clifton said the trench would be worth twice what Edmonds Crossing was worth. The City is lucky BNSF has not yet double tracked; they could have any time since 2009. He summarized the train trench was more important than any other project in Edmonds; not allocating \$50,000 - \$100,000 for a genuine study with a firm that had experience was unconscionable.

**Catherine Gold, Edmonds**, thank Councilmembers for everything they what do to make Edmonds a better place. Although the Tetra Tech study states a very high figure, she asked the Council to include funding in the CIP for a new and complete professional quality bid study by one of the two experienced international engineering firms that have built below water trenches, BergerABAM or Jacobs Engineering. These firms have successfully negotiated similar engineering challenges at a lower cost and have more knowledge and experience than Tetra Tech on building a below water trench. The potential benefits of a train trench are enormous; the impact of surface multi-tracking would be horrendous. Time is of the essence due to pressure from increasing commerce by rail requiring surface double or triple tracking in the near future. Approximately \$50,000 - \$100,000 is needed to present a credible and professional plan to the community and potential private-public funding partnerships with BNSF, Washington State Ferries and WSDOT. With the projected cost information and a visualized design, the City government, citizens and funding partners can evaluate the needed features to fit within a shared, achievable budget while providing the maximum benefits to Edmonds safety, prosperity, quality of life and value for the future of the waterfront as train traffic increases, no matter what cargo the railroad is carrying. There are a lot of projects but nothing that rises to level of importance of the train trench and it should be included in the CIP.

Hearing no further public comment, Mayor Earling closed the public participation portion of the public hearing.

**10. DEVELOPMENT CODE AMENDMENT FOR CG ZONES IN HIGHWAY 99 AREA AND POTENTIAL ACTION**

Planning Manager Rob Chave recalled during the Council's previous discussion Councilmember Fraley-Monillas presented alternative proposals which the Council elected to take additional time to review. The packet includes two draft ordinances; the first ordinance, Exhibit 2, is the Council's initial action which removes the 2-floor commercial requirement in the Highway 99 CG zones and substitutes the equivalent of 1 floor of commercial space arrayed as the proponent wishes on property. The second ordinance, Exhibit 5 restores part of the Planning Board's original recommendation including a flat parking rate of 1 space per 400 square feet of commercial. He pointed out a typo on page 313, line 32 of the packet, should read: "Parking shall be provided as follows: (a) for non-residential uses, 1 space per 400 sq. ft. of leasable building space; and (b) for ~~non~~-residential uses, as required for RM zones."

Mr. Chave relayed another amendment Councilmember Fraley-Monillas proposed, instead of the equivalent of the ground floor dedicated to commercial, the commercial requirement would be removed; any mix of residential and commercial uses would be allowed within building. A third amendment, found on page 312 of the packet, would replace the sunset date with a reporting requirement, the Development Services Director would report on development activity for the CG and CG2 on the anniversary of the ordinance. He pointed out the parking amendment proposed by Councilmember Fraley-Monillas is more conservative than the Planning Board's recommendation of 1 space per 600 square feet. Councilmember Fraley-Monillas' amendment also omitted the Planning Board suggestion for a site specific parking study.

Councilmember Petso observed page 304, the list of proposed amendments, contains language regarding a site-specific parking study. Mr. Chase assured that language is not in the draft code.

Councilmember Petso commented the ordinance was initially unanimously adopted by Council in a different format than is proposed tonight. One of the issues that the Council previously supported was a sunset provision so that the ordinance automatically sunsets at the end of a year. She asked Council to consider retaining that provision. She referred to examples where reporting requirements were not met such as Fire District 1 was to provide quarterly reports, the Public Facilities District was to provide a quarterly financial report to the Council Finance Committee beginning in 2002; the first report occurred in August 2014. Although she could support retaining the reporting requirement, she also requested Council consider including the sunset requirement, envisioning that would ensure the reporting requirement was met.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO TAKE FROM THE TABLE THE MOTION FROM OCTOBER 7, TO APPROVE THE ORDINANCE AMENDING CHAPTER 16.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE. MOTION CARRIED UNANIMOUSLY.**

Councilmember Fraley-Monillas explained the three items she proposed returning to the ordinance were contained in the original ordinance considered by the Highway 99 Task Force, the Planning Board and citizens in the area. To her surprise the ordinance was approved when she was out of town, stripping it of several issues that are important for Highway 99 development. Highway 99 is very different than other areas of Edmonds with regard to its commercial areas, livability, walkability and transportation. Her proposal to remove the sunset provision was because development regulations are not typically sunsetted. If the matter is not taken up by the sunset date, it automatically reverts to the previous language. She highly doubted much would occur on Highway 99 in a year. She was satisfied with a reporting requirement and assured that review would occur as soon as she was on Council.

Councilmember Fraley-Monillas explained she proposed removing the requirement for commercial to allow flexible development on Highway 99. With that flexibility, she hoped to see more development occur and potentially the ability to create transit oriented living environments. She did not find it realistic to require first floor retail in all development and preferred to allow developers to determine whether to build commercial and/or residential. With regard to parking, she explained Highway 99 is different than other areas of Edmonds; there is Swift and Community Transit service every 15 minutes, a new hub will be constructed in Lynnwood, and there will be a connection to the Mountlake Terrace transit center. As a result people living and working on Highway 99 do not need cars as much as in other areas of Edmonds. She was interested in regulations that encourage development rather than deter it. The reason development has not occurred on Highway 99 is because the zoning requires two floors of commercial. Expansion in the hospital district also warrants changing development regulations on Highway 99. She urged the Council to accept her proposed revisions to the ordinance.

**Main Motion**

**COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE REVISED ORDINANCE NO. 3981, CONTAINED IN EXHIBIT 5, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 16.60 TO AMEND USE REQUIREMENTS AND MODIFY PARKING STANDARDS WITHIN CG DEVELOPMENTS.**

**Amendment #1 and Action**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND TO REMOVE “NON” ON LINE 32 ON PAGE 313. AMENDMENT CARRIED UNANIMOUSLY.**

Councilmember Peterson commented one of intriguing changes Councilmember Fraley-Monillas proposed was removing the commercial requirement which would allow purely residential. A necessary element for businesses to succeed is a certain density of customers. He asked about striking a balance between commercial and residential. Economic Development & Community Services Director Patrick Doherty responded mixed use is not just what happens in one building but what happens in an area. A mixed use building can achieve the mix but an area that is predominately commercial does not achieve the mix. Given that the provision will be reviewed after 1-2 buildings occur, there is opportunity for the development community to respond based on the market dynamics. Developers recognize when they build housing, there is always some demand for goods and services on site. Some commercial is likely to happen given the amount of development that is possible on some of the large lots on Highway 99. He envisioned the market's initial response would be residential development with complimentary retail that may not necessarily equate to the full footprint of a large building.

Councilmember Peterson supported Councilmember Fraley-Monillas' proposal to remove the commercial requirement as it would create flexibility. With the opportunities for transit and the move toward young people and retirees getting rid of their cars, this is a good opportunity for positive things to happen on Highway 99. With regard to the one-year sunset provision, he said no developer would begin developing a plan under that provision because they were unlikely to even get their architects in a room in one year. He opposed the sunset provision and preferred an annual report. He acknowledged there have been errors in the past related to reporting; those are lessons learned and it is up to the Council to work with staff to ensure reports are provided. There has been great success in recent years with regard to reporting such as the Public Works quarterly reports and he was confident staff would provide the reports.

**Amendment #2**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE ORDINANCE TO ADD A SUNSET PROVISION.**

Councilmember Petso recalled a one-year sunset has been used in the past when experimental land use changes have been approved like the 8-foot setback that allowed Key Bank to be constructed on Edmonds Way. She preferred to include a sunset provision because it provides incentive for staff to remember to provide a review. With regard to Councilmember Peterson's comment that developers could not get their architects in a room in a year, she assumed once an application was submitted, it would vest to the regulations in place as of the date the application was received by the City.

Councilmember Johnson asked staff to comment on Councilmember Petso's assumption that vesting would occur on the date an application was submitted. City Attorney Jeff Taraday answered once a developer submits a completed building permit application, they are vested. Whether the Council wants to include a sunset provision relates not only to vesting but how much time it takes to reach the point of a completed application.

Councilmember Peterson asked what is entailed in the submittal of a completed building permit application. Development Services Director Shane Hope explained a completed building permit application requires extensive work such as architectural plans; it is not just a preliminary site plan. A completed building permit application usually takes a few months to put together in the best of times.

Councilmember Bloom expressed her support for the amendment, finding it reasonable to review a significant development change in a year. She agreed a sunset provision will jog staff to ensure it is reviewed in an appropriate and timely manner, particularly if there is an application in process to clarify the issues.

**Action on Amendment #2**

**UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCILMEMBERS BLOOM, JOHNSON AND PETSO VOTING YES; AND COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS FRALEY-MONILLAS, MESAROS AND PETERSON VOTING NO.**

Councilmember Fraley-Monillas commented this is only the first phase of the development of Highway 99; it will be a long term project to create a more vibrant area. Another issue being discussed is the potential for affordable housing and low income housing along the Highway 99 corridor. Currently the affordable housing is motels/hotels and trailer parks on Highway 99, which she pointed out is not appropriate for families. Ms. Hope agreed it is a long term process; the intent was to do simple things first, review the progress and consider other options. She noted some of versions of the ordinance may have had another word missing; the sentence regarding the Development Services Director providing a report should have the word "working" at the end.

**Amendment #3**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE ORDINANCE TO RETURN TO THE FLEXIBLE MIXED USE LANGUAGE ADOPTED BY COUNCIL LAST YEAR AND NOT THE RESIDENTIAL ONLY LANGUAGE THAT IS PRESENT IN EXHIBIT 5.**

Councilmember Petso commented under either version of the ordinance, the proposal is to eliminate the requirement for second floor commercial and only require first floor commercial along Highway 99. The other aspect was allowing flexibility, not the typical Puget Sound area first floor commercial with condominiums or apartments above. The concept was flexible mixed use that would allow a 2-story commercial pedestrian mall on the front portion of the property with residential behind. Without this amendment, residential only would be allowed on Highway 99. She was concerned that the ordinance being amended was a commercial ordinance and it seemed grossly inappropriate to amend it to allow residential only. She also felt this change was similar to a rezone and had the proper rezone procedure been followed, one of the criteria for Council to consider would be whether the rezone maintains the appropriate balance of land uses in the City. Edmonds is almost entirely residential now. Another of her

concerns was budgetary; she feared that one or more of the car dealers on Highway 99 would decide they could cease selling cars and retire with the proceeds of developing their lot residential which would have an enormous sales tax hit to the City for little apparent purpose. She preferred to restore the flexible mixed use concept and not what is in essence a rezone to pure residential.

Councilmember Peterson commented this amendment seemed to be in conflict with the motion; the Council was presented two ordinances, one with and one without the language Councilmember Petso proposes to include. Councilmember Petso assumed she was allowed to propose amendments. Mr. Taraday suggested Councilmembers consider amendments on their merits and vote them up or down.

Councilmember Peterson commented this is a great opportunity to take advantage of what is already a mixed use zone by creating some much needed residential in an area that is lacking in residential properties.

Councilmember Fraley-Monillas asked whether the ordinance removes the ability for commercial development. Ms. Hope answered it does not. Councilmember Fraley-Monillas clarified commercial development would still be allowed and it was not just a residential ordinance. Ms. Hope agreed.

Councilmember Johnson relayed her understanding that any property two acres or more can have residential in a mixed use property. This is a commercial corridor and the commercial quality needs to be preserved and enhanced. She supported redevelopment near the Swift stations but she was uncertain she supported wholesale redevelopment of the corridor that could include residential as that would not be consistent with the Comprehensive Plan.

**Action on Amendment #3**

**UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS BLOOM, JOHNSON AND PETSO VOTING YES; AND COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS FRALEY-MONILLAS, MESAROS AND PETERSON VOTING NO.**

**Action on Main Motion as amended**

**UPON ROLL CALL, MOTION CARRIED (5-2), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS FRALEY-MONILLAS, JOHNSON, MESAROS AND PETERSON VOTING YES; AND COUNCILMEMBERS BLOOM AND PETSO VOTING NO.**

11. **POTENTIAL ACTION ON THE PLANNING BOARD'S RECOMMENDATION TO APPROVE: 1) AN AMENDMENT TO THE EDMONDS COMMUNITY DEVELOPMENT CODE CREATING A NEW WESTGATE MIXED USE ZONE AND RELATED DESIGN STANDARDS; AND 2) AN AMENDMENT TO THE ZONING MAP CHANGING THE BN, BC AND BC-EW ZONES IN THE WESTGATE COMMERCIAL AREA TO A NEW WESTGATE MIXED USE ZONE DESIGNATION**

Development Services Director Shane Hope explained the Planning Board's recommendations are incorporated into the proposal. Approximately 95% of the proposal reflects the Planning Board's concepts; approximately 5% has been refined since the Planning Board's review to address issues raised by the Council or at the public hearing.

Planning Manager Rob Chave explained:

- Planning Board recommended two distinct actions:
  - Establishment of new zone (Westgate Mixed Use)
  - Rezoning of commercial properties in the Westgate area to WMU
- Current draft reflects Council modifications and changes of detail but is still consistent with the Planning Board's original recommendations.

He relayed details of the Westgate code discussion:

- Council public hearings on August 4 and October 7
- Draft ordinance provided in tonight's packet
- Attachments are the same as included for the October public hearing, with the same changes highlighted in 'red' in Exhibit 2
- One additional change was made in response to a Council question that addresses more specific standard for typical planting/sidewalk strip

He relayed two questions to be resolved:

1. Are the sidewalk/planting strip standards helpful?
  - Intended to clarify the minimum standard, consistent with current Engineering ROW standards.
  - Complementary to the SR-104/100<sup>th</sup> Ave intersection requirements (3<sup>rd</sup> & 4<sup>th</sup> floor setback, additional landscape/entry feature)
2. Does the Council want a 12-foot setback (recommended by Planning Board) or a 20-foot setback for buildings?
  - Council has yet to vote on a setback standard.
  - Testimony from Bartells indicating their support for a 12-foot setback.

He displayed and described a diagram with a 5-foot planting strip, 7-foot sidewalk, 10-feet from the back of curb to the right-of-way line, and a 12-foot setback, explaining on the Walgreen's site approximately 2 feet of the sidewalk was in an easement on the property. Under the current 12-foot setback requirement (10 feet of right-of-way plus 12-foot setback), there is approximately 22 feet from the back of the curb; the building must be constructed outside that 22 feet.

He displayed and described a second diagram illustrating the 20-foot setback the Council has discussed: 5-foot planting strip, 7-foot sidewalk, 10-feet from the back of curb to the right-of-way line, and a 20-foot setback which provides a total of 30 feet from the back of the curb. With a 20-foot setback, it was likely more of the amenity space would occur in that area.

Mr. Chave advised the sidewalk language was inadvertently duplicated on pages 414-415 in Section 22.10.025 and on page 389 in Section 16.110.025. He recommended the duplicate language be deleted from Section 22.10.025

Councilmember Fraley-Monillas referred to the map with the number of stories in the quadrants, relaying her understanding that the buildings in the Bartells quadrant along 100<sup>th</sup> Avenue were 3 stories. Mr. Chave answered they have always been 4 stories Councilmember Fraley-Monillas recalled 4 stories were not desirable on the corners of the quadrants to avoid a tunnel affect. Mr. Chave answered there are 2 provisions that address that, 1) the 30-foot setback from the intersection for a 3<sup>rd</sup> or 4<sup>th</sup> story, and 2) all 4-story building that face toward 100<sup>th</sup> or SR-104 have a 10-foot setback. Councilmember Fraley-Monillas asked whether there were amenities required to obtain a 4<sup>th</sup> story. Mr. Chave referred to the height bonus table to obtain a 4<sup>th</sup> story. The 4<sup>th</sup> story was not automatic; developers must do more than one thing from the height bonus table.

Councilmember Johnson observed along the SR-104 corridor the current building setback is 20 feet. Mr. Chave agreed, noting a couple BC zoned properties at the north end do not have any setback. Most of Westgate is zone BN which currently has a 20-foot setback. Councilmember Johnson observed an interim ordinance in place a couple years ago had an 8-foot setback. Mr. Chave advised only 2 building were constructed under that interim ordinance, the bank on the corner which has an approximately 10-foot setback, and the empty pad between SR104 and Walgreens which is proposed to be a large Starbucks store. Councilmember Johnson observed in the Key Bank example the distance from the curb was not 30 feet, it was only 8, 10 or 12 feet. Mr. Chave explained the reason he cited 30 feet was the location of buildings also needs to consider what is in the right-of-way. There is approximately 9-10 feet to work

with in the right-of-way and generally that is where the sidewalk and planting strip are located. The setback begins at the right-of-way and moves back. With a 12-foot building setback there is 21-22 feet to work with. With a 20-foot setback, there is approximately 30 feet to work with.

Councilmember Johnson pointed out that was unknown until all the right-of-way information was available. It appears there was a 20-foot from the sidewalk building setback at Rosecourt and the other senior facility. Mr. Chave commented the amount of right-of-way varies outside the central Westgate area. It is generally about 80 feet; five 12-foot lanes leave approximately 9-10 feet of right-of-way. Councilmember Johnson commented right-of-way widths was one of the results she looked forward to from the transportation study. Her position has been that that information should be available before any changes are made.

Councilmember Bloom referred to the 12 foot and 20 foot setbacks, relaying her understanding of Mr. Chave's explanation that the setback is from the right-of-way. Mr. Chave reviewed the drawing with a 20-foot setback, identifying the right-of-way line, 10 feet within the right-of-way that is available for frontage improvements, 20-feet begins at that line which is assumed to be the property line; a building can be constructed outside that 20 feet. Under the proposed regulations, the building setback is 12 feet.

Councilmember Bloom relayed her understanding the right-of-way location is not known on all properties. Mr. Chave answered most of the frontage along PCC, Walgreens and on the south side to the east is consistently 10 feet. Most of the 100<sup>th</sup> is 9-10 feet. Councilmember Bloom asked about the frontage on the southeast corner. Mr. Chave answered it varies as the paved surface wanders somewhat within the right-of-way. Generally the right-of-way is 80 feet wide with 60 feet of pavement. Determining the location of sidewalk relative to the right-of-way line in that location will arise during development. Councilmember Bloom agreed with Councilmember Johnson's position that the location of the right-of-way should be identified before determining the setback.

Councilmember Petso observed the southwest corner, the one where the location of the right-of-way is unknown, is where Bartells wants to move their store. Mr. Chave answered he knows where the right-of-way is but cannot identify on a map exactly where it falls relative to the location of pavement. Councilmember Petso observed with a 12-foot setback in the Walgreen's area, there would be construction that is 22-feet back from the current travel lanes. She asked the distance between the travel lane and the building at the southwest corner with a 12-foot setback. Mr. Chave could not say. Councilmember Petso asked if it would be less than 22 feet. Mr. Chave answered it entirely depends on where the right-of-way is relative to the pavement.

Councilmember Petso asked about installing a deceleration lane or right turn lane with a 12-foot setback near Walgreen's. Assuming the width necessary for a deceleration or right turn lane was between 10 and 12 feet, Mr. Chave envisioned the sidewalk would curve into the other reserved area. Councilmember Petso observed if there was a 10-12 foot deceleration/right lane, shifting the sidewalk over would place it against the building. Mr. Chave answered the building would still be setback 12 feet regardless of what occurred in the right-of-way. He assumed a pullout would be a short distance. Councilmember Petso relayed her understanding of Mr. Chave's explanation that somehow the sidewalk could be moved into the 12 feet without being against the building. Mr. Chave agreed.

Councilmember Petso referred to the map illustrating the heights in the quadrants and asked where the 30-foot circle was measured from. Mr. Chave answered it was measured from the property line. Councilmember Petso remarked except at the southwest corner where it would be in a yet undetermined location. Mr. Chave said the only thing he did not know was where the pavement was relative to the right-of-way line. It is fairly consistently 10 feet but varies slightly at the southwest and northwest corners.

Councilmember Petso referred to the northeast corner, assuming there is 10 feet of right-of-way outside of the pavement, she asked whether the 30 feet would be measured from there. Mr. Chave answered that is

where the setback would be measured from. There is 10 feet available in the right-of-way for frontage improvements; then there is the building setback, 12 or 20 feet or something in between. The effective amount of space for sidewalk, planting strip, etc. varies from 22 to 30 feet depending on the setback that is selected. Councilmember Petso observed the 30 feet is not measured from the property line but from the existing pavement. Mr. Chave answered it is measured from the back of curb.

Councilmember Mesaros asked Mr. Chave in his experience as a planner the real impact of 12 or 20 feet setback in terms of what the development looks like. Mr. Chave answered the biggest difference is how the space and the building is configured. The further back buildings are pushed, the more likely the amenity space will be in between the building and SR-104 rather than on the back side where the parking and most of the activities occur.

Councilmember Mesaros observed it would behoove the City to have a 12-foot setback which is really 22 feet from the pavement so the developer has more space behind the building for amenities. Mr. Chave answered that was the hope; some of the pictures such as Orenco Station in Hillsboro where the buildings are along a major travel way, most of the landscaping, pedestrian walkways, etc. are behind the buildings. In Westgate, it was envisioned people would park behind the buildings and the goal was a friendly experience on the interior of the quadrant so people would park once and walk to businesses instead of driving. Generally the wider the street setback, the more likely it is the amenities will go there rather than on the back.

Councilmember Peterson asked for a guess regarding the right-of-way on the southwest corner. Mr. Chave answered the right-of-way is 80 feet across; generally the pavement is 60 feet wide with a few odd configurations. There is 80 feet before the setback and the building; the general placement of building will closely resemble the other areas. He could not be definitive about where the right-of-way lines were in that area.

Councilmember Peterson observed that had been discussion regarding 12 feet versus 20 feet and asked whether the Council could choose something in between. Mr. Chave answered yes. Councilmember Peterson asked whether the setback had to be consistent throughout. Due to concern expressed about crowding building at the corner, he asked whether the setback at the corner could be 15 feet which might also address concerns about a future turn lane. Mr. Chave agreed an enhanced setback at the already identified circle at the corner could be established.

Councilmember Johnson said she wanted to avoid the situation that occurred at Key Bank where there is not a 5-foot planter strip or a 7-foot sidewalk for a total of 12 feet and the building setback is not 30 feet, it is approximately 12-15 feet. She asked how that could be avoided on the Bartells corner without the information from the transportation study. Mr. Chave answered the sidewalk on the southeast corner is probably more than 7 feet but lacks a planting strip. He noted a planting strip cannot be provided at the intersection; generally what is desirable is more sidewalk area. That is the goal with the upper stories stepped back further, etc. The sidewalk in front of Starbucks is in the right-of-way; he was not certain how much additional space was available.

Councilmember Johnson referred to the circle concept with additional building step back for the 3<sup>rd</sup> or 4<sup>th</sup> story, recalling there was also a landscape emphasis at that key intersection. Mr. Chave answered language is included in code regarding signature artwork, water feature, etc. within the setback area. The additional step back for 3<sup>rd</sup> or 4<sup>th</sup> floors would result in lower buildings at the setback and additional step back for taller buildings to create an open feel.

Councilmember Fraley-Monillas asked what harm there would be in leaving the setback as it was while the traffic study was being completed. Mr. Chave answered the biggest problem for property owners is uncertainty. Bartells is in the process of purchasing property; they have a significant concern with a 20 foot setback. He was unsure how that would impact their decision to purchase property on that corner.

The study will be completed in early 2015, if a 20-foot setback is established, changing it would require going back to the Planning Board, City Council, hearings, etc.

Councilmember Fraley-Monillas expressed concern the Council was putting the cart before the horse, noting the Council had allocated a lot of money for a traffic study. Mr. Chave clarified it is a corridor study. He suggested the Council set a reasonable setback; the corridor study may determine that is reasonable and no change is needed.

**Main Motion**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ACCEPT THE PLANNING BOARD'S RECOMMENDATIONS WITH THE EXCEPTION OF A 16-FOOT SETBACK INSTEAD OF A 20-FOOT SETBACK.**

Council President Buckshnis commented the materials in the packet are extremely well done and she thanked staff for talking with her. She commented on the circle at the intersection for art and development that did not occur as envisioned such as Key Bank and the Compass apartments. There are enough parameters in the document with regard to setback, height bonuses, green factor tools, etc. and a 16-foot setback is in the middle. Mr. Chave commented regardless of the setback that is selected, the Council can revisit it when the corridor study is complete.

**Amendment #1**

**COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO AMEND TO KEEP THE 16 FOOT SETBACK FOR BUILDINGS AROUND THE CIRCLE IN THE CENTER BUT REDUCE THE SETBACK TO THE EAST, WEST NORTH, AND SOUTH TO 12 FEET.**

Mr. Chave described how that would accomplished; the language printed on Figure 22.110.010.B, Building Height Limit and Setback Requirements, regarding the circle would be revised to include an additional setback as well as amend the corresponding text in the code.

Councilmember Peterson said this will provide more space for something artistic at that corner as well as address concerns about a tunnel effect or crowding at the intersection. A 12-foot setback would also provide some of the very narrow lots due to the bluffs some flexibility. He concluded the additional setback as well as the 5-foot planter and 7-foot sidewalk would allow for better design. A 16-foot setback in the entire Westgate area would harm some of the outlying properties.

Councilmember Petso did not support a 16-foot setback in only the circle area and preferred at least a 16-foot setback in the entire Westgate area. If a travel lane or a turn lane is added in the future, the buildings will be in the way.

Councilmember Bloom did not support the amendment due to the feeling of a building that close as well as losing the potential for adding a lane in the future. She referred to the feeling at the Lynnwood Crossing where there are 12-foot sidewalks and at least a 30-foot setback.

Councilmember Peterson acknowledged a corridor study was coming up. He was concerned nothing would be built if all planning decision were made based on traffic patterns 20 years and felt that was being very short sighted. In discussions with WSDOT, they have no concerns or plans for additional lanes or turn lanes in the future. Ideally the corridor study would have preceded the Westgate plan. He originally was satisfied with a 12-foot setback but was willing to provide a larger setback at the center. Although the focus has been on the center, there are some very important properties in the outlying parts of the zone that will be very detrimentally affected by a 16-foot setback all around.

Councilmember Bloom relayed her understanding the traffic study did not say there would not be problems in future. It said there would be an increase of approximately 400 vehicle and level of service D would be maintained at the intersection. Mr. Chave recalled the study projected some increase in traffic but found LOS in the area would not decline even if nothing was done such as turn lanes, widening, etc. WSDOT has no interest in widening SR-104. In most communities with a highway like this running through a key area such as Westgate, adding more pavement is detrimental because the result is not a better LOS but more cars. The setbacks are not intended for additional paving but rather pedestrian, bicycle, etc. amenities. He did not anticipate the corridor study would indicate a need for additional travel lanes.

Councilmember Bloom reiterated the traffic study did not say everything would be fine in 20 years; it said there would be more traffic and the LOS D would be maintained. She noted in some areas of the City such as Perrinville, there are projects to raise LOS D to B. She questioned why maintaining a LOS D with increased traffic was considered positive. Mr. Chave explained LOS D is the established LOS for that intersection which is fairly typical for high volume, active intersections where a certain wait is expected.

Councilmember Bloom noted the corridor study will address not only LOS but also ingress/egress, bike lanes, and other improvements to enhance the area. Under the current configuration it is difficult get into Bartells, etc.

Councilmember Fraley-Monillas relayed she visits Westgate almost daily. She was concerned a 12-foot setback would produce the tunnel feeling she experienced in Redmond. She could live with a 16-foot setback on all properties, noting a 20-foot setback was probably excessive. She asked Councilmember Johnson her feeling about a 16-foot setback on all properties. Councilmember Johnson commented it was a compromise but she still preferred to retain the current standards, wait 3-4 month to complete the corridor study and make modifications based on data rather than hypothetical. The consultant indicated they could complete the study within the first quarter next year. Councilmember Fraley-Monillas suggested the Council approve the rest of the plan and wait to change the setback based on information from the corridor study rather than picking numbers out of a hat.

Councilmember Mesaros commented an argument can also be made to approve Councilmember Peterson's amendment and then make changes as necessary when the corridor study is completed.

Councilmember Mesaros called for the question.

**Action on Amendment #1**

**UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBER PETERSON AND MESAROS VOTING YES; AND COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, JOHNSON AND PETSO VOTING NO.**

**Amendment #2**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND TO ADD A PROVISION THAT REQUIRED SETBACKS AREAS, WHETHER ON PROTECTED HILLSIDES OR NOT, MAY NOT BE USED TO SATISFY MORE THAN 50% OF THE AMENITY SPACE OR OPEN SPACE REQUIREMENTS.**

Councilmember Petso explained the purpose of this amendment was to help avoid covering an entire parcel with construction and to encourage some of amenity space to be set into the development and not located directly on SR104. She recalled discussion regarding the Compass building and the fact that sitting on a bench on SR-104 did not necessarily constitute an amenity for everyone. Having the setback only count as 50% of the amenity space will ensure some of the amenity space will be provided elsewhere on the site.

For Councilmember Bloom, Councilmember Petso explained Council President Buckshnis' motion was to adopt the entire plan with the exception of changing the setback from 12 to 16 feet. In the proposed plan, the entire setback area can be counted as amenity space. Under her amendment, the setback could only account for half the required amenity space. Councilmember Bloom expressed support for the amendment as it will resolve some of the concerns Mr. Chave relayed that the developer would provide all the amenity space in front.

Councilmember Fraley-Monillas asked Mr. Chave for his input regarding the proposed amendment. Mr. Chave referred to the discussion regarding amenity space on the McDonald's property. Under existing code 8,000 square feet of the property is reserved for open space. That increases to 31,000 under the provisions as written. The required setback would not be sufficient to accommodate all the amenity space; some would need to be provided in the back or inside the property. His concern with the proposed amendment was taking away usable area for a building, parking, circulation, etc.

Councilmember Fraley-Monillas provided an example using Councilmember Petso's amendment; if 1,000 square feet of amenity space was required, only 500 could be in the setback and the other 500 would need to be provided elsewhere on the site. She asked whether it would simply be a wash if the property were required to provide 1,000 square feet of setback. Mr. Chave explained if there was 1,000 square feet of setback area but only 500 could be used for amenity space plus an additional 500 square feet of amenity space equated to 1,500 square feet instead of only 1,000 square feet.

Councilmember Fraley-Monillas asked whether having all the amenity space in the setback would be desirable. Mr. Chave answered it was unlikely a development could provide all the amenity space in the setback but the bigger the setback area is, the more likely it will be used as amenity space. Using the McDonalds example, the required amenity space is 11,400 square feet. Even with a 20-foot setback, there is only 8,000 square feet in the setback for amenity space; another 3,400 square feet must be provided elsewhere on the site. If the area for building, parking, circulation is significantly reduced, no development will occur.

Councilmember Mesaros appreciated Councilmember Petso's concern about having amenity space on SR-104, relaying the best solution is a 12-foot setback so amenity space will be on the interior of the property. Mr. Chave commented on the interaction between the setback and the right-of-way. Sidewalks, planting strips, etc. can be located in the 10 feet of right-of-way; seating areas must be located on the property which means they will not be right on SR-104.

Councilmember Petso asked whether the calculation regarding amenity and setback space done for the McDonald's had been done for any of the corner sites. Mr. Chave answered it had not. On the McDonald's site the open space can be provided on the slopes. The corner properties do not have slopes so a combination of open space and amenity space needs to be provided on the property. Councilmember Petso observed the Bartells corner would also has a wooded slope.

Council President Buckshnis called for the question.

**Action on Amendment #2**

**AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.**

**Amendment #3**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE COMMERCIAL PARKING TO REQUIRE 1 SPACE PER 350 SQUARE FEET OF COMMERCIAL SPACE, NOT 1 SPACE PER 500 SQUARE FEET.**

Councilmember Petso explained the purpose of the amendment was to help ensure viable commercial activity remains at Westgate. She recalled the effective parking presently available at QFC or PCC was

approximately 1 space per 350 square feet. She preferred that ratio instead of 1 space per 500 square feet which is even less parking than was approved for Highway 99, an amount she felt utterly inappropriate for Westgate.

Councilmember Bloom expressed support for the amendment, recalling not having enough parking was one of the concerns expressed by people who have issues with the Westgate plan. There are problems with parking now and many are concerned about what the parking will be like if less is required.

Councilmember Fraley-Monillas asked how 1 space per 500 square feet was determined. Mr. Chave answered that was the amount recommended by the UW Team based on their experience. The leaders of the UW Team included Julie Kreigh, an architect, and Jill Sterrett, a planner and private consultant. Those ratios make sense when the existing parking is considered. He emphasized the parking requirements are minimums; the fear with providing too much parking is areas are not utilized effectively. For example, there are areas in Westgate where parking is tucked behind building to meet parking requirements but it is not functional parking. The preference is for a blended rate to allow uses to share parking. The parking standards in the current code date from the 1960s and 70s where the peak parking demand was used to determine the parking standard. As a result, many legacy developments have large expanses of parking that are not used on a daily basis. The intent in the Westgate plan was to allow parking from a variety of businesses to overflow into other parking areas as parking demands ebb and flow.

Councilmember Fraley-Monillas observed QFC has 1 space per 475 and PCC has 1 space per 486 square feet. Mr. Chave answered that is parking provided on their property; they also use parking elsewhere in the development which is why a blended rate makes sense.

Councilmember Fraley-Monillas relayed she has been told developments such as QFC will build as much parking as they need; they won't under-build the parking because people won't shop there. Mr. Chave noted one of the reasons PCC located on that site was the substantial amount of parking in the area and they likely have locked up the parking via lease agreements. He was not familiar with QFC's lease arrangement but their parking clearly overflows into other areas. One of the differences is property ownership; QFC owns their property and will ensure whatever they do supports their business; the same is true for Bartells.

**Action on Amendment #3**

**UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCILMEMBERS BLOOM, JOHNSON AND PETSO VOTING YES; AND COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS FRALEY-MONILLAS, MESAROS AND PETERSON VOTING NO.**

**Amendment #4**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO CHANGE THE PARKING REQUIREMENT TO 1 SPACE PER 400 SQUARE FEET RATHER THAN 1 SPACE PER 500 SQUARE FEET.**

Councilmember Petso suggested Councilmembers who feel Westgate should have less parking than Highway 99 indicate why. Councilmember Peterson responded developers are smart when building and these are parking minimums not restrictions.

Councilmember Mesaros said another reason is Westgate is much more walkable than Highway 99. He frequently walks from his home to shop at Westgate.

Council President Buckshnis said many employees park in the Westgate parking lot; changing that would free up parking. In addition there will be less need for parking as lifestyles change and people walk and take the bus more. She referred to areas such as Charlotte where there is a blended parking rate.

Councilmember Petso asked why it was presumed developers would be more clever at Westgate than on Highway 99.

Councilmember Fraley-Monillas expressed support for Councilmember Petso's amendment, commenting commercial areas should have similar parking requirements.

Councilmember Bloom expressed support for the amendment, commenting some developers may focus on residential and, as has happened in downtown, retail and commercial is an afterthought and there is not enough parking.

Councilmember Peterson commented he would have supported a less restrictive parking ratio on Highway 99. Demographics have shown the younger generation and the retiring generation want to get out of their cars, use public transportation and live in walkable neighborhoods. The whole point of the Westgate plan was to create a walkable neighborhood. Forcing more cars, parking and asphalt into the development is not looking at what's happening in the real world. With the type of housing proposed at Westgate, he was surprised Councilmembers were supporting this parking ratio.

**Action on Amendment #4**

**AMENDMENT CARRIED (4-3). COUNCILMEMBERS PETERSON AND MESAROS AND COUNCIL PRESIDENT BUCKSHNIS VOTING NO.**

Mayor Earling declared a brief recess.

**Amendment #5**

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND TO REQUIRE THE FIRST 45 FEET OF BUILDING DEPTH FACING THE STREET, SIDEWALK, AMENITY SPACE OR OTHER PUBLIC AREA MAY NOT BE USED FOR PARKING.**

Councilmember Petso explained the purpose of this amendment was to avoid parking cars near public spaces and encourage the use of such spaces for viable and diverse commercial activity.

Councilmember Fraley-Monillas asked Mr. Chave to comment on the affect this would have. Mr. Chave answered the amendment would remove any parking on the ground floor as most buildings would have one of the items Councilmember Petso cited on the front of their building. The provision for 45 feet comes from downtown where there is a uniform frontage. In Westgate some of the pedestrian activity will be on the sidewalks on SR-104 or 100<sup>th</sup>; hopefully most of the activity would be on the backside. Providing a sidewalk to link SR-104 to the area in back would remove another area for parking. In essence the amendment would eliminate any parking on the ground floor which removes flexibility for tuck-under parking on one side of the building. His overall concern with the amendment was eliminating flexibility.

Councilmember Bloom observed the amendment prohibits parking in the first 45 feet on the street side. Mr. Chave answered the amendment was not just the street; it was also sidewalk, amenity and other public area. Councilmember Bloom assumed the purpose was so ingress/egress to parking would not interfere with amenity space. Councilmember Petso envisioned amenity space configured as a plaza; surrounding the plaza with a Starbucks might be cool but surrounding it with underground parking for the residents would be less cool. She did not want to at a table next to tuck-under parking. Her intent was to ensure street frontage was used for commercial space that complements the amenity space.

**Action on Amendment #5**

**AMENDMENT FAILED (2-5), COUNCILMEMBERS PETSO AND BLOOM VOTING YES.**

**Amendment #6**

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER PETSO, TO AMEND THE MOTION TO RETAIN THE CURRENT 20-FOOT SETBACK.**

Councilmember Peterson raised a point of order, stating Councilmember Johnson's amendment changed the intent of the original motion. Mayor Earling ruled Councilmember Johnson's motion changed the intent of main motion. Councilmember Petso appealed the ruling of the chair, stating the main motion combined adoption of the ordinance with a change to the setback from 20 feet to 16 feet which makes Councilmember Johnson's amendment in order. It was the consensus of the Council that Councilmember Johnson's motion was in order.

Councilmember Johnson explained the Council has two choices, 1) retain the current standard, wait for the transportation analysis and then make a change, or 2) make a change now and when the transportation analysis is completed, make another change. She suggested staying the course, maintaining the current standards and changing it as necessary when the transportation analysis is complete.

**Action on Amendment #6**

**UPON ROLL CALL, AMENDMENT CARRIED (4-3), COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, JOHNSON AND PETSO VOTING YES; AND COUNCIL PRESIDENT BUCKSHNIS AND COUNCILMEMBERS MESAROS AND PETERSON VOTING NO.**

Councilmember Fraley-Monillas said she did not agree necessarily with the 20 foot setback but she felt the transportation study should be completed first and it will be done within the first quarter of 2015. Although making changes will require going back through the Planning Board process, that may be required anyway depending on the findings of the traffic study.

Councilmember Peterson expressed concern if the Council approves a setback and the corridor study finds a different setback is appropriate, the Planning Board process will have to start again. Although it pained him to do so, he made the following motion:

**Motion to Table**

**COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO TABLE DISCUSSION UNTIL THE CORRIDOR STUDY IS COMPLETE. MOTION CARRIED UNANIMOUSLY.**

**12. WOODWAY POLICE SERVICES CONTRACT**

Police Chief Al Compaan advised the current agreement between the City and Woodway for police services expires December 31, 2014. The draft contact adds a CIP escalator and changes the incremental 15 -minute billing rate the City charges Woodway for police services.

Councilmember Fraley-Monillas asked if Chief Compaan had provided the rest of the statistics. Chief Compaan answered he sent statistics for the past two years to Council this morning.

Councilmember Bloom observed the packet did not include information regarding the comparative percentage of tax allocated to police services in Woodway versus Edmonds. She recalled that was discussed when the Council last reviewed the contract and was part of the reason she voted against the contract. Chief Compaan said he did not provide that information; it was his understanding Senior Executive Council Assistant Jana Spellman was researching that for Council.

Councilmember Petso referred to an email she received from Councilmember Mesaros that contained different terms than in the packet. She asked Councilmember Mesaros to comment on the status of his proposal. Councilmember Mesaros relayed he had a very productive discussion with Woodway Mayor Nichols last Friday but they were not able to reach agreement on the terms he suggested. He felt there was

more research to be done to reach an agreement between the City and Woodway including the statistics and approach offered by Mr. Wambolt.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGREEMENT AS PRESENTED BY CHIEF COMPAAN WITH A 6 MONTH TERM TO PROVIDE TIME TO REVIEW STATISTICS AND NEGOTIATE FURTHER WITH WOODWAY.**

Councilmember Bloom did not support the motion for the same reason she did not support the previous contract. She recalled the percentage of tax assessment for Woodway residents was much lower than Edmonds residents were assessed for police services. She pointed out the former \$36,000/year contract and the current \$40,000/year was not enough to cover an additional police officer. Minimally the contract should fund one more officer when Edmonds is providing 18 hours/day of service to Woodway. Assuming the motion passed, she was hopeful the issues she raised could be considered in the six month timeframe.

Councilmember Fraley-Monillas commented the City had not done a good job of determining the real cost of the contract such as vehicles, training, supplies, etc. Further, the issue of development at Pt. Wells and the potential for 5,000 more people is still up in air. She referred to her discussion with Chief Compaan regarding the amount of crime and traffic from a development with 5,000 residents. She suggested those issues be discussed with Woodway during the six month term of the contract.

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND THE MEETING FOR 20 MINUTES. MOTION CARRIED (6-1) COUNCILMEMBER FRALEY-MONILLAS VOTING NO.**

Council President Buckshnis recalled this same argument was made the last time the contract was renewed, attempting to charge Woodway for a full-time contract when Edmonds provides part-time services. She expressed concern with giving up the contract with Woodway when the revenue funds approximately half of one employee. She did not object to a six month term to allow further research and negotiation. She asked whether the Edmonds Police logged overtime when assisting in Woodway. Chief Compaan agreed there had been little overtime; if an officer is reaching the end of a shift, he/she is relieved with an oncoming officer. Under the terms of the contract, the City bills Woodway in 15-minute increments for officer responses beyond the base 10 calls/month. Council President Buckshnis relayed the City has been providing Woodway police services for 28-29 years; there is a great deal of social equity as Woodway residents shop, dine, etc. in Edmonds.

Councilmember Peterson observed the contract states Edmonds responds to Priority 1 and 2 in-process calls. He asked whether Edmonds responds to Priority 1 and 2 calls under mutual aid agreements the City has with neighboring communities. Chief Compaan explained if Woodway has an officer on duty and they assist Edmonds on a call, Woodway does not bill them. If Edmonds assists when a Woodway officer is on duty, the City does not bill Woodway. Under the terms of the agreement, Edmonds bills Woodway when they do not have an officer on duty. Councilmember Peterson asked if the City discontinued the contract with Woodway and 911 received a call for a panic alarm which is a Priority 2 in-progress call, would Edmonds police respond to that call. Chief Compaan answered yes if it is a life and death situation; alarms are not typically life or death. He felt it best to have a written agreement for police and fire.

Councilmember Peterson assumed the Police Department would respond to certain calls whether there was an agreement in place or not. Chief Compaan agreed. Councilmember Peterson was willing to research issues further during the six months but felt the contract has served Edmonds and Woodway well in the past.

Councilmember Johnson expressed support for the Woodway contract, finding it fair and equitable. As Mr. Wambolt stated, the City would lose revenue by not approving the contract but would not lose anything by approving the contract. She asked what happened when the current contract expired. Chief Compaan said the Council could continue the existing contract for six months or adopt the proposed contract for a six month period.

Councilmember Mesaros relayed the intent of his motion was to adopt the new contract with a six month term. He relayed his intent was not to discontinue the contract with Woodway but to reach consensus on a longer term agreement such as five years.

Councilmember Fraley-Monillas observed in an emergency situation, Edmonds Police would respond to Shoreline, Lynnwood, Mukilteo, Brier, etc. Chief Compaan agreed, under mutual aid. He noted some of the smaller cities in northeast Snohomish County have contracts for police services with Snohomish County. The proposed contract between the City and Woodway provides a higher level of service than might be available under mutual aid.

To the comment that the City has nothing to lose by approving the contract with Woodway, Councilmember Fraley-Monillas pointed out police officers could be doing other things such as crime prevention if they were not responding to Woodway. Chief Compaan agreed when officers are called to Woodway, they are not available to respond in Edmonds and it could cause a delayed response in the Edmonds. He assured more emergent calls take priority whether in Edmonds or Woodway. Councilmember Fraley-Monillas requested any information that is available on Pt. Wells.

Councilmember Bloom expressed support for re-evaluating the contract in six months.

Mayor Earling asked whether Woodway was agreeable to a six month term. Councilmember Mesaros answered he mentioned it in passing to Mayor Nichols but had not waited for a response.

**MOTION CARRIED (6-1), COUNCILMEMBER JOHNSON VOTING NO.**

**13. PRESENTATION AND POTENTIAL ACTION ON THE PROPOSED EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT WORK PROGRAM AND BUDGET FOR YEAR 2015**

This item rescheduled to November 10 via action taken under Agenda Item 5.

**14. LIGHTHOUSE LAW GROUP PLCC AGREEMENT RENEWAL**

Council President Buckshnis explained the packet contains the old agreement and the new agreement. The new agreement contains a new Section 4 whereby Lighthouse would pursue an hourly rate structure if the City wanted to pursue litigation on small matters such as liens and utility bills. The Council can approve the agreement as written, remove Section 4, or have it reviewed by another attorney.

City Attorney Jeff Taraday clarified what Paragraph 4 is intended to do. Under no circumstances would Lighthouse bill the City on an hourly basis; Lighthouse's contract with City would still be a flat fee. Paragraph 4 would allow them to keep track of their time on hourly basis and bill/collect from a third party under certain circumstances. For example, Lighthouse is asked to initiate a lawsuit to foreclose on a \$5,000 utility lien; if the court awarded attorney fees to the prevailing party, Lighthouse would receive the attorney fees.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE LIGHTHOUSE LAW GROUP AGREEMENT RENEWAL.**

Councilmember Fraley-Monillas commented if the agreement is substantially same with the exception Paragraph 4, it was not necessary to have another attorney review it.

Councilmember Petso said ordinary practice would suggest Mr. Taraday should not write his own contract. When she was asked if outside counsel should review the contract, she said of course. However, she would likely support the motion as the agreement had not been changed significantly and it was doubtful the Council would support having it reviewed by another attorney.

Council President Buckshnis assured the only change was the addition of Paragraph 4.

**MOTION CARRIED UNANIMOUSLY.**

**COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXTEND THE MEETING FOR 7 MINUTES. MOTION CARRIED (6-1), COUNCILMEMBER FRALEY-MONILLAS VOTING NO.**

**15. MAYOR'S COMMENTS**

Mayor Earling reminded the Council was meeting on Monday, November 10 due to due to Veterans Day. He reporting having a great time during trick or treat on Halloween until the rain started; then many people discovered the awnings. He reported on last Saturday's open house for Jacobsen's Marine; a fabulous facility and a great addition to the community.

In response to public comments, Mayor Earling explained the \$10,000 analysis by Tetra Tech was nothing more than preliminary work because the City had no idea about the engineering challenges. He had not anticipated the analysis would provide hard costs but it provided some measure of what the pricing might be. Staff is in process of scheduling a meeting with BNSF.

**16. COUNCIL COMMENTS**

Student Representative Eslami reported the Cross Country Team took the last spot for State.

Councilmember Petso congratulated the Cross country Team, noting they performed extremely well to earn the last spot. She will work with staff to revise her proposed budget amendment regarding a peer review of the Tetra Tech study as it was clear from the Mayor's and the public's comments that an amendment funding a more in-depth study and peer review was necessary.

Councilmember Fraley-Monillas reported on the Museum auction which Mayor Earling also attended. She relayed that thoughts and prayers are with the families and students at Marysville-Pilchuck High School. She has family that attends the school but they were not in the in cafeteria. She noted anyone with children could have been one of those parents.

Councilmember Peterson reminded of the Veterans Day ceremony on November 11 at 11:11 at the Veterans Plaza in front of Public Safety Building. He reported handing out upwards of 2,000 treats on Halloween. He reminded tomorrow is Election Day and voters have until 8 p.m. tomorrow to drop off their ballots at the Edmonds Library.

Councilmember Mesaros commented he was surprised at the number of people downtown on Halloween. Mayor Earling remarked it was a smaller crowd than usual.

Council President Buckshnis reaffirmed her appointment of Nichol Hughes to the Economic Development Commission. She reminded of the Five Corners Roundabout ribbon cutting on Friday.

17. **CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION  
PER RCW 42.30.110(1)(i)**

This item was not needed.

18. **RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN  
EXECUTIVE SESSION**

This item was not needed.

19. **ADJOURN**

With no further business, the Council meeting was adjourned at 10:28 p.m.