



# Architectural Design Board Handbook

This handbook is intended to provide an overview of the ADB and its processes and to gather useful references in one place. It is not exhaustive but touches on many of the aspects of the Board's organization and work. Rules of procedure and rules governing the election and duties of officers are included.

Two important documents referenced in the handbook are available on the City's website - the City's [Comprehensive Plan](#) and the [Edmonds Community Development Code](#) (ECDC).

## Welcome from the Planning and Development Director

Hello! The City of Edmonds boards and commissions play an important role in serving our community. Each provides advice and recommendations to the Mayor and City Council regarding programs, activities, and issues unique to their mission and purpose. Edmonds Planning and Development Department oversees the Architectural Design, Planning and Tree Boards in addition to the Historical Preservation Commission. I am generally responsible for handling board budgets, staffing, and any legal or policy issues that may arise.

Thank you for your volunteer service to the City of Edmonds.

*Susan McLaughlin, Director*

## ADB History

The ADB was created in 1973 and was known as the Amenities Design Board until 1982 when it was renamed the Architectural Design Board. The Board has an official [webpage](#) which summarizes a variety of information about Board activities.

## Powers & Duties

All City boards and commissions have powers and duties codified in Title 10 of the Edmonds City Code (ECC), with the Architectural Design Board covered by ECC [Chapter 10.05](#). Originally a five-member Board, today's seven-member Board has nearly the same Powers and Duties as in 1973:

*The board is empowered to advise and make recommendations to the mayor, city council, planning commission and the planning department on matters hereinafter enumerated and on such matters as may be specifically referred to the board by the mayor, city council, planning commission or the planning department:*

*A. To study and prepare a recommendation for a comprehensive architectural design plan including the recommendation of establishment of specific design districts which shall be a part of the comprehensive plan.*

*B. To review and study land use within the city of Edmonds from a design standpoint.*

*C. To establish goals, objectives and policies for design districts.*

*D. To recommend legislation to effectuate the implementation of the comprehensive architectural design plan and the goals, objectives and policies for each established design district.*

*E. And for such other matters as shall be referred to the board for review and recommendation by the mayor, city council, planning commission or the planning department.*

While the Powers and Duties indicate more of a policy development focus for the ADB, the Board has spent most of the past 50 years acting as a decision-maker on design for projects large and small. In the mid-1990s, staff started to take a greater role in design review, taking some smaller projects off the ADB's plate. In 2007, the scope of what requires design review was updated to focus on a more limited set of projects and to further clarify what types of projects are reviewed by the Board and what types are reviewed by staff.

Chapter 10.05 is included in its entirety as Appendix 1.

## **Orientation**

Mike Clugston is the staff liaison to the ADB and should be the main point of contact for board matters and has subject matter expertise related to Board business. He coordinates with the Board Chair on individual meeting agenda items, provides information and responds to questions on agenda items during the meeting, and records Board meetings.

The Senior Administrative Assistant to the Planning Division is primarily responsible for distributing meeting agendas and posting minutes once they are approved.

The Executive Assistant to the Mayor manages personnel on City boards and commissions, advertises for vacancies, and maintains the ADB position list. If your personal information changes during your tenure or should you need to resign your position during your term for any reason, please contact the Mayor's Executive Assistant.

Current Contact Information (as of April 2023); members will be informed of any changes.

Senior Planner: Mike Clugston, [michael.clugston@edmondswa.gov](mailto:michael.clugston@edmondswa.gov)

Planning Manager: David Levitan, [dlevitan@edmondswa.gov](mailto:dlevitan@edmondswa.gov)

Senior Admin Asst: Michelle Martin, [michelle.martin@edmondswa.gov](mailto:michelle.martin@edmondswa.gov)

Mayor's Exec Asst: Carolyn LaFave, [carolyn.lafave@edmondswa.gov](mailto:carolyn.lafave@edmondswa.gov)

Planning Director: Susan McLaughlin, [susan.mclaughlin@edmondswa.gov](mailto:susan.mclaughlin@edmondswa.gov)

The Planning and Development Department is located on the second floor of City Hall (121 5<sup>th</sup> Ave. N) and can be reached at 425-771-0220.

## Open Public Meetings Act (OPMA) training

The Washington State Open Public Meetings Act (OPMA), found in [RCW 42.30.020](#), and [ECC Chapter 10.02](#) strive for greater government transparency by requiring all board/commission business be conducted in open public meetings. All new board members are required to take OPMA training within 90 days of appointment and to retake the training every four years. The City Attorney typically provides an abbreviated training at a regular board meeting early in the year, but board members are also encouraged to take the more thorough [Attorney General's Office OPMA training](#) as well. Board members should provide Planning staff with a copy of their training certificate so that it can be forwarded to the City Clerk.

## OPMA and communicating via email, social media, phone, etc.

Violations of OPMA laws can result in penalties, as well as a breakdown in confidence in government. The city and individuals (staff or board members) can be held liable for OPMA violations. For that reason, board and commission members are advised to conduct business in regular or special meetings and retreats, and err on the side of caution in emails and other communication between members outside of meetings on topics that may come before them, as even seemingly innocuous conversations or email discussions can unknowingly become “rolling quorums” or “serial meetings” in violation of OPMA rules. City emails are archived and indexed and subject public disclosure laws.

When the ADB considers a quasi-judicial matter – defined in [ECDC 20.01.001](#)(B) as “decisions that involve the use of discretionary judgment in the review of each specific application” - members should report any ex-parte communications on the topic when discussing at Board meetings, consistent with the guidance in [ECDC 20.06.070](#). Ex-parte communications are conversations with interested parties related to the matter. Per [ECDC Table 20.01.003](#)(A), rezones (zoning map amendments) and development agreements are the only Type IV quasi-judicial matters reviewed by the Board.

Urgent information that is to be conveyed to all board members prior to the next meeting should be sent to staff for distribution via “BCC” with ‘no reply’ expressly stated at the top of informational emails. This [handout](#) from the Municipal Research Services Center (MRSC) helps explain electronic communications under OPMA rules.

## **Meetings**

“Regular meetings” are conducted in a hybrid meeting format the fourth Thursday of the month at 6:00PM. Meetings may take one hour or more depending on the agenda. If there are no items that need discussion or review, a meeting may be cancelled.

The in-person meeting location is in the Brackett Room on the third floor of Edmonds City Hall, which is located at 121 5<sup>th</sup> Avenue N, unless otherwise noted.

ADB members and the public may also attend remotely via the Zoom online platform. Board members are encouraged to attend in person when possible but may fully participate remotely. Board members join as a “panelist” which allows for members to speak and interact during the entire meeting, and are expected to have their camera on, if possible. Members of the public join as an “attendee,” which allows them to watch and listen to the meeting and be promoted

by staff during public comment periods of the meeting, either general public comments or specific to a public hearing item, to provide oral testimony. Please allow sufficient time to join the webinar and notify staff if you are having technical difficulties.

“Special meetings” are any meetings that take place outside the regularly scheduled date, time and/or place. Public notice is required at least 24 hours in advance. The special meeting agenda must be posted online and physically at 3 locations: in City Hall, at the Edmonds Public Library and in the entrance to the Public Safety Building, outside Council Chambers. Once a special meeting agenda is posted, the board cannot consider any subject or issue that is not listed on the agenda per OPMA rules. Members may remove items but not add new items. Special meetings are typically called for emergencies or to focus on a specific topic or topics.

“Joint meetings” involving the ADB occur periodically. The Board may join another group’s meeting as with City Council, or may host another board or commission to discuss certain topics of common interest such as Tree Board, Economic Development Commission, Planning Board, etc.

### Meeting Agendas

The purpose of an agenda is to organize Board business, set and achieve goals, plan events, and work on projects efficiently. Meeting agendas are a coordinated effort:

- Members contact Chair/Vice Chair with clearly stated agenda topics. The Chair may ask member(s) how much time the topic may need and who will be leading the discussion. The Chair may suggest to members certain topics be placed on a subsequent meeting agenda.
- The Chair and staff discuss the upcoming meeting agenda to further clarify and prioritize topics. A final list of meeting topics is due to staff by 5pm on Monday in the week prior to the upcoming meeting.
- Although agendas can be posted up to 24 hours before the meeting, out of courtesy to members, staff posts upcoming meeting agendas the Thursday prior to the next meeting. That allows members sufficient time to review the upcoming meeting agenda, read the previous meeting minutes and complete any action items prior to the next meeting.
- Agendas (including special meeting agendas) must be posted at least 24 hours before the meeting, or the meeting cannot be held. Posting the meeting agenda constitutes public noticing.

Meeting agendas along with minutes and video from past meetings are available at:  
<http://edmondswa.iqm2.com/Citizens/default.aspx>.

### Meeting Attendance

Your attendance at Architectural Design Board meetings is important! If something arises that prevents you from attending a regular meeting, please notify the staff liaison and the ADB Chair (or Vice Chair, as needed) as early as possible. Excused absences are at the discretion of the Chair and must be noted during the roll call. Per ECC Section 1.05.010,

members of all boards/commissions must attend at least 70% of the regular meetings in any one calendar year and cannot miss more than 3 consecutive meetings, unless the absences are excused. Any board member that does not meet attendance requirements may be removed from that position by the mayor, per ECDC 1.05.020 and 1.05.030 (Appendix 2). Should a board member experience continued difficulties in meeting the minimum meeting requirements, they are encouraged to consider whether they are able to make the time commitment needed to serve on the ADB.

### Meeting Notes

ADB meetings are recorded by audio and video and professionally summarized as draft meeting minutes to provide sufficient detail on board discussions and actions. Draft minutes are included in the meeting packet of a future meeting, which is most often the next meeting, for approval by the board. Board members should review the draft minutes and discuss any changes to them that are needed. Once approved or approved as corrected, meeting minutes are posted on the ADB meeting webpage.

## **Membership, Officers & Quorum**

The Architectural Design Board consists of:

- 1) two architects or building designers or one of each
- 2) a landscaper or landscape architect
- 3) a builder or developer
- 4) a person educated or having practical experience in planning
- 5) two lay persons, who must reside within the City

### Officer Positions

Officers are typically selected at the last meeting of the year or the first meeting of a new year. If volunteering for an officer position, please carefully consider your personal schedule, your comfort level with electronic communication and availability outside of meetings for tasks such as coordinating meeting agendas. While it is not essential to have an in-depth knowledge of planning topics, the Chair should be familiar with the rules of order to facilitate meetings. When nominating someone, consider the same.

The Chair runs board meetings and is the primary liaison with staff, including agenda planning. The Vice Chair operates in the same capacity when the Chair is not available. The Chair/Vice Chair positions have typically rotated each year, with the Vice Chair often moving to Chair (if interested) when the previous Chair's year is up. Board members should nominate and vote on candidates for both the Chair and Vice Chair positions.

Should the Chair position become vacant, the Vice Chair shall become the Chair for the duration of the term, until the following year's election. Should the Vice Chair become vacant, the position shall be elected at the next regular board meeting at which a quorum is present.

As needed, the board may establish committees of three members or fewer to conduct business defined by the Board that occurs outside of regular meetings, such as a more detailed analysis of specific topics that would then be reported back to the entire board during a public meeting. Creation of such committees may be proposed by any board member and shall be appointed by the Chair, with board members able to volunteer or nominate others to serve.

### Quorum

All board members share an equal right and obligation to participate in ADB decisions. This [handout](#) from Jurassic Parliament is helpful in making a shift from discussing affairs in a conversational manner to conducting board business in a democratic manner. Board business is conducted by vote by a minimum number of members (quorum). Per ECDC 10.05.030, four ADB members constitute a quorum for transaction of business when all positions have been appointed, with at least three members needed to take action on any particular item before the Board. That is, if four members are present but two abstain from voting on an item, no action could be taken on that item. If the number of members should be reduced to six or less for any reason, including a member's removal for failure to maintain attendance, three members shall constitute a quorum (per ECDC 1.05.010).

The Alternate position abstains from voting when all seven regular members are present. In the event a regular member is absent or disqualified for any reason, the alternate has all the powers of a regular member, including the right to vote on board decisions. The alternate is subject to the same attendance requirements as regular board members. If a regular position on the board becomes vacant, the alternate becomes a regular member and fills that vacancy for the remainder of the unexpired term. The student member does not vote on Board decisions.

### Document Storage

The City's Information Services (IS) Department has set up accounts for boards and commissions in the City's File Transfer Protocol server, [WingFTP](#), for document and photo storage related to board business. Due to public records laws, Board members should not use personal or other external file storage. The staff liaison can provide the FTP server password and account login information. Board members can log on to WingFTP to upload new documents to share with the Board, and can also download documents from the server to make changes, then upload the edited documents. Staff will periodically review the materials on the FTP server for compliance with [Local Government Records Retention Schedules](#) established by the Washington State Archives (see Appendix D for Land Use retention schedule).

## **Member Conduct**

Except where there are conflicts with ECDC Chapter 10.05 and this handbook, *Robert's Rules of Order* are used, as summarized on the [MRSC website](#) and detailed in this [2017 MRSC report](#). At meetings, please respect fellow board members' time by holding new topics that are not on the agenda until the following meeting agenda and limiting personal commentary. Board members should insist on courtesy and respect and refrain from personal remarks, insulting language, attacks, interruptions, sidebar conversations, and

disrespectful body language. The Chair or any member should be comfortable in identifying conduct that they believe is inappropriate or unprofessional and requesting that it stops immediately.

Outside of meetings, all communication with City staff should be through the contacts referenced previously.

As residents of Edmonds, board members are free to participate in a variety of projects, activities, and discussions that impact the city outside of their official role, so long as they do so in an individual capacity and not as a representative of the ADB. Members should be especially cautious on topics that are likely to come before the Board in its quasi-judicial decision making role for land use projects or even in its advisory role to City Council, and are encouraged to proactively disclose any actions or discussions that may be raised in association with Washington State's Appearance of Fairness Doctrine ([Chapter 42.36 RCW](#)).

## **Design Review Processes and Standards**

### Why do design review?

The City of Edmonds uses design review to promote development practices that enhance the environmental and aesthetic quality of the community as a whole. Design review is intended to apply to all development including any improvement to real property open to exterior view, including but not limited to buildings, structures, fixtures, landscaping, site screening, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks, junk yards, riding academies, kennels and recreational facilities), mobile home and trailer parks, whether all or any are publicly or privately sponsored.

The following types of development are **exempt** from design review:

1. Parks developed under a master plan approved by the Edmonds city council.
2. Permitted primary and secondary uses in RS – single-family residential districts.
3. Detached single-family homes or duplexes in RM – multiple residential districts.
4. Additions or modifications to structures or sites on the Edmonds register of historic places which require a certificate of appropriateness from the Edmonds historic preservation commission.
5. Fences that do not require a separate development permit.
6. Signs that meet all of the standards in the sign ordinance.
7. Underground utilities.

### What are the applicable design standards and processes?

Design guidance is found in both the City's Comprehensive Plan and the Edmonds Community Development Code (ECDC) and applies to general areas of the City or to specific zoning districts. These documents and the others referenced below are available on the City's website at:

[https://www.edmondswa.gov/government/departments/development\\_services/planning\\_division](https://www.edmondswa.gov/government/departments/development_services/planning_division).

1. General and district-specific urban design goals, policies, and objectives are found in the Community Culture and Urban Design Element of the Comprehensive Plan (pgs. 122 – 127).
2. ECDC Title 16 – Zone Districts. Some zoning districts have specific design standards, particularly the Residential Multifamily (Chapter 16.30), the Community Business – Edmonds Way (Chapter 16.50), the General Commercial (Chapter 16.60), and the Westgate Mixed-Use (Chapter 16.100) zones.
3. ECDC Chapters 20.10 – 20.13. These chapters include standards and processes used in design review.
  - a. Chapter 20.10 – Design Review
  - b. Chapter 20.11 – General Design Review
  - c. Chapter 20.12 – District-Based Design Review
  - d. Chapter 20.13 – Landscaping Requirements
4. ECDC Title 22 – Design Standards. Specific design standards for the Downtown Business (BD) zones, the Westgate Mixed-Use District (WMU) and the Firdale Village (FVMU) zones.
5. Street Tree Plan. This portion of the Edmonds Streetscape Plan contains specific requirements for street tree installation in certain locations throughout the city.

Other sections of the Edmonds Community Development Code that will affect the design of a project include: ECDC Chapter 17.50, off-street parking standards; ECDC Title 18, Public Works Requirements (including stormwater, streets and sidewalks, and parking lot construction); ECDC Title 23, Tree and Critical Area codes; ECDC Title 24, the Shoreline Master Program.

#### Are there different types of design review?

Yes. The type of design review depends on the location of the project within the City.

1. District-based design review applies for projects located in:
  - a. The Downtown Business zones (BD zones) located within the Downtown/Waterfront Activity Center.
  - b. The General Commercial (CG) zone located within the Medical/Highway 99 Activity Center or the Highway 99 Corridor.
2. General design review applies to all multifamily, business and commercial areas of Edmonds.

#### Who does the review?

Depending on the scope of the project, design review is done either by the Architectural Design Board (ADB) or City staff. The ADB reviews projects where a threshold determination is required by the State Environmental Policy Act (SEPA); except, the ADB is only required to review projects that include buildings exceeding 75 feet in height in the CG zone.

All projects under the maximum height in CG and all those elsewhere in the City that do not require a SEPA determination are reviewed administratively by city staff.



In limited cases, the Board will review a project make a recommendation on design to the Hearing Examiner. The Examiner will then hold a public hearing and make the final decision on design as well as a related land use permit. Examples include planned residential developments and other consolidated land use projects where the Examiner is the final decision maker.

#### What is the process for General Design Review?

The following findings must be made by staff or the ADB when doing general design review:

- **Criteria and Comprehensive Plan.** The proposal is consistent with the criteria listed in ECDC 20.11.030 in accordance with the techniques and objectives contained in the Urban Design chapter of the Community Culture and Urban Design Element of the Comprehensive Plan.
- **Zoning Ordinance.** The proposal meets the bulk and use requirements of the zoning ordinance.

#### Staff Review (Type I decision)

Most commonly, staff completes design review as part of the building permit application review. Staff reviews the project for design compliance while looking at related bulk zoning criteria. In some instances, a separate design review application may be reviewed and approved prior to building permit application.

#### ADB Review (Type III-A decision)

This is a quasi-judicial process where the Board makes the final decision after a public hearing (see Attachment 2 for more details about the quasi-judicial decision process).

After submittal, staff will review the application for completeness; the contact person for the project will receive a letter indicating whether the application is complete and/or identifying any additional items or information that is required. Once complete, the application is reviewed for compliance with city codes, and the proposal is scheduled for an ADB meeting agenda. One week before the meeting, a staff report with recommendation and suggested conditions is sent to the ADB and the project contact.

The ADB meeting is a public hearing with testimony taken from staff, the applicant, and interested citizens. Before the meeting, staff will provide the Chair a meeting script to run through at the meeting as a process guide. At the meeting, staff presents their report and the applicant then makes a presentation about the proposal. Citizens can comment on the proposal as well. After deliberation and consideration of the testimony presented, the Board will make a motion to approve the proposal, deny it, or approve the proposal with modifications or conditions.

There are occasions where a hearing may need to be continued to obtain additional information or clarification before the Board can make a decision. In that instance, the Board must continue the hearing to a date certain so the hearing can be completed and a decision issued.

#### What is the process for District-Based Review?

The following findings must be made by staff when using district-based design review:

- Design Guidelines. The proposal meets the relevant district-specific design objectives contained in the Comprehensive Plan.
- Zoning Ordinance. The proposal meets the bulk and use requirements of the zoning ordinance, including the guidelines and standards contained in the relevant zoning chapter(s).

The following findings must be made by the ADB when using district-based design review:

- Design Objectives. The proposal meets the relevant district-specific design objectives contained in the Comprehensive Plan.
- Design Criteria. The proposal incorporates the specific checklist criteria identified by the ADB during Phase 1 of the public hearing (see ECDC 20.12.020).
- Zoning Ordinance. The proposal meets the bulk and use requirements of the zoning ordinance, including the guidelines and standards contained in the relevant zoning chapter(s).

#### Staff Review (Type I decision)

As with general design review, staff usually completes district-based design review as part of the building permit application review, reviewing the project for design compliance while looking at height, setbacks, parking and other zoning criteria. In a limited number of instances, a separate design review application may be required.

#### ADB Review (Type III-A decision)

This is a quasi-judicial process where the Board makes the final decision after a public hearing (see Attachment 2 for more details about the quasi-judicial decision process).

The district-based review by the ADB involves a two-phase hearing process developed in order to obtain public and design professional input prior to the expense incurred by a developer in preparation of detailed design. In general, the process is as follows:

- 1) Public Hearing (Phase 1). The applicant submits a preliminary conceptual design(s) to the City. Staff schedules the first phase of the ADB hearing within 30 days of the application being found to be “complete.” During Phase 1 of the public hearing, the ADB makes factual findings regarding the particular characteristics of the property and establishes a prioritized design guideline checklist based upon these facts, the provisions of the City’s design guidelines, and elements of the Comprehensive Plan and the Edmonds Community Development Code. Following review of the design guideline checklist, the public hearing is continued to a date-certain not to exceed 120 days from the Phase 1 date.
- 2) Continued public hearing (Phase 2). The purpose of the continuance is to allow the applicant time to further refine or redesign the initial conceptual design to address the input of the public and the ADB by complying with the design guideline checklist criteria. When refinement or redesign is complete, it is resubmitted for final review; the review of this design is the subject of Phase 2 of the public hearing. This design must be

submitted within 180 days of the Phase 1 meeting, or the two-step process must begin again as a new application.

### Appeals

Design review decisions may be appealed to Snohomish County superior court within 21 days of the issuance of the decision.

### Prior to Construction

In those instances where design review is performed as a stand-alone review (not with a building permit application), building permits must be obtained from the Building Division prior to any construction. The building permit submittal must substantially agree with the approved design or the project may be subject to additional design review by the appropriate reviewing body or returned to the applicant for revision.

### Expiration of Approval

Design approval is valid for eighteen (18) months from the date of approval. The approval shall expire and be null and void unless a building permit is applied for within that time. The permit holder may file a written extension request with the Planning Division prior to the approval's expiration, which may be granted by the City if circumstances warrant.

### Augmented Design Review and Optional Vesting

Design review application and approval does not vest a project to the development regulations and fees in effect at the time of application or approval. Building permit applications vest development standards. At the option of the applicant, an augmented design review application to vest rights under the provisions of ECDC 19.00.025 may be submitted at the same time as the design review application. The application is processed like a standard design review but vesting rights are determined under the provisions of ECDC 19.00.025.

## **Appendices**

1. ADB code (ECC 10.05)
2. Public Meeting attendance (ECC 1.05)
3. City email password/sign-in procedures
4. State of Washington Records Retention Schedule – Land Use Planning

## **Attachments**

1. Design Guideline Checklist
2. Presentation from City Attorney on Quasi-Judicial decision making
- 3.

## **Appendix 1. Architectural Design Board enabling language ([Chapter 10.05](#) of the Edmonds City Code)**

### *10.05.010 Board created – Membership.*

*A. There is created an architectural design board consisting of seven members. The membership of said board shall be composed of two architects and/or building designers, one landscaper and/or landscape architect, one builder or developer, one educated or having practical experience in planning or any related design science, and two lay persons. The lay members shall reside within the city limits of the city of Edmonds.*

*B. Voting members of said board shall be appointed by the mayor, subject to confirmation by the city council. Members shall be selected without respect to political affiliation and they shall serve without compensation.*

*C. No person shall be appointed to serve more than two full terms on the board. An appointment to fill a vacancy for less than two years shall not constitute a full term for the purposes of this section.*

*D. All references in the Edmonds City Code to “city amenities design board,” “amenities design board” or “ADB” shall be deemed to refer to the architectural design board. [Ord. 4290 § 1 (Att. A), 2023; Ord. 2281 § 1, 1982; Ord. 2040 § 1, 1978; Ord. 1846 § 1, 1976; Ord. 1683 § 1, 1973].*

### *10.05.020 Terms of membership.*

*In order to ensure that the fewest terms will expire in any one year, the terms of the appointed positions by position number shall expire on December 31st of the year set opposite said position number as follows:*

*Position No. 1 – 1991*

*Position No. 2 – 1988*

*Position No. 3 – 1989*

*Position No. 4 – 1990*

*Position No. 5 – 1990*

*Position No. 6 – 1991*

*Position No. 7 – 1988*

*Thereafter, the terms of membership for the members of the board shall be four years. No person shall serve more than two full consecutive terms; an appointment to fill a portion of an unexpired term less than two years in length shall not be considered a full term. Vacancies occurring otherwise than upon the expiration of terms may be filled for the unexpired terms. Members may be removed by the mayor following a public hearing, with the approval of the city council, for inefficiency, neglect of duty, or misfeasance in office. Members shall be removed for failure to maintain attendance as required by the provisions of the Edmonds City Code. [Ord. 2656 § 1, 1988; Ord. 2040 § 2, 1978; Ord. 1846 § 2, 1976; Ord. 1683 § 1, 1973].*

### *10.05.030 Officers of board – Meetings – Quorum.*

*Members of the board shall meet and organize by electing from the members of the board a chair and a vice-chair, and such other officers as may be determined by the board. It shall be the duty of the chair to preside at all meetings. The vice-chair shall perform this duty in the absence of the chair. A majority of the board shall constitute a quorum for the transaction of business. A majority of a quorum may transact any particular business of the board. A regular meeting of the board is held the fourth Thursday of each month at 6:00 p.m. as a hybrid meeting that is accessible both virtually and in-person and where the in-person component is conducted in the Brackett Room, Edmonds City Hall, 121 Fifth Avenue N., Edmonds, Washington. [Ord. 4290 § 1 (Att. A), 2023; Ord. 2529, 1985; Ord. 1980, 1978; Ord. 1763 § 2, 1975; Ord. 1683 § 1, 1973].*

*10.05.040 Powers and duties.*

*The board is empowered to advise and make recommendations to the mayor, city council, planning commission and the planning department on matters hereinafter enumerated and on such matters as may be specifically referred to the board by the mayor, city council, planning commission or the planning department:*

*A. To study and prepare a recommendation for a comprehensive architectural design plan including the recommendation of establishment of specific design districts which shall be a part of the comprehensive plan.*

*B. To review and study land use within the city of Edmonds from a design standpoint.*

*C. To establish goals, objectives and policies for design districts.*

*D. To recommend legislation to effectuate the implementation of the comprehensive architectural design plan and the goals, objectives and policies for each established design district.*

*E. And for such other matters as shall be referred to the board for review and recommendation by the mayor, city council, planning commission or the planning department. [Ord. 1683 § 1, 1973].*

## **Appendix 2: Public Meeting Attendance ([Chapter 1.05](#) of the Edmonds City Code)**

### **1.05.010 Attendance required – Remote participation allowed.**

*A. In addition to being subject to removal for other particularized grounds as set forth in applicable provisions of the Edmonds City Code and violations of the city of Edmonds Code of Ethics for Board and Commission Members, members of all city boards, commissions and committees (hereinafter “members”), except as set forth herein, shall be removed from office, and the position deemed vacant as set forth in ECC 1.05.020(C) if such member attends less than 70 percent of the regular meetings in any one calendar year, and/or is not in attendance at three or more consecutive regular meetings. Members may participate in board and commission meetings remotely (by telephone, video conference, etc.) and such participation shall be considered attendance for the purposes of this subsection; provided, that any such participation must allow for all other members of the board or commission and any public in attendance to hear the member on the remote device; and provided further, that any member participating remotely must commence participation at the beginning of the meeting and must declare an intention to participate until the end of the meeting. Remote participation is not a right. Reasonable efforts should be made to facilitate remote participation within the limits of the city’s personnel and fiscal resources, but technical disruption may still occur. After resuming a remote connection after any technical disruption of said connection, the chair shall determine, subject to appeal, whether a remote member may participate in any action on a matter that may have been discussed during the disconnection, based on the duration of the disconnection, nature of the discussion, etc.*

*B. The chairperson of the particular board, commission or committee may excuse, subject to appeal, any member from attendance at any particular meeting or meetings for reasons that are (1) work related, (2) due to illness or death in the family, (3) extended vacations in excess of two weeks in length, or (4) technical disruption; provided, however, each such excused absence shall be so noted by the chairperson at the meeting from which the member is being excused and such fact shall be recorded in the minutes along with the reason given for the excused absence by the member. Excused absences shall not be counted for purposes of removal from office, but only if so noted in the minutes as set forth herein. In the absence of the chairperson, the member acting in the chairperson’s behalf, such as vice-chairperson or pro tem, shall make the determination, subject to appeal, of whether the absence is excused, and announce the same for recording in the minutes of the meeting from which the member is excused. [Ord. 4266 § 1, 2022; Ord. 4098 § 1, 2018; Ord. 2556, 1986; Ord. 2033 § 2, 1978; Ord. 2156 § 1, 1980].*

### **1.05.020 Attendance records.**

*A. The city clerk shall keep a record of attendance of all board, commission and committee meetings. Upon any member failing to attend three or more consecutive regular meetings without the chairperson’s excuse being noted in the minutes, the city clerk shall certify said member’s name in writing to the mayor and shall notify in writing the members, the chairperson, and the appropriate city department head.*

*B. On or before January 15th of each calendar year, commencing in 1980, the city clerk shall compile a list of members, if any, who have attended less than 70 percent of the regular meetings in the past calendar year without the chairperson's excuses being noted in the minutes, and shall certify this list to the mayor. The city clerk shall also notify in writing the members, the applicable chairperson and the appropriate city department head.*

*C. The member shall be automatically removed from office and the position deemed vacant as of the date of the city clerk's written notification as set forth in subsections (A) and (B) of this section. [Ord. 2033 § 3, 1978; Ord. 2156 § 2, 1980].*

#### *1.05.030 New nominees appointment/ confirmations.*

*Upon receipt from the city clerk of the names of members failing to maintain attendance as provided herein, the mayor shall, within 90 days thereof, submit new nominations to the city council for confirmation. The city council shall confirm or reject the nominations within 30 days after the mayor submits the nominations to the council for consideration. A member removed for failing to maintain attendance as provided by this chapter may not be renominated or reappointed to a position on that or other city of Edmonds' board, committee or commission for at least one year after removal. [Ord. 2033 § 4, 1978].*

#### *1.05.040 Exemptions.*

*The provisions of this chapter shall not apply to members of the following boards, commissions and committees:*

*A. Edmonds city council; and*

*B. Edmonds civil service commission. [Ord. 2033 § 5, 1978].*

#### *1.05.050 Quorum requirements.*

*A. Notwithstanding any other provision of the Edmonds City Code, if the number of members of any city board, commission or committee having seven positions and subject to this chapter should be reduced to six or less for any reason, including a member's removal for failure to maintain attendance, three members shall constitute a quorum.*

*B. Members participating in a board or commission meeting remotely, as provided for in ECC 1.05.010, shall be counted towards the number of members required to constitute a quorum by the regulations pertaining to each board or commission, provided in ECC Title 10. [Ord. 4098 § 2, 2018; Ord. 2033 § 6, 1978].*

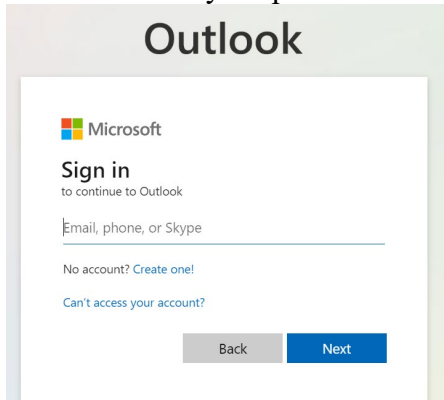


### Appendix 3: Instructions for accessing City Email

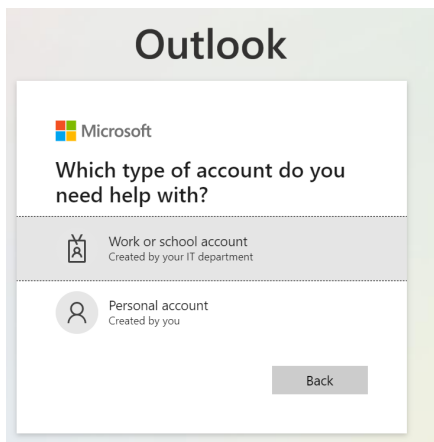
Please click here to access [outlook.office365.com](https://outlook.office365.com)

You will then be directed to the below paged where you may enter your email ([Firstname.Lastname@edmondswa.gov](mailto:Firstname.Lastname@edmondswa.gov))

If need to reset your password click into “Can’t access your account?” to reset.



Click into Work or school account



Then answer the following questions provided in the next screen which should look like this.

Microsoft

Get back into your account

Who are you?

To recover your account, begin by entering your email or username and the characters in the picture or audio below.

Email or Username: \*

Example: user@contoso.onmicrosoft.com or user@contoso.com



Enter the characters in the picture or the words in the audio. \*

Next Cancel

#### **Appendix 4: State of Washington Records Retention Schedule – Land Use Planning**

See the latest version of “Land use Planning and Permitting Records Retention Schedule” on the Washington State Archives Local Government Records Retentions Schedules [website](#).

## *Applying the Design Guidelines*

When designing projects and issuing permits for new developments, applicants and City staff will rely on these guidelines to help define specific design conditions that will be required for project approval. As these design guidelines get applied to particular development projects, some important things to remember are:

1. Each project is unique and will pose unique design issues. Even two similar proposals on the same block may face different design considerations. With some projects, trying to follow all of the guidelines could produce irreconcilable conflicts in the design. With most projects, reviewers will find some guidelines more important than others, and the guidelines that are most important on one project might not be important at all on the next one. The design review process will help designers and reviewers to determine which guidelines are most important in the context of each project so that they may put the most effort into accomplishing the intent of those guidelines.
2. Project must be reviewed in the context of their zoning and the zoning of their surroundings. The use of design guidelines is not intended to change the zoning designations of land where projects are proposed; it is intended to demonstrate methods of treating the appearance of new projects to help them fit their neighborhoods and to provide the Code flexibility necessary to accomplish that. Where the surrounding neighborhood exhibits a lower development intensity than is current zoning allow, the lower-intensity character should not force a proponent to significantly reduce the allowable size of the new building.
3. Many of the guidelines suggest using the existing context to determine appropriate solutions for the project under consideration. In some areas, the existing context is not well defined, or may be undesirable. In such cases, the new project should be recognized as a pioneer with the opportunity to establish a pattern or identity from which future development can take its cues. In light of number 2 above, the site's zoning should be considered an indicator of the desired direction for the area and the project.
4. Each guideline includes examples and illustrations of ways in which that guidelines can be achieved. The examples are just that – examples. They are not the only acceptable solution. Designers and reviewers should consider designs, styles and techniques not described in the examples but that fulfill the guideline.
5. The checklist which follows the guidelines (Checklist) is a tool for determining whether or not a particular guideline applies to a site, so that the guidelines may be more easily prioritized. The checklist is neither a regulatory device, nor a substitute for evaluating a site's conditions, or to summarize the language of examples found in the guidelines themselves.

## *Considering the Site*

Edmond's Land Use Code sets specific, prescriptive rules that are applied uniformly for each land use zone throughout the city. There is little room in the Code's development standards to account for unique site conditions or neighborhood contexts. A project architect can read the Code requirements and theoretically design a building without ever visiting the site.

However, to produce good compatible design, it is critical that the project's design team examine the site and its surrounding, identify the key design features and determine how the proposed project can address the guidelines' objectives. Because they rely on the project's context to help shape the project, the guidelines encourage an active viewing of the site and its surroundings.

For a proposal located on a street with a consistent and distinctive architectural character, the architectural elements of the building may be key to helping the building fit the neighborhood. On other sites with few attractive neighboring buildings, the placement of open space and treatment of pedestrian areas may be the most important concerns. The applicant and the project reviewers should consider the following questions and similar ones related to context when looking at the site:

- What are the key aspects of the streetscape? (The street's layout and visual character)
- Are there opportunities to encourage human activity and neighborhood interaction, while promoting residents' privacy and physical security?
- How can vehicle access have the least effect on the pedestrian environment and on the visual quality of the site?
- Are there any special site planning opportunities resulting from the site's configuration, natural features, topography etc.?
- What are the most important contextual concerns for pedestrians? How could the sidewalk environment be improved?
- Does the street have characteristic landscape features, plant materials, that could be incorporated into the design?
- Are there any special landscaping opportunities such as steep topography, significant trees, greenbelt, natural area, park or boulevard that should be addressed in the design?
- Do neighboring buildings have distinctive architectural style, site configuration, architectural concept?

## *Design Guidelines Checklist*

This checklist is intended as a summary of the issues addressed by the guidelines. It is not meant to be a regulatory device or a substitute for the language and examples found in the guidelines themselves. Rather, it is a tool for assisting the determination about which guidelines are the most applicable on a particular site.

### *A. Site Planning*

	N/A	Lower Priority	Higher Priority
1. Reinforce existing site characteristics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Reinforce existing streetscape characteristics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Entry clearly identifiable from the street	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Encourage human activity on street	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Minimize intrusion into privacy on adjacent sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Use space between building and sidewalk to provide security, privacy and interaction (residential projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Maximize open space opportunity on site (residential projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Minimize parking and auto impacts on pedestrians and adjoining property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Discourage parking in street front	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Orient building to corner and parking away from corner on public street fronts (corner lots)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### *B. Bulk and Scale*

	N/A	Lower Priority	Higher Priority
1. provide sensitive transitions to nearby, less-intensive zones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*C. Architectural Elements and Materials*

	N/A	Lower Priority	Higher Priority
1. Complement positive existing character and/or respond to nearby historic structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Unified architectural concept	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Use human scale and human activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Use durable, attractive and well-detailed finish materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Minimize garage entrances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*D. Pedestrian Environment*

	N/A	Lower Priority	Higher Priority
1. Provide convenient, attractive and protected pedestrian entry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Avoid blank walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Minimize height of retaining walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Minimize visual and physical intrusion of parking lots on pedestrian areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Minimize visual impact of parking structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Screen dumpsters, utility and service areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Consider personal safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*E. Landscaping*

	N/A	Lower Priority	Higher Priority
1. Reinforce existing landscape character of neighborhood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Landscape to enhance the building or site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Landscape to take advantage of special site conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## A-1: Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and other natural features.

### Explanations and Examples

Site characteristics to consider in project design include:

#### 1) Topography

- Reflect, rather than obscure, natural topography. For instance, buildings should be designed to "step up" hillsides to accommodate significant changes in elevation.
- Where neighboring buildings have responded to similar topographic conditions in their sites in a consistent and positive way, consider similar treatment for the new structure.
- Designing the building in relation to topography may help to reduce the visibility of parking garages.

#### 2) Environmental constraints

- Site buildings to avoid or lessen the impact of development on environmentally critical areas such as steep slopes, wetlands and stream corridors.

#### 3) Solar orientation

- The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts on adjacent structures and public areas.

#### 4) Existing vegetation

- Careful siting of buildings can enable significant or important trees or other vegetation to be preserved.

#### 5) Existing structures on the site

- Where a new structure shares a site with an existing structure or is a major addition to an existing structure, designing the new structure to be compatible with the original structure will help it fit in.



## A-2: Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

### Explanation and Examples

The character of a neighborhood is often defined by the experience of traveling along its streets. We often perceive streets within neighborhoods as individual spaces or "rooms." How buildings face and are set back from the street determine the character and proportion of this room.



### A-3: Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

#### Explanation and Examples

Entries that are visible from the street make a project more approachable and create a sense of association among neighbors.



### A-4: Human Activity

New development should be sited and designed to encourage human activity on the street.

#### Explanation and Examples

Livelier street edges make for safer streets. Ground floor shops and market spaces providing services needed by residents can attract market activity to the street and increase safety through informal surveillance. Entrances, porches, awnings, balconies, decks, seating and other elements can promote use of the street front and provide places for neighborly interaction. Siting decisions should consider the importance of these features in a particular context and allow for their incorporation.



Also, architectural elements and details can add to the interest and excitement of buildings and spaces. Elements from the following list should be incorporated into all projects. Projects in pedestrian oriented areas of the City should include an even greater number of these details due to the scale of the buildings and the proximity of the people that will experience them.

- Lighting or hanging baskets supported by ornamental brackets
- Belt courses
- Plinths for columns
- Kickplate for storefront window
- Projecting sills
- Tilework
- Transom or clerestory windows
- Planter box
- Variations in applied ornament, materials, colors or trim.
- An element not listed here, as approved, that meets the intent.





In pedestrian oriented areas, ground floor commercial space is encouraged to be at grade with the sidewalk. If the entrance can not be located at the grade of the sidewalk, special care must be taken to ensure that there is both a visual and physical connection between the pedestrian way and the entrance that enhances the pedestrian orientation of the building.

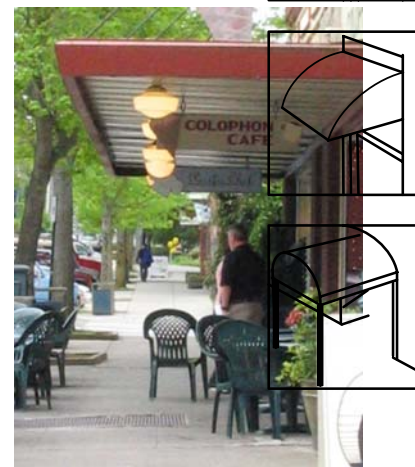
The ground level façades of buildings that are oriented to street fronts in the CW, BC, BN, and BP zones shall have transparent windows to engage the public. To qualify as transparent, windows shall not be mirrored or darkly tinted glass, or prohibit visibility between the street and interior. Where transparency is not provided, the façade shall comply with the guidelines under the section 'Treating Blank Walls'.

### ***In the Downtown Commercial Core***

The ground level façades of buildings that are oriented to streets should have a substantial amount of transparent windows, especially in the retail core. A primary function of the pedestrian oriented retail core is to allow for the visual interaction between the walking public and the goods and services businesses located on the first floor are providing.

To qualify as transparent, windows shall not be mirrored or darkly tinted glass, or prohibit visibility between the street and interior. Where transparency is not provided, the façade shall comply with the guidelines under the section 'Treating Blank Walls'. Buildings that are entirely residential do not have a specific transparency requirement. However, all-residential buildings shall be treated as if they have blank walls facing the street and must comply with the guidelines under the section 'Treating Blank Walls'. That portion of Ground level spaces that opens up to the sidewalk through means of sliding or roll up doors shall be considered to comply with any transparency requirements regardless of the amount of glass in the opening.

Awnings are encouraged along pedestrian street fronts. They may be structural (permanently attached to and part of the building) or non-structural (attached to the building using a metal or other framework). To enhance the visibility of business signage retractable awnings are encouraged and should be open-sided. Front valances are permitted and signage is allowed on valances, but not on valance returns. Marquee, box, or convex awning shapes are not permitted. Awnings should be located within the building elements that frame storefronts, and should not conceal important architectural details. Awnings should also be hung just below a clerestory or "transom" window, if it exists. Awnings on a multiple-storefront building should be consistent in character, scale and position, but need not be identical. Non-structural awnings should be constructed using canvas or fire-resistant acrylic materials. Shiny, high-gloss materials are not appropriate; therefore, vinyl or plastic awning materials are not permitted. Structural Awnings



should be designed to incorporate natural light. Artificial lighting should only be used at night.

Signage should be designed to integrate with the building and street front. Combinations of sign types are encouraged which result in a coordinated design while minimizing the size of individual signs. Blade or projecting signs which include decorative frames, brackets or other design elements are encouraged. This type of detail is consistent with the design elements mentioned above that enhance the interest of the area. Use graphics or symbols to reduce the need to have large expanses of lettering. Signage in the "Arts Center Corridor" defined in the Comprehensive Plan is required to include decorative sign frames or brackets in its design.

Instead of broadly lighting the face of the sign, signage should be indirectly lit, or backlit to only display lettering and symbols or graphic design. Signage should be given special consideration when it is consistent with or contributes to the historic character of sites on the National Register or the Edmonds Register of Historic Places



#### **A-5: Respect for Adjacent Sites**

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

##### **Explanation and Examples**

One consideration is the views from upper stories of new buildings into adjacent houses or yards, especially in less intensive zones. This problem can be addressed in several ways.

- Reduce the number of windows and decks on the proposed building overlooking the neighbors.
- Step back the upper floors or increase the side or rear setback so that window areas are farther from the property line.
- Take advantage of site design which might reduce impacts, for example by using adjacent ground floor area for an entry court.
- Minimize windows to living spaces which might infringe on the privacy of adjacent residents, but consider comfort of residents in the new building.
- Stagger windows to not align with adjacent windows.



### A-6: Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

#### Explanation and Examples

The transition between a residential building and the street varies with the depth of the front setback and the relative elevation of the building to the street.



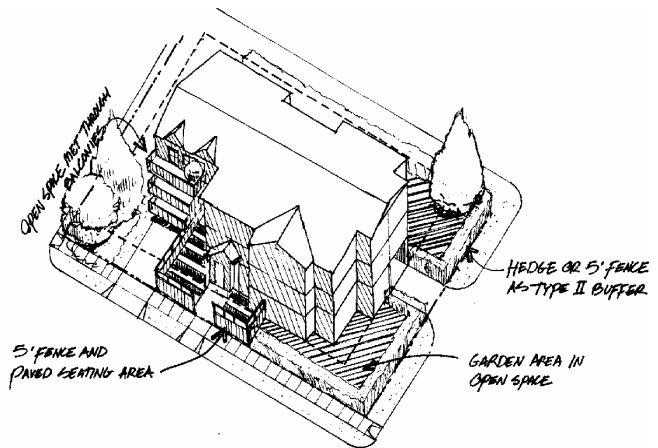
### A-7: Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

#### Examples and Explanations

Residential buildings are encouraged to consider these site planning elements:

- Courtyards which organize architectural elements, while providing a common garden or other uses.
- Entry enhancement such as landscaping along a common pathway.



### A-8: Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

#### Explanation and Examples

Techniques used to minimize the impacts of driveways and parking lots include:

- Locate surface parking at rear or side lots.
- Break large parking lots into smaller ones.
- Minimize number and width of driveways and curb cuts.
- Share driveways with adjacent property owners.
- Locate parking in lower level or less visible portions of site.
- Locate driveways so they are visually less dominant.



Access should be provided in the following order of priority:

- i) If there is an alley, vehicular access should use the alley. Where feasible, the exit route should use the alley.

- ii) For corner parcels, access should be off the secondary street rather than the primary street.
- iii) Share the driveway with an adjacent property. This can be a driveway with two-way traffic.
- iv) A driveway serving a single project is the least preferred option.

Drive-through facilities such as, but not limited to, banks, cleaners, fast food, drug stores, espresso stands, etc., should comply with the following:

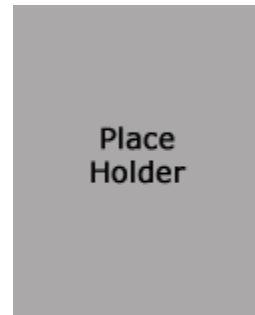
- i) Drive-through windows and stacking lanes shall not be located along the facades of the building that face a street.
- ii) Drive-through speakers shall not be audible off-site.
- iii) The entrance and exit from the drive-through shall be internal to the site, not a separate entrance and/or exit to or from the street.

#### **A-9: Location of Parking on Commercial Street Fronts**

Parking on a commercial street front should be minimized and where possible should be located behind a building.

##### **Explanation and Examples**

Parking located along a commercial street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street.



#### **A-10: Corner Lots**

Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

##### **Explanation and Examples**

Corner lots offer unique opportunities because of their visibility and access from two streets.





## **B-1: Bulk, and Scale Compatibility**

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived bulk, and scale between anticipated development potential of the adjacent zones.



### **Explanation and Examples**

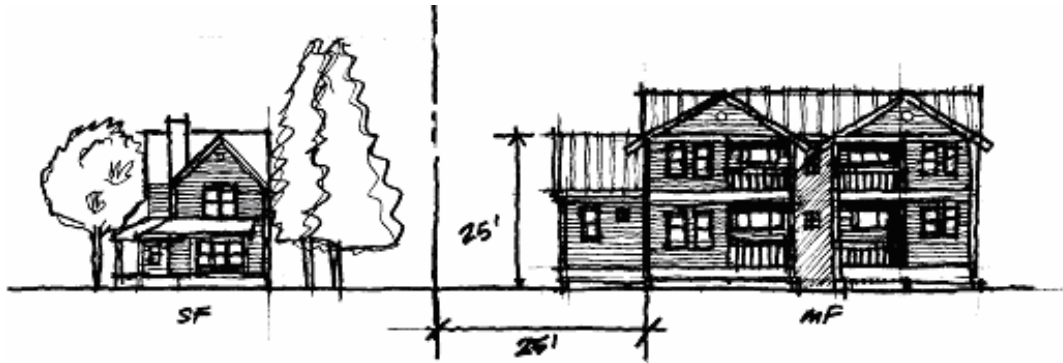
For projects undergoing Design Review, the analysis and mitigation of bulk and scale impacts will be accomplished through the Design Review process. Careful siting and design treatment based on the technique described in this and other design guidelines will help to mitigate some bulk and scale impacts; in other cases, actual reduction in the bulk and scale of a project may be necessary to adequately mitigate impacts. Design Review should not result in significant reductions in a project's actual bulk and scale.

Bulk and scale mitigation may be required in two general circumstances:

1. Projects on or near the edge of a less intensive zone. A substantial incompatibility in scale may result from different development standards in the two zones and may be compounded by physical factors such as large development sites, slopes or lot orientation.
2. Projects proposed on sites with unusual physical characteristics such as large lot size, or unusual shape, or topography where buildings may appear substantially greater in bulk and scale than that generally anticipated for the area.

Factors to consider in analyzing potential bulk and scale impacts include:

- distance from the edge of a less intensive zone
- differences in development standards between abutting zones (allowable building width, lot coverage, etc.)
- effect of site size and shape
- bulk and scale relationships resulting from lot orientation (e.g. back lot line to back lot line vs. back lot line to side lot line)
- type and amount of separation between lots in the different zones (e.g. separation by only a property line, by an alley or street, or by other physical features such as grade changes).



In some cases, careful siting and design treatment may be sufficient to achieve reasonable transition and mitigation of bulk and scale impacts. Some techniques for achieving compatibility are as follows:

- use of architectural style, details (such as roof lines or fenestration), color or materials that derive from the less intensive zone. (See also Guideline C-1: Architectural Context.)
- creative use of landscaping or other screening
- location of features on-site to facilitate transition, such as locating required open space on the zone edge so the building is farther from the lower intensity zone.
- treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.
- in a mixed-use project, siting the more compatible use near the zone edge.

In some cases, reductions in the actual bulk and scale of the proposed structure may be necessary in order to mitigate adverse impacts and achieve an acceptable level of compatibility. Some techniques which can be used in these cases include:

- articulating the building's facades vertically or horizontally in intervals that conform to existing structures or platting pattern.
- increasing building setbacks from the zone edge at ground level
- reducing the bulk of the building's upper floors
- limiting the length of, or otherwise modifying, facades
- reducing the height of the structure
- reducing the number or size of accessory structures.

### C-1: Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

#### Explanation and Examples

Paying attention to architectural characteristics of surrounding buildings, especially historic buildings, can help new buildings be more compatible with their neighbors, especially if a consistent pattern is already established by similar:



- building articulation
- building scale and proportion
- or complementary architectural style
- or complementary roof forms
- building details and fenestration patterns
- or complementary materials

Even where there is no consistent architectural pattern, building design and massing can be used to complement certain physical conditions of existing development.

In some cases, the existing context is not so well-defined, or may be undesirable. In such cases, a new project can become a pioneer with the opportunity to establish a pattern or identity from which future development can take its cues.

In most cases, especially in the downtown commercial area, Buildings shall convey a visually distinct 'base' and 'top'. A 'base' can be emphasized by a different masonry pattern, more architectural detail, visible 'plinth' above which the wall rises, storefront, canopies, or a combination. The top edge is highlighted by a prominent cornice, projecting parapet or other architectural element that creates a shadow line.

### **Architectural Features**

Below are several methods that can help integrate new buildings into the surrounding architectural context, using compatible:

- architectural features
- fenestration patterns, and
- building proportions.

### **Building Articulation**

Below are several methods in which buildings may be articulated to create intervals which reflect and promote compatibility with their surroundings:

- modulating the facade by stepping back or extending forward a portion of the facade
- repeating the window patterns at an interval that equals the articulation interval
- providing a porch, patio, deck or covered entry for each interval
- providing a balcony or bay window for each interval
- changing the roofline by alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval
- changing the materials with a change in the building plane
- providing a lighting fixture, trellis, tree or other landscape feature with each interval

## **C-2: Architectural Concept and Consistency**

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

### **Explanation and Examples**

This guideline focuses on the important design consideration of organizing the many

architectural elements of a building into a unified whole, so that details and features can be seen to relate to the structure and not appear as add-ons.

The other objective of this guideline is to promote buildings whose form is derived from its function. Buildings which present few or no clues through their design as to what purpose they serve are often awkward architectural neighbors. For example, use of expansive blank walls, extensive use of metal or glass siding, or extremely large or small windows in a residential project may create architectural confusion or disharmony with its neighbors. Conversely, commercial buildings which overly mimic residential styles might be considered inappropriate in some commercial neighborhoods.



Often times, from an architectural design perspective buildings will convey a visually distinct 'base' and 'top'. A 'base' can be emphasized by a different masonry pattern, more architectural detail, visible 'plinth' above which the wall rises, storefront, canopies, or a combination. The top edge is highlighted by a prominent cornice, projecting parapet or other architectural element that creates a shadow line. Other architectural features included in the design of a building may include any number of the following:

- building modulation or articulation
- bay windows
- corner accent, such as a turret
- garden or courtyard elements (such as a fountain or gazebo)
- rooflines
- building entries
- building base



Architectural details may include some of the following:

- treatment of masonry (such as ceramic tile inlay, paving stones, or alternating brick patterns)
- treatment of siding (such as wood siding combined with shingles to differentiate floors)
- articulation of columns
- sculpture or art work
- architectural lighting
- detailed grilles and railings
- special trim details and moldings
- a trellis or arbor





### C-3: Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

#### Explanation and Examples

The term "human scale" generally refers to the use of human-proportioned architectural features and site design elements clearly oriented to human activity.

A building has a good human scale if its details, elements and materials allow people to feel comfortable using and approaching it. Features that give a building human scale also encourage human activity.

The following are some of the building elements that may be used to achieve better human scale:

- pedestrian-oriented open space such as a courtyard, garden, patio, or other unified landscaped areas
- bay windows extending out from the building face that reflect an internal space such as a room or alcove
- individual windows in upper stories that
  - are approximately the size and proportion of a traditional window
  - include a trim or molding that appears substantial from the sidewalk
  - are separated from adjacent windows by a vertical element
- windows grouped together to form larger areas of glazing can have a human scale if individual window units are separated by moldings or jambs
- windows with small multiple panes of glass
- window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
- upper story setbacks
- a porch or covered entry
- pedestrian weather protection in the form of canopies, awnings, arcades or other elements wide enough to protect at least one person
- visible chimneys



### C-4: Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

#### Explanation and Examples

The selection and use of exterior materials is a key ingredient in determining how a building will look. Some materials, by their nature, can give a sense of permanence or can provide texture or scale that helps new buildings fit better in their surroundings.

Materials typical to the northwest include:



- clear or painted wood siding
- shingles
- brick
- stone
- ceramic and terra-cotta tile

Many other exterior building materials may be appropriate in multifamily and commercial neighborhoods as long as the materials are appropriately detailed and finished, for instance, to take account of the northwest's climate or be compatible with nearby structures. Some materials, such as mirrored glass, may be more difficult to integrate into residential or neighborhood commercial settings.

### **D-1: Pedestrian Open Spaces and Entrance**

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

#### **Explanation and Examples**

If a building is set back from the sidewalk, the space between the building and public right-of-way may be conducive to pedestrian or resident activity. In business districts where pedestrian activity is desired, the primary function of any open space between commercial buildings and the sidewalk is to provide visual and physical access into the building and perhaps also to provide a space for additional outdoor activities such as vending, resting, sitting or dining. Street fronts can also feature art work, street furniture and landscaping that invite customers or enhance the building's setting.



Where a commercial or mixed-use building is set back from the sidewalk a sufficient distance, pedestrian enhancements should be considered in the resulting street front.

Examples of desirable features to include:

- visual and pedestrian access (including barrier-free access) into the site from the public sidewalk
- walking surfaces of attractive pavers
- pedestrian-scaled site lighting
- areas for vendors in commercial areas
- landscaping that screens undesirable elements or that enhances the space and architecture
- signage which identifies uses and shops clearly but which is scaled to the pedestrian
- site furniture, artwork or amenities such as fountains, benches, pergolas, kiosks, etc.

Examples of features to avoid are:

- asphalt or gravel pavement
- adjacent unscreened parking lots
- adjacent chain-link fences
- adjacent blank walls without appropriate screening

The following treatment of entrances can provide emphasis and interest:

- special detailing or architectural features such as ornamental glazing, railings and balustrades, awnings, canopies, decorative pavement, decorative lighting, seats, architectural molding, planter boxes, trellises, artwork signs, or other elements near the doorway.
- visible signage identifying building address
- Higher bay(s)
- Recessed entry (recessed at least 3 feet)
- Forecourt

## D-2: Blank Walls – See pages 8-9 from guidelines blank walls

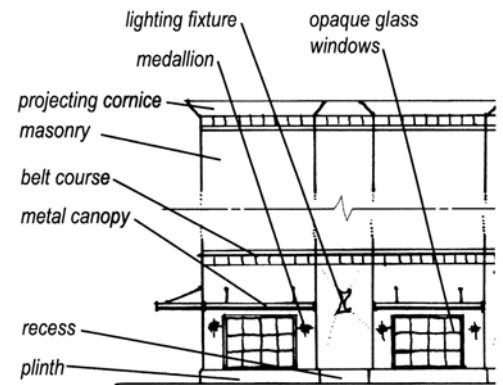
Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

### Explanation and Examples

A wall may be considered "large" if it has a blank surface substantially greater in size than similar walls of neighboring buildings.

The following examples are possible methods for treating blank walls:

- installing vertical trellis in front of the wall with climbing vines or plants materials
- setting the wall back and providing a landscaped or raised planter bed in front of the wall, including plant materials that could grow to obscure or screen the wall's surface
- providing art (mosaic, mural, decorative masonry pattern, sculpture, relief, etc.) over a substantial portion of the blank wall surface
- employing small setbacks, indentations, or other means of breaking up the wall's surface
- providing special lighting, a canopy, horizontal trellis or other pedestrian-oriented features that break up the size of the blank wall's surface and add visual interest
- An architectural element not listed above, as approved, that meets the intent



*Blank walls shall be treated with architectural elements to provide visual interest.*

## D-3: Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.



### **Explanation and Examples**

The following are examples of methods to treat retaining walls:

- any of the techniques or features listed under blank walls above
- terracing and landscaping the retaining walls
- substituting a stone wall, rockery, modular masonry, or special material
- locating hanging plant materials below or above the wall

### **D-4: Design of Parking Lots Near Sidewalks**

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.



### **Explanation and Examples**

The following examples illustrate some considerations to address in highly visible parking lots:

Treatment of parking area perimeter

- the edges of parking lots pavement adjacent to landscaped areas and other pavement can be unsightly and difficult to maintain. Providing a curb at the perimeter of parking areas can alleviate these problems.

Security lighting

- provide the appropriate levels of lighting to create adequate visibility at night. Evenly distributed lighting increases security, and glare-free lighting reduces impacts on nearby property.

Encroachment of cars onto the sidewalk

- without wheel stops or a low wall, parked cars can hang over sidewalks. One technique to protect landscaped and pedestrian areas from encroachment by parked cars is to provide a wide wheel stop about two feet from the sidewalk. Another technique is to widen a sidewalk or planting bed basically “building in” a wheel stop into the sidewalk or planting bed. This is more durable than wheel stops, does not catch debris and reduces tripping hazards.

Signs and equipment

- reduce sign clutter by painting markings on the pavement or by consolidating signs. Provide storage that is out of view from the sidewalk and adjacent properties for moveable or temporary equipment like sawhorses or barrels.

Screening of parking

- screening of parking areas need not be uniform along the property frontage. Variety in the type and relative amount of screening may be appropriate.
- screen walls constructed of durable, attractive materials need not extend above waist level. Screen walls across a street or adjacent to a residential zone could also include landscaping or a trellis or grillwork with climbing vines.
- screening can be designed to provide clear visibility into parking areas to promote personal safety.

## D-5: Visual Impacts of Parking Structures

The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

### Explanation and Examples

The following examples illustrate various methods of improving the appearance of at-grade parking structures:

- incorporating pedestrian-oriented uses at street level can reduce the visual impact of parking structures in commercial areas. Sometimes a depth of only 10 feet along the front of the building is enough to provide space for newsstands, ticket booths, flower shops and other viable uses.
- setting the parking structure back from the sidewalk and installing dense landscaping
- incorporating any of the blank wall treatments listed in Guideline D-2
- visually integrating the parking structure with adjacent buildings
- continuing a frieze, cornice, canopy, overhang, trellis or other devices at the top of the parking level
- incorporating into the parking structure a well-lit pedestrian walkway, stairway or ramp from the sidewalk to the upper level of the building
- setting back a portion of the parking structure to allow for the retention of an existing significant tree
- using a portion of the top of the parking level as an outdoor deck, patio or garden with a rail, bench or other guard device around the perimeter



## D-6: Screening of Dumpsters, Utilities, and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

### Explanation and Examples

Unightly service elements can detract from the compatibility of new projects and create hazards for pedestrians and autos.

The following examples illustrate considerations to address in locating and screening service areas and utilities:

- plan the feature in a less visible location on the site
- screen it to be less visible. For example, a utility meter can be located behind a screen wall so that it is not visible from the building entrance.
- use durable materials that complement the building
- incorporate landscaping to make the screen more effective
- locate the opening to the area away from the sidewalk.





- incorporate roof wells, utility rooms or other features to accommodate utility and mechanical equipment needs.

## **D-7: Personal Safety and Security**

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

### **Explanation and Examples**

Project design should be reviewed for its contribution to enhancing the real and perceived feeling of personal safety and security within the environment under review. To do this, the question needs to be answered: do the design elements detract from or do they reinforce feelings of security of the residents, workers, shoppers and visitors who enter the area?

Techniques that can help promote safety include the following:

- providing adequate lighting
- retaining clear lines of site
- use of semi-transparent security screening, rather than opaque walls, where appropriate
- avoiding blank, windowless walls that attract graffiti and that do not permit residents or workers to observe the street
- use of landscaping that maintains visibility, such as short shrubs and pruning trees, so there are no branches below head height
- creative use of ornamental grille as fencing or over ground floor windows in some locations
- absence of structures that provide hiding places for criminal activity
- design of parking areas to allow natural surveillance by maintaining clear lines of sight both for those who park there and for occupants of nearby buildings
- clear directional signage
- encouraging "eyes on the street" through placement of windows, balconies and street-level uses
- ensuring natural surveillance of children's play areas.



## **E-1: Landscaping to Reinforce Design Continuity with Adjacent Sites**

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

### **Explanation and Examples**

Several ways to reinforce the landscape design character of the local neighborhood are listed below:

- **Street Trees**  
If a street has a uniform planting of street trees, or a distinctive species, plant street trees that match the planting pattern or species.



- **Similar Plant Materials**  
When many lots on a block feature similar landscape materials, emphasis on these materials will help a new project fit into the local context.
- **Similar construction materials, textures, colors or elements**  
Extending a low brick wall, using paving similar to a neighbor's or employing similar stairway construction are ways to achieve design continuity.

## **E-2: Landscaping to Enhance the Building and/or Site**

Landscaping, including living plant material, special pavements, approach, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

### **Examples**

Landscape enhancements of the site may include some of the approaches or features listed below:

- Soften the form of the building by screening blank walls, terracing retaining walls, etc.
- Increase privacy and security through screening and/or sharing.
- Provide a framework such as a trellis or arbor for plants to grow on.
- Incorporate a planter guard or low planter wall as part of the architecture.
- Distinctively landscape open areas created by building modulation.
- Incorporate upper story planter boxes or roof planters.
- Include a special feature such as a courtyard, fountain or pool.
- Emphasize entries with special planting in conjunction with decorative paving and/or lighting.
- Screen a building from view by its neighbors, or an existing use from the new building.



## **E-3: Landscape Design to Address Special Site Conditions**

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

### **Explanation and Examples**

The following conditions may merit special attention. The examples suggest some ways to address the issue.

#### *High Bank Front Yard*

Where the building's ground floor is elevated above a sidewalk pedestrian's eye level, landscaping can help make the transition between grades. Several techniques are listed below.

- rockeries with floral displays, live ground cover or shrubs.
- terraces with floral displays, ground covers or shrubs.
- low retaining walls with raised planting strips.
- stone or brick masonry walls with vines or shrubs.

#### *Barrier-free Access*

Where wheelchair ramps must be provided on a street front, the ramp structure



might include a planting strip on the sidewalk side of the elevated portions of the ramp.

*Steep Topography*

Special plantings or erosion control measures may be necessary to prevent site destabilization or to enhance the visual qualities of the site in connection with a neighborhood improvement program.

*Boulevards*

Incorporate landscaping which reflects and reinforces .

*Greenbelt or Other Natural Setting*

- Minimize the removal of significant trees.
- Replace trees that were removed with new trees.
- Emphasize naturalizing or native landscape materials.
- Retain natural greenbelt vegetation that contributes to greenbelt preservation.
- Select colors that are more appropriate to the natural setting.

*On-site Vegetation*

- Retain significant vegetation where possible.
- Use new plantings similar to vegetation removed during construction, when that vegetation as distinctive.



# Architectural Design Board Training

March 2, 2022

Part 1

# Appearance of Fairness Doctrine

- Chapter 42.36 RCW

## Why the name?

- Quasi-judicial hearings involving local land use matters must be fair in fact and must appear to be fair.

# What does quasi-judicial mean?

- acting like judges
- not policy makers

# When is it used?

“...those actions of the legislative body, planning commission, hearing examiner, ..., or **boards which determine the legal rights**, duties, or privileges of specific parties **in a hearing** or other contested case proceeding.”

RCW 42.36.010

# When is it NOT used?

“legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.”

RCW 42.36.010

# What types of Edmonds applications?

- Type III-A (e.g. design review before ADB)
- Type III-B (e.g. variances, conditional use permits by Hearing Examiner)
- Type IV (site specific rezones)

# Edmonds applications that are NOT subject to doctrine?

- Type I (e.g. lot line adjustment)
- Type II (e.g. preliminary short plat)
- Type V (e.g. comp plan amendments)



# Ex Parte Communications – general rule

“During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in **ex parte** communications with **opponents** or **proponents** with respect to the proposal which is the subject of the proceeding...”

RCW 42.36.060

# Ex Parte Communications – exception, part 1

“unless that person: (1) Places on the **record** the **substance** of any written or oral ex parte communications concerning the decision of action; and

RCW 42.36.060

# Ex Parte Communications – exception, part 2

“and (2) Provides that a public **announcement of the content** of the communication and of the parties' rights to **rebut the substance** of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related.”

RCW 42.36.060

# Ex Parte Communications – not precluded ...

- “...seeking in a public hearing specific information or data from such parties relative to the decision **if both the request and the results are a part of the record.**”
- “...**correspondence** between a citizen and his or her elected official if any such correspondence is **made a part of the record** when it pertains to the subject matter of a quasi-judicial proceeding.”

RCW 42.36.060

# BIAS

A decisionmaker may be challenged for:

- **prejudgment concerning issues of fact** about parties
- **partiality evidencing a personal bias** or personal prejudice signifying an attitude for or against a party (as distinguished from policy leanings of a decision maker)

A challenger must present **evidence of actual or potential bias** to support an appearance of fairness claim.

# Disqualification

“Anyone seeking ... to disqualify a member of a decision-making body ... must raise the challenge **as soon as the basis** for disqualification **is made known** to the individual....”

RCW 42.36.080

# Lack of quorum?

“In the event of a challenge ... which would cause a lack of a quorum or would result in a failure to obtain a majority vote ..., any such challenged member(s) **shall be permitted to fully participate** in the proceeding and vote as though the challenge had not occurred, **if the member or members publicly disclose the basis for disqualification prior to rendering a decision.**”

RCW 42.36.090



# What's wrong with ex parte communication?

- Not fair
- Without opportunity to challenge, board could make wrong finding
- Hard to defend decision if evidence supporting decision is not in the record

# How to handle it when it happens?

- Try to cut off the communication
- Disclose it at earliest opportunity
- Put substance of communication on record
- Opportunity for rebuttal

# Script for chair, part 1

- Has any member of this decisionmaking body engaged in **communication with opponents or proponents** regarding the issues in this appeal outside of the public hearing process?

# Script for chair, part 2

- Is there any member who has a **conflict of interest** or believes that he or she cannot hear and consider this application in a fair and objective manner?

# Script for chair, part 3

- Is there anyone in the audience who **objects** to my participation or to any other Board member's participation as a decisionmaker in this hearing?

# What to ask yourself?

- Would a **disinterested person, with knowledge** of the totality of my personal interest or involvement, be reasonably justified in thinking that my involvement might affect my judgment?

## Part 2

### RCW 36.70B.050

“no more than **one open record hearing** and one closed record appeal”

# RCW 36.70B.020(3)

“Open record hearing” means a **hearing**, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, **that creates the** local government's **record** through **testimony** and **submission** of evidence and information, under procedures prescribed by the local government by ordinance or resolution.



# Record of the hearing

- Ensure that there is a complete recording of the hearing.
- No remarks away from the microphone.
- All exhibits made part of record.

# Only one open record hearing!

- All evidence must be introduced during the open record hearing.
- City is relying on you to ask all relevant questions.
- Should request supplemental information for questions that cannot be resolved.

# Support your decision

- Not enough to just vote
- Make clear findings of fact
- Expressly adopt, amend, or reject staff's proposed findings, as appropriate

# Take your time

- Ask for drafting help, as necessary
- Not required to make final recommendation on same night

Part 3

# Anderson v. Issaquah

## Part 3

### Anderson v. Issaquah

During the ensuing discussion among the commissioners, Commissioner Larson stated that the **revisions** to the front facade **had not satisfied his concerns** from the last meeting. In response to Anderson's request for more specific design guidelines, Commissioner McGinnis stated that the Development Commission had “been giving direction; it is the applicant's responsibility to take the direction/suggestions and incorporate them into a revised plan that reflects the changes.”

## Part 3

### Anderson v. Issaquah

Commissioner Larson then suggested that “[t]he facade can be broken up with sculptures, benches, fountains, etc.” Commissioner Nash suggested that Anderson “drive up and down Gilman and look at both good and bad examples of what has been done with flat facades.”

## Part 3

### Anderson v. Issaquah

Commissioner Nash agreed stating, “[T]here is a **certain feeling** you get when you drive along Gilman Boulevard, and this building does not give this same feeling.”

Commissioner Steinwachs wondered if the applicant had any option but to start “from scratch”.



## Part 3

### Anderson v. Issaquah

Anderson responded that he would be willing to change from stucco to wood facing but that, after working on the project for **9 months and experiencing total frustration**, he was not willing to make additional design changes.

## Part 3

### Anderson v. Issaquah

At that point, the Development Commission  
**denied** Anderson's application...

## Part 3

### Anderson v. Issaquah

[A] statute which either forbids or requires the doing of an act in terms so vague that men [and women] of common intelligence **must necessarily guess at its meaning and differ as to its application**, violates the first essential of due process of law.

## Part 3

### Anderson v. Issaquah

The vagueness test does not require a statute to meet impossible standards of specificity.

## Part 3

### Anderson v. Issaquah

The purpose of the void for vagueness doctrine is to **limit arbitrary** and discretionary enforcements of the law.

## Part 3

### Anderson v. Issaquah

The point we make here is that neither Anderson nor the commissioners may constitutionally be required or allowed to **guess at the meaning of the code's building design requirements** by driving up and down Gilman Boulevard looking at “good and bad” examples of what has been done with other buildings, recently or in the past. We hold that the code sections here at issue are unconstitutionally vague on their face.

## Part 3

### Anderson v. Issaquah

As they were applied to Anderson, it is also clear the code sections at issue fail to pass constitutional muster. Because the commissioners themselves had **no objective guidelines to follow**, they necessarily had to resort to their own subjective “feelings”. The “statement” Issaquah is apparently trying to make on its “signature street” is not written in the code. In order to be enforceable, that “statement” must be written down in the code, in understandable terms.

## Part 3

### Anderson v. Issaquah

Design professionals need to know in advance what standards will be acceptable in a given community. It is unreasonable to expect applicants to pay for repetitive revisions of plans in an effort to comply with the unarticulated, unpublished “statements” a given community may wish to make on or off its “signature street”.



## Part 3

### Anderson v. Issaquah

It is equally unreasonable, and a deprivation of due process, to expect or allow a design review board such as the Issaquah Development Commission to **create standards on an ad hoc basis**, during the design review process.

# Questions?