

**CITY OF EDMONDS  
PLANNING BOARD MINUTES  
September 13, 2006**

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Chair Freeman called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**BOARD MEMBERS PRESENT**

Janice Freeman, Chair  
John Dewhirst, Vice Chair  
Cary Guenther  
Jim Young  
Judith Works  
Don Henderson  
Virginia Cassutt

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Steve Bullock, Senior Planner  
Don Sims, Traffic Engineer  
Karin Noyes, Recorder

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER HENDERSON MOVED THAT THE MINUTES OF AUGUST 9, 2006 BE APPROVED AS AMENDED. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBERS DEWHIRST AND CASSUTT ABSTAINING.**

**ANNOUNCEMENT OF AGENDA**

No changes were made to the agenda.

**AUDIENCE COMMENTS**

There was no one in the audience who expressed a desire to address the Board during this portion of the meeting.

**PUBLIC HEARING ON A REZONE APPLICATION BY MICHEL CONSTRUCTION TO REZONE PROPERTY AT 546 PARADISE LANE FROM SINGLE-FAMILY RESIDENTIAL (RS-6) TO MULTI-FAMILY RESIDENTIAL (RM-2.4) (FILE NUMBER R-06-77)**

Board Member Henderson recused himself from participating in the hearing due to a potential conflict of interest. He left the room for the entire public hearing.

Mr. Bullock entered the following items into the record as exhibits:

- Exhibit 1 – Staff Report
- Exhibit 2 – A letter from Diane Nasa
- Exhibit 3 – A letter from Diane Ellis

- Exhibit 4 – A letter from Nud Hansen
- Exhibit 5 – A two page site plan, with a side section, submitted by the applicant

Mr. Bullock recalled that a few years ago, the Board considered a contract rezone application for this same property. At that time, the Planning Board recommended denial of the application and the City Council upheld the Board's recommendation. The City Council's decision to deny the rezone application was appealed to the Snohomish County Superior Court, and the judge ultimately denied the appeal by the applicant and turned down the rezone request. In the course of issuing his final decision, the judge agreed with the City Council's conclusion that the criteria dealing with how the site would transition from a multi-family to a single-family neighborhood was never fully addressed in the proposal. Therefore, the City was justified in denying the rezone request. He did, however, say he felt there were a number of ways that this criteria could be accomplished that were more policy driven in nature as opposed to specific design.

Mr. Bullock pointed out that the current rezone application is somewhat different in that it is a simple rezone from RS-6 to RM-2.4. The applicant is not proposing any contract or specific design. All of the design issues would be deferred until the later development phase. He said staff initially felt a contract rezone application would be a better approach for the site. However, after further consideration of the Comprehensive Plan goals and the fact that the site has been designated in the Comprehensive Plan as multi-family for quite a number of years, staff now believes that a straight rezone application would be appropriate. This would allow the City to move forward with putting the applicant on notice that the City would continue to require a transition to take place on the site. He said staff is recommending approval of the proposed rezone application, but the applicant would be required to submit a new SEPA Checklist. As part of the new SEPA Review, staff would consider all of the Comprehensive Plan Policies for the Westgate Corridor and how the transition should happen. He said he expects staff would issue some type of Determination of Mitigated Non-Significance for the project, and this would allow the City to address how the transition between the single-family and multi-family zones would be done.

Board Member Young asked when the applicant would be required to submit the SEPA Checklist if the rezone application were approved. Mr. Bullock answered that the checklist would be submitted by the applicant along with their actual development proposal for the site. Staff would review the application for compliance with the transition requirements of the Comprehensive Plan and add some potential mitigating requirements.

**Rob Michel, Michel Construction,** said the staff report notes that the property has been identified in the Comprehensive Plan for 20 years as multi-family residential, and developers rely on the Comprehensive Plan to provide housing for the citizens of Edmonds. He emphasized that the subject property has remained undeveloped as a single-family home for many years.

Mr. Michel pointed out that concerns have been raised in the past by the community, the Board and City Council regarding the substandard street, the retention of trees and noise pollution. He provided an aerial photograph to help illustrate exactly what is happening on the site and noted that much of the naturally occurring healthy vegetation is located on either the City or State rights-of-way. He also provided a cross section of the site to illustrate the significant elevation gain between SR-104 and the subject property, and noted that a significant number of the existing trees within this area would remain. Continuing to the northeast, the property drops down to Paradise Lane on the other side. The existing house is approximately 25-feet in height, which is the same height limit allowed in a multi-family residential zone, unless the developer uses an additional five feet to provide a pitched roof. While a multi-family structure would be larger than a single-family structure, the height would not be much different than what already exists on the site.

Mr. Michel pointed out that since the City Council denied the last contract rezone application for the site, they have had ample opportunity to change their Comprehensive Plan Land Use Designation for the subject property, but they have chosen not to do so. The Staff Report mentions that according to State Law, a City must either zone property as per the Comprehensive Plan or change the Comprehensive Plan. However, no attempt was made by either the City or the community to change the Comprehensive Plan. He asked that the Board recommend approval of the rezone application as submitted.

**Bud W. Wheat** said he has lived in the house identified in the applicant's cross section drawing for the past 46 years. When they moved to the area there were only four houses on both sides of the street and the property behind him was vacant.

**APPROVED**

Paradise Lane was originally the old Edmonds Highway, but it was bypassed to what is now SR-104. He expressed his frustration that the Board is considering this rezone proposal without letting the neighborhood know if other properties would eventually be included in the rezone, as well. He said he understands that progress is important, but he and his wife expect to live out their lives in the house and he doesn't want traffic and other impacts along the street to force him out. He noted that Paradise Lane is a very narrow road, and the Board should carefully consider the desires of the people who live in the neighborhood.

**Ed Murphy** said he lives just around the corner from Paradise Lane. He pointed out that nothing has really changed in the area to enable the Board to make a different recommendation than the one they made a few years ago. Paradise Lane is a very narrow street and any more traffic would make the situation worse. At the corner of Paradise Lane, 6<sup>th</sup> Place is a thoroughfare and 6<sup>th</sup> Avenue South is a dead end. The City has made some changes by putting in stop signs on 6<sup>th</sup> Avenue South, 4<sup>th</sup> Avenue South and Paradise Lane, but this has caused traffic congestion because they painted the lines too far back from the corner to see over the hill. Paradise Lane, going down to the subject property, is a narrow road. From the bank property, traffic backs right out onto the road. The concerns the Board heard two years ago still exist. Nothing has changed to enable the City to approve the rezone application. He suggested they consider, instead, making changes to the Comprehensive Plan. Mr. Murphy suggested that rezoning the subject property and then making it subject to SEPA Review is a way for the developer to get around the idea of what will actually be built on the site. The neighborhood residents knew what was going to be constructed on the site last time, and they knew it would not work. Nothing has changed so the application should be denied.

**Diane Nasa** said she has lived on Paradise Lane for the past 14 years, and this is the third time a rezone request for a multi-family designation for 546 Paradise Lane has been before the City. She said she opposes the proposed rezone application. The applicant makes reference to other properties on SR-104 that have been developed as multi-family or commercial, yet he fails to mention that these properties access directly onto and off of SR-104, which this property cannot do. Because of the ferry holding lanes all traffic from this property must use Paradise Lane, which will add more traffic, noise and air pollution to an already much used street. Also, other properties on SR-104 don't face and look onto adjacent single-family homes like the subject property would. Therefore, comparison of this property to other properties on SR-104 is a mute point.

Ms. Nasa called the Board's attention to the fact that the Paradise Lane property is not located on an island. It is not surrounded by streets and is more of a peninsula. Paradise Lane is not a through street; it is a dead end cul-de-sac street with only one way in and out. This is an important thing to consider since the impact of traffic and noise on Paradise Lane would be significant. Traffic would have to go past residential properties to get to and from the subject property.

While the Comprehensive Plan calls for multi-family residential uses on the subject property, Ms. Nasa said it is also important to consider other rules set out by the Comprehensive Plan to determine whether the designation would really transition with the current neighborhood. The applicant is proposing the Board rezone the property now and consider the Comprehensive Plan stipulations at a later date. While the applicant continually talks about the ADB and addressing the Comprehensive Plan's rules for transitioning with the neighborhood later, these should be dealt with up front before a rezone is granted. To the citizens living in the houses impacted by the proposed rezone, it is monumental that any development of the subject property be required to comply with the Comprehensive Plan, and this should be addressed now. The applicant proposes that this be left up to the Architectural Design Board (ADB), on which he is currently seated.

Ms. Nasa pointed out that individuals who purchase or own property for investment take on the risk involved with doing so, and it is not the City's responsibility to see that the individual property owners gain on their investment. Instead, the City must see that a property complies with the City codes and Comprehensive Plan. They must not jeopardize things such as privacy and value or safety of the neighborhood. She said Page 1 of the application mentions two parcels immediately east and adjacent to the property that are being held for investment and eventual redevelopment. She cautioned that if the City allows one condominium on Paradise Lane, the next property owner would want to do the same, etc. What is now a lovely Edmonds street with single-family homes would have the potential of becoming a street of single-family homes that look at a row of condominiums. She said she cannot see how this would benefit Edmonds or its residents; it would merely provide an argument for other developers to request rezones in single-family neighborhoods and perhaps draw investors rather than residents to Edmonds.

**APPROVED**

Ms. Nasa pointed out that most of the neighborhood residents did not purchase their property for investment. They bought because they liked the ambiance and small town feel of Edmonds. Building multi-family buildings in this neighborhood would quickly remove the quiet ambiance, allowing more noise, more pollution, loss of privacy, increased traffic and a probable decrease in property values. She specifically expressed her concern about the trees that are located within the City and State's rights-of-way. The application states that these trees buffer noise for the single family homes, but the Board should note that the trees within the City's right-of-way would have to be removed to accommodate the widened street and sidewalks, thus eliminating the buffer. The trees within the State's right-of-way could also be removed at some at some point. Therefore, the trees should not be considered to be buffering the adjacent single-family neighborhood. Ms. Nasa said the application states that only three or four homes would be impacted by view encroachment. However, it is important to note that the Comprehensive Plan protects all residential areas and no specific number is mentioned.

Ms. Nasa pointed out that the application includes two letters in support of the rezone application, which were both written by the property owner referred to in the application as having purchased the two properties east and adjacent to Paradise Lane for investment. These letters were dated April 20, 2006, yet she was not notified of the rezone application until August 30, 2006. This gave her barely two weeks to prepare for the hearing when the other property owner had several months.

Ms. Nasa questioned if the City wants investors or residents purchasing property in Edmonds. She noted that investors purchase property in hopes of making money; residents purchase property to live on it and invest in the community. She asked the Board to remember that the subject property is located at the entrance of Edmonds at SR-104. She questioned what people would think of Edmonds with yet another condominium. She urged the Board to recommend denial of the rezone application and leave the property zoned RS-6. Instead, she asked the Board to consider changing the Comprehensive Plan designation on the entire peninsula due to the unique layout and position of the properties.

**Mike Prebezac** said he lives in the house directly across the street from the proposed rezone. He said his main concern is regarding traffic. There are 12 houses located along this street, as well as an adult family home and one condominium. With 36 to 40 cars belonging to the residents along the street, traffic is already pretty substantial for a two block, dead end road. The proposed rezone would make the situation worse. The ferry traffic makes it even more difficult, and he would like the zoning to remain as RS-6.

**Michael Pena** said he also owns property in the vicinity of the proposed rezone. He asked the Board to deny the request. He questioned if additional public comments would be allowed when the City Council considers the rezone application at a later date, or would the comments be limited to issues already raised at this hearing. Mr. Bullock explained that the City Council would hold a closed record public hearing, and no testimony on new issues would be accepted.

Mr. Pena said it seems that granting the proposed rezone could potentially allow for the same type of project that the City Council and Planning Board denied a few years ago. He recognizes that the application is not the final regulation or oversight step in the process of getting the project approved. However, he is concerned that the neighborhood does not have any idea what the applicant has in mind. He is also concerned that the applicant wants to defer so many issues until a later stage. He cautioned that granting the rezone request would appear to issue a blank check to the developer, and that is never a good idea. He urged the Board to consider how the citizens of the community would benefit from the proposed change. He suggested that the proposed rezone would only benefit property owners who want to sell out and leave the area. While he does not begrudge a property owners' desire to sell out, he would never consider doing it at the expense of his neighbors.

Mr. Pena said he is not against development, and he realizes the subject property is underutilized at this time. However, before the City moves forward on what is to become of the property, they need to see what the developer has in mind. He said there is likely a lot of room for interpretation in the City's Development Code, so it would be in the City's best interest not to give the developer ammunition to argue for things that do not conform to the type of ambiance that brought people to Edmonds in the first place. He said he plans to continue to live on his property because of the ambiance and feeling of security that Edmond offers, and the City should be against any changes that would impact these benefits. He said that while there has been a lot of talk about mitigation, the neighbors need to see what the mitigation would be and what the problems are. This can only happen if they know what the developer has in mind. While the property has been identified as part of the SR-104 Corridor and is shown on the map as being an island, the Board should remember that it is separated by an escarpment with no practical way to provide access from SR-104.

**APPROVED**

**Tony Prebezac** presented a letter that was signed by 33 citizens who live in the area around the subject property and oppose the proposed rezone application. She recalled that a similar application was denied by both the Planning Board and the City Council. She reminded the Board that the reasons for denying the rezone still exist today as they did in 2004. She referred the Board to the City Council's Findings of Fact and Conclusions of Law that pertained to the subject property and identify their reasons for denying the rezone.

Ms. Prebezac said the City Council concluded that the application should be denied because:

- The pavement width for Paradise Lane, even following improvement by the property owner under proposed development requirements, would not meet minimum levels provided for by ECDC Section 18.80.010, Table of Street Standards. Further, there is no evidence in the record to find that the Transportation Improvement Plan has any improvement or strategy scheduled within the next six years to address pavement width. Therefore, the City Council finds that improvements would not be concurrent with the proposed zoning and the proposed rezone should be denied.
- The applicant failed to meet its required burden of proof and failed to meet rezone criteria set forth in ECDC 20.40.010.C and is, therefore, not compatible with the surrounding neighborhood. Given differences in elevation displayed by the record and the potential for development of the property to multi-family standards at heights greater than buildings on adjacent neighborhood property, the property would not provide a reasonable transition to the adjacent neighborhood. The contract rezone further does not provide assurances regarding bulk, high quality landscaping or the preservation of trees. Without such assurances in the contract rezone, it fails to preserve consistency with or a reasonable transition to the adjacent residential neighborhoods.

Mr. Prebezac pointed out that the only differences between today's application and the 2004 application are that the applicant is different, a rezone not a contract rezone, is being requested and the Planning Board and/or City Council members may be different.

Ms. Prebezac said other reasons for denying the rezone can be found in Section B.5 on Pages 53 and 54 of the 2005 Edmonds Comprehensive Plan under "Residential Development." She specifically noted the following:

- **Section B.5.a** discusses protecting residential areas from incompatible land uses by using principles outlined in this section.
- **Section B.5.b** talks about residential privacy. Due to the slope of the property and possible height of a building, privacy of residents directly across the street could be compromised.
- **Section B.5.c** states that traffic not directly accessing residences in a neighborhood is to be discouraged. No traffic may access this property directly from SR-104. Therefore, Paradise Lane must be used.
- **Section B.5.d** indicates that stable property values must not be threatened by view, traffic or land use encroachments. Neighborhood property values may or may not be influenced, but the stability will be influenced since buyers interested in living across from a multi-family building will be limited.
- **Section B.5.e** states that private property must be protected from adverse environmental impacts of development including noise, drainage, traffic, slides, etc. In order to build a large multi-family building, trees would be downed—trees that buffer the noise from SR-104. In addition, possible drainage problems and traffic would be greatly impacted since all traffic to and from a multi-family building would be accessed from Paradise Lane and not SR-104.

Ms. Prebezac said the Board should also consider the "Commercial Land Use" section of the Comprehensive Plan (Page 57). She said that although the rezone is for commercial land use, the property's location is relate to Section E.1, which states that development within the Westgate Corridor should be designed to recognize its role as part of an entryway into Edmonds and downtown. It states that the overall effect should be a corridor that resembles a landscaped boulevard and median, and the landscape median along SR-104 should remain as uninterrupted as possible in order to promote traffic flow and provide an entry effect. Ms. Prebezac pointed out that a large part of the subject property faces SR-104 and is currently tree lined, thus contributing to Edmonds' entryway to downtown. Allowing a multi-family unit on this property would change that appearance.

Ms. Prebezac pointed out that the trees that completely line the front of her home are about 60-feet tall and they buffer the sound coming from the traffic. The proposed rezone would significantly disturb the quality of her life. She purchased her home because of the ambiance and privacy, and she doesn't want the City to allow this to be destroyed. She provided pictures to illustrate how narrow Paradise Lane is. Mr. Bullock identified the pictures and Ms. Prebezac's letter as Exhibit 6.

**Rob Michel** agreed with Mr. Wheat that Paradise Lane used to go through all the way to downtown Edmonds. At that time, it must have had much more traffic on it and the City found it to have an adequate road width. He noted that the Staff Report mentions that the City is planning to rework the street where Paradise Lane attaches to Edmonds Way. These improvements should help ease some of the access problems to SR-104. He emphasized that the original SEPA Determination did not identify any specific challenges related to traffic. In fact, a professional traffic engineer concluded that there would be very little difference in the amount of traffic generated by a multi-family development as opposed to a single-family development.

Mr. Michel pointed out that many multi-family residential developments share property lines with single-family residential properties. However, the subject property would be separated from the single-family properties by a 60-foot right-of-way. In addition, the ECDC includes various requirements for buffering these situations.

Mr. Michel said the neighbors have mentioned their concern that no development proposal was submitted along with the rezone application. He noted that most rezones are granted without having any idea of what would be built on the site, and that is why the City has development codes and design guidelines to ensure that proper development happens. He pointed out that the City Council is currently considering one of the greatest rezones in the City's history for the downtown area, and they have no idea what will eventually be built on the properties. The City is also considering a new Business/Residential zone that could be applied to properties located in the vicinity of Highway 99 and Stevens Hospital.

Mr. Michel advised that the Comprehensive Plan specifically states that no access should be allowed from the subject property onto SR-104. Therefore, the only access option for the subject property is Paradise Lane. The City's Development Code will also require the applicant to make improvements to meet the street standards for the right-of-way in front of the subject property. Unless there are mitigating circumstances identified in the SEPA Determination, the City cannot require the applicant to make street improvements beyond the property frontage. In addition, if the property is rezoned to multi-family, landscaping would be required, but this would not be the case for single-family development. A multi-family residential zoning designation would also require that the landscaping be maintained. He also noted that a single-family residential development on the subject property would likely result in more tree removal than would be required for a multi-family development.

Mr. Bullock said most citizens expressed their concern about traffic impacts. However, he explained that the Superior Court Judge who reviewed the contract rezone appeal indicated it would not be appropriate to deal with traffic as part of a rezone application. Instead, traffic should be dealt with when a development proposal is submitted by applying the Development Code requirements. Mr. Bullock introduced Don Sims, the City's new Traffic Engineer, who was present to provide additional information related to traffic issues.

Mr. Sims explained that the City does have plans for intersection enhancement at the intersection of Paradise Lane and SR-104, and the public would be involved in the process. He advised that, right now, the project is in the conceptual stage, but the goal is to eliminate the slip lane and require vehicles to turn into the intersection and go straight into Paradise Lane. This project would likely be met with a lot of support from the residents since it would be considered a traffic calming device for people coming into Paradise Lane. The whole area could be landscaped with a gateway treatment for the City. Again, he emphasized that the plans are conceptual at this point.

Mr. Sims explained that traffic engineers and planners use the trip generation booklet prepared by the Institute of Transportation Engineers to quantify the potential impacts of various types of development. The staff compared the traffic impacts associated with the existing RS-6 zoning and the proposed RM-2.4 zoning. He reviewed that an RS-6 zoning designation allows five homes to be constructed, which would result in an additional five peak hour trips and 48 daily trips on Paradise Lane. The proposed RM-2.4 zoning designation would allow up to 12 units on the site. This would result in six additional peak hour trips and 70 daily trips on Paradise Lane.

Vice Chair Dewhirst asked when would be the appropriate time to address the inadequate width of Paradise Lane. Mr. Sims answered that there are no plans in the City's 6-Year Capital Improvement Plan to widen Paradise Lane to meet the City's existing street standards. The developer would be required to improve the street in front of the proposed development to meet the current standards, but State law would preclude the City from requiring them to improve the road beyond their frontage.

Vice Chair Dewhirst asked if the Fire Department would require at least a 20-foot wide access to the development. Mr. Sims pointed out that there is some access from the other direction. He noted that any development would be required to go through development review and the SEPA Process and the City might be able to require that the access be improved for emergency access or to address the impacts associated with the additional vehicle trips.

Mr. Bullock explained that the Edmonds community was built many years ago before the street standards were adopted. As a result, many roads within the City are considered substandard. When new construction is proposed, the Fire Department will require fire lanes within the project that are at least 20 feet wide. However, they cannot require a property owner to make improvements to the entire street unless there are extenuating circumstances that would preclude the Fire Department's ability to respond. He noted that the Fire Department has not previously raised any issues regarding access to the subject property.

Vice Chair Dewhirst asked if parking is allowed along the substandard Paradise Lane. Mr. Sims said there is no formal parking space, but people do park along the undeveloped portion of the right-of-way and there are no "no parking" signs posted. The right-of-way is 60-feet wide, but the actual paved surface ranges from 16 to 20-feet wide. Vice Chair Dewhirst inquired if the City has received any complaints about the parking space that is available on the property where the bank was located. Mr. Sims said he hasn't received any complaints regarding this issue. Vice Chair Dewhirst also asked about the level of service at the intersection of Paradise Lane and SR-104. Mr. Sims said they did alternative traffic counts and found 52 peak trips at the intersection from Paradise Lane. As a general rule, the peak trips numbers are about 10 percent of the average daily trip counts, which would equate to about 540 vehicle trips per day.

Board Member Young asked what improvements would be required along the property frontage if the rezone were approved. Mr. Sims said the required street frontage improvements are the same as what would be required of any other developer. If the roadway width is not adequate, a developer would have to widen it to meet the street standards and install curbs, gutters, landscaping, drainage, etc. Board Member Young noted that the applicant would only be required to pave to standard from the center line of the road towards the subject property. Therefore, the street would still be substandard in width. Since traffic mitigation is not an element to consider as part of a rezone application, the City cannot require a developer to improve the entire width of the street.

Mr. Bullock reminded the Board that the Comprehensive Plan already identifies the subject property as medium-density, multi-family residential. The appropriate zoning would be either RM-2.4 or RM-3. An RM-2.4 zoning designation would allow 12 units on the site, and an RM-3 zoning designation would allow 10 units. The trip generation difference would be minimal, and the applicant has requested an RM-2.4 zoning designation.

Chair Freeman pointed out that a large multi-family development is already located close by, so emergency access is already available. She asked if the City has received any complaints about emergency vehicles being unable to access these units. Mr. Bullock said he is not aware of any complaints.

Board Member Works asked when the traffic calming project would be done at the intersection of Paradise Lane and SR-104. Mr. Sims said the City plans to do this project sometime in 2007. Chair Freeman asked for a description of what the improvements would accomplish. Mr. Sims said the improvements would act as a traffic calming device to improve pedestrian safety on SR-104. Mr. Bullock asked if the new design would help people exiting Paradise Lane when the ferry traffic is backed up. Mr. Sims said the egress point from Paradise Lane would still be in the same location, but the radius return would be improved. In addition, the project could include improvements for signing and striping for ferry traffic to prevent them from blocking the access.

**The public hearing was closed.**

**APPROVED**

Board Member Young referred to ECDC Section 20.40, which outlines the criteria the Board must consider when reviewing rezone applications. He noted that one criterion is whether or not the proposal is consistent with the purposes of the zoning ordinance and the proposed zone district. The applicant's response to this criterion is that the RM-2.4 zoning designation would assist the City of Edmonds in meeting its State mandated growth management goals requiring higher density residential urban development. He questioned if that is actually one of the purposes of the RM-2.4 zoning designation. Mr. Bullock pointed out that the preamble to the multi-family zoning designation talks about providing a variety of housing types to meet the housing needs for the City of Edmonds.

Board Member Young noted that the application also points out that multi-family uses are generally considered more suitable as a transition use to the commercial zoning along Edmonds Way. He questioned if City policies would support the statement that multi-family residential zoning would be more suitable as a transition than single-family zoning. Mr. Bullock answered that specific Comprehensive Plan policies related to the Edmonds Way Corridor support the applicant's comments regarding the transition issue. Multi-family residential and small-scale commercial zones were meant to be used for transition between single-family residential zones and the high volume traffic and other intensive uses on Edmonds Way.

Board Member Young reminded the Board that another criteria they must consider when reviewing a rezone application is whether or not there has been sufficient change in the character of the immediate area or in City policy to justify the rezone. The application states that the high traffic levels along SR-104 also discourage the typical single-family homebuyer due to the attendant noise issues. Since the applicant is proposing to develop condominiums on the property, the Board should keep in mind that these residential units would also be impacted by the noise and traffic. Mr. Bullock said the suitability requirement is a difficult one to assess. However, this rezone criterion has been in the City's code for a long time; before the Growth Management and Comprehensive Plan came into place. Suitability has already been determined by the properties designation of medium density multi-family residential in the Comprehensive Plan. To meet this criterion, the Board could reaffirm what has already been determined in the Comprehensive Plan.

Vice Chair Dewhirst said that while the judge might be right that traffic issues should not be considered when reviewing rezone applications, one of the tenets of the Growth Management Act that is often overlooked is that the infrastructure must be able to support the land use. Mr. Bullock said this issue was not addressed in the judge's decision.

The Board reviewed each of the criteria that must be considered when reviewing a proposed rezone as follows:

- **Is the proposal consistent with the Comprehensive Plan:** The Board agreed that the proposal would be consistent with the Comprehensive Plan.
- **Is the proposal consistent with the purposes of the Zoning Ordinance and the proposed zone district:** Vice Chair Dewhirst suggested there are two ways to view the proposal. It does introduce some opportunities for something other than single-family residential development, but it has been overlooked that the area is also viable for single-family development using the PRD concept. He said he is not 100 percent sure the rezone is necessary to achieve what could already be accomplished with the current zoning. Board Member Cassutt agreed and noted that if the City wants to retain the RS-6 zoning, they would have to change the Comprehensive Plan.

Board Member Young said that if the purpose of the zoning ordinance is to provide alternatives to single-family housing, then the rezone application is consistent with the purposes of the zoning ordinance. However, he is still not convinced that the subject property is the correct location to accomplish this purpose.

Chair Freeman noted that there is already multi-family housing located to the northwest of the subject property, so the proposal is not new for the area. She noted that there is not a 60-foot right-of-way separating the existing multi-family housing from the single-family housing, as would be the case with the proposed rezone. She concluded that the proposed rezone would not create a multi-family area in a neighborhood that is entirely single-family residential. Board Member Guenther agreed that other multi-family development that abuts single-family development already exists in the neighborhood, and the subject property would be separated from the single-family residential properties by a 60-foot right-of-way. Board Member Works agreed, as well.

**APPROVED**

- **The relationship of the proposed rezone to the existing land uses and zoning of surrounding or nearby properties:** The Board agreed that the proposed rezone application would meet this criterion.
- **Has there been sufficient change in the character of the immediate area or in city policy to justify the rezone:** Chair Freeman recalled that the Comprehensive Plan policy for the SR-104 Corridor identifies the subject property as medium density multi-family. The Vision 2020+20 Plan also contains a goal to increase the population of Edmonds. Therefore, City policy has changed to support the rezone application. Vice Chair Dewhirst pointed out, however, that the City has not changed their Transportation Plan to identify road improvements for the area. Chair Freeman said that REET money is now available for these types of improvements in the future.

Board Member Young agreed that the existing infrastructure does not support the proposed RM-2.4 zoning designation. Board Member Works noted that Paradise Lane already supports the existing RM-1.5 development. Board Member Guenther added that if the road is not adequate to support multi-family development on the subject property, it would probably not be considered adequate to support single-family development, either. Chair Freeman agreed that, as currently zoned, five houses could be constructed on the subject property, but there have been no development proposals for the property over the past several years.

- **Whether the property is economically and physically suitable for the uses allowed under the existing zone and under the proposed zoning:** Board Member Works noted that the subject property has been vacant or a rental unit for a number of years. This points to the conclusion that the property is not suitable for single-family development. If it was, homes would already have been built. Chair Freeman added that it is difficult for developers to find developable land in Edmonds. Because the property has remained undeveloped, it appears to be unsuitable for its current zoning designation.
- **The relative gain to the public health, safety and welfare compared to the potential increase or decrease in value to the property:** Vice Chair Dewhirst said he does not believe the proposed rezone would meet this criterion because of the safety issues related to additional traffic. It would be inappropriate to add 70 additional trips to a substandard street that does not have sufficient capacity to handle the existing traffic. He suggested the Board made an error by not changing the Comprehensive Plan land use designation for the subject property as part of their last update. He noted that Paradise Lane not only serves the homes on Paradise Lane, but also the homes on 6<sup>th</sup> Avenue West, 13<sup>th</sup> Way, and 6<sup>th</sup> Place. There are many substandard streets in Edmonds, and Paradise Lane is one of them. The proposed rezone would only make a bad situation worse.

Board Member Works asked if Vice Chair Dewhirst would be opposed to any zoning change for properties that are located on substandard streets. Vice Chair Dewhirst replied that Paradise Lane is a unique situation. If the road were improved to standard and the intersection at SR-104 were improved, then he might look more favorably on the proposed rezone application. Board Member Young agreed. He said he would be opposed to rezoning any property in Edmonds that is located on a substandard road. The infrastructure must be adequate to support the zoning change. Vice Chair Dewhirst pointed out that the City had two years to consider investing money in this area, but they chose not to do so because of other priorities. Until the City makes the improvements at Paradise Lane, he would be opposed to changing the density.

**VICE CHAIR DEWHIRST MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF DENIAL TO THE CITY COUNCIL FOR FILE NUMBER R-06-77, AN APPLICATION TO REZONE PROPERTY AT 546 PARADISE LANE FROM RS-6 TO RM-2.4 BASED ON THE FOLLOWING:**

- **EVEN THOUGH THE PROPOSAL IS CONSISTENT WITH THE COMPREHENSIVE PLAN, THE TIMING IS NOT CONSISTENT IN THAT THE INFRASTRUCTURE IS NOT IN PLACE TO SUPPORT THE INCREASE IN DENSITY.**
- **THE INADEQUATE WIDTH OF PARADISE LANE PLUS THE INTERSECTION AT SR-104 WOULD CONSITUTE A PUBLIC HEALTH AND SAFETY PROBLEM. THE CITY HAS CHOSEN NOT TO INCLUDE THE IMPROVEMENT OF PARADISE LANE IN THE CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE ROAD WIDTH AND IMPROVE THE ROAD.**

**APPROVED**

**BOARD MEMBER CASSUTT SECONDED THE MOTION.**

Board Member Young further added that the proposed rezone is not suitable for the subject property because the infrastructure is not present to support the increased intensity of the proposed land use at this time.

Chair Freeman said she would not support the motion because she believes some of the problems that have surfaced could be just as severe if the property were developed as five single-family homes as the current zoning would allow. Board Member Works agreed.

**THE MOTION FAILED 3-3, WITH VICE CHAIR DEWHIRST, BOARD MEMBER YOUNG AND BOARD MEMBER CASSUTT VOTING IN FAVOR AND CHAIR FREEMAN, BOARD MEMBER WORKS AND BOARD MEMBER GUENTHER VOTING IN OPPOSITION.**

Board Member Cassutt voiced her concern about a possible conflict of interest because Mr. Michel, the applicant, serves on the Architectural Design Board (ADB). Vice Chair Dewhirst pointed out that Mr. Michel would have to recuse himself from participating in the ADB review.

The Board agreed to pass the rezone application on to the City Council without a recommendation. Mr. Chave noted that those Board Members who voted against the proposed rezone have entered reasons for the denial into the record. He suggested it would be helpful for the Board Members who are in favor of the proposed rezone to provide their reasons for support, too.

Board Member Guenther said he recognizes there are problems with the infrastructure in the area, but it has been demonstrated that the trip generation between single-family and multi-family development would only be minimally increased. In addition, an RM-2.4 zoning designation would allow a developer to group the buildings to preserve trees more adequately than would be possible with larger single-family homes. A developer of a single-family project would be allowed to cut down all of the trees. In addition, multi-family projects are required to go through ADB review, and single-family projects are not. The ADB review gives more ability for the neighboring property owners to impact the project design.

Board Member Works indicated that she would support the rezone proposal for the reasons stated in the application and Staff Report. She agreed that design review is the critical issue since that is where people have the most ability to provide input to get design that is compatible to the neighborhood. Chair Freeman agreed.

Chair Freeman pointed out that the noise issue was brought up as a concern, as well. However, a multi-family development might actually protect the adjacent neighbors more from noise because of its bulk. She also agreed with Board Member Guenther that many of the large trees might have to be removed to accommodate five large single-family homes.

**BOARD MEMBER WORKS MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER R-06-77, AN APPLICATION TO REZONE PROPERTY AT 546 PARADISE LANE FROM RS-6 TO RM-2.4. BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION FAILED 3-3, WITH CHAIR FREEMAN, BOARD MEMBER GUENTHER AND BOARD MEMBER WORKS VOTING IN FAVOR, AND VICE CHAIR DEWHIRST, BOARD MEMBER YOUNG AND BOARD MEMBER CASSUTT VOTING IN OPPOSITION.**

Board Member Cassutt expressed her belief that, regardless of what was stated by the Traffic Engineer, six individual houses would not have near the impact on traffic count as 14 multi-family units would have.

**The Board took a break at 8:57 p.m. they reconvened the meeting at 9:10 p.m.**

**APPROVED**

**PUBLIC HEARING ON PROPOSED ZONING CHANGES FOR HIGHWAY 99, INCLUDING ESTABLISHMENT OF NEW BR AND BR2 ZONES AND CHANGES IN THE GENERAL COMMERCIAL (CG AND CG2) ZONING CLASSIFICATION (FILE NUMBER CDC-05-20)**

Mr. Chave explained that the subject of this hearing is related to the Highway 99/Hospital Activity Center. Activity Centers are areas that encourage more pedestrian oriented development with a mixture of uses. In the Highway 99/Hospital Activity Center, the Comprehensive Plan generally calls for a horizontal mixture of uses of multi-family residential, commercial office buildings, etc. Over the past several years, the area has been developing in this direction. In the southern end there are quite a few medical offices, and along Highway 99 there is a mixture of uses that are generally heavier commercial, which is consistent with the CG2 zoning designation. Multi-family residential uses are located in the north end, along with some offices.

Mr. Chave displayed a map to illustrate the proposed boundaries for the new BR zone. He explained that the idea behind the new BR zone is to confirm or encourage a mixture of uses to continue in the future. He noted that the bulk of the area identified for the new BR zoning designation is currently zoned multi-family, which allows office and professional uses as a conditional use. The new BR zone would make it clear that the area was intended to be a mixture of uses, intensifying it a little by allowing perhaps a greater height limit to encourage a mixture of residential, service, or commercial uses. However, the commercial uses in the BR zone would be different than those allowed in the CG and CG2 zones. The BR2 zone would be more restrictive than the BR zone. Mr. Chave explained that the goal of the BR zone is to encourage redevelopment that is pedestrian and transit friendly and to provide a transition between the more intense uses on Highway 99 and the less intense single-family uses.

Mr. Chave recalled that when the Board first started discussing the concept of a BR zone in 2001, they were unsure whether they were on the right track. They asked the Highway 99 Task Force that was established in 1999 to review the issue and provide feedback to the Board. The Highway 99 Task Force completed an economic market study for the Highway 99 area and their recommendations were completed at the end of 2005. They concluded that it would make sense to modify the general commercial zoning on Highway 99 to allow more mixed use, transit-oriented development and to restrict some of the uses that were not contributing to the environment such as storage facilities, mobile home parks, etc. At the same time, they reviewed the BR zone concept and concluded that it would be feasible and that this type of mixed use development was already occurring around the region.

Mr. Chave said the proposal currently being considered by the Board would modify the CG and CG2 zones. For example, larger properties would have more flexibility in how they arrange the commercial and residential components to create a mixed use development that fits in with the regional transportation plan. He noted that Community Transit is working to create a bus rapid transit service along Highway 99 that would enable people to quickly get to and from these mixed use areas. On the other hand, the BR zone would be a transition area that expands the opportunity for mixed uses, but not to the degree allowed along Highway 99.

**William Burgin** said that he owns a unit in the Rose Ridge Condominium Complex and was present at the meeting to learn more about the proposed new BR zone and to represent all of the individual property owners within the following condominium complexes: Rose Ridge, Rose Point, Pheasant Run, and Stratford Square. The petition asks the Board to modify the proposed amendment to exclude their complexes from the new BR zoning classification. He noted that the condominiums are just east of the school and north of the hospital, and their access comes from 76<sup>th</sup> Avenue West. He said it is the position of all of the petition signers that there would be no apparent benefit to them in converting from the RM zoning to the BR zoning, and it would likely have some adverse impacts such as: increased property taxes, lower property values, and conflicts with the unique condominium bylaws. He concluded that the petitioners are opposed to any effort to raise the site development standards to allow for greater heights in the BR zone. Most of the residents are owners not renters, and they want to retain the multi-family residential feel of their complexes as opposed to a business mixture.

**Jim Underhill** said he was a member of the Highway 99 Task Force. He expressed his belief that the properties proposed for the new BR zoning designation constitute a viable neighborhood that is intensely used—probably the most intensely used area in the City given the population that comes to and from the high school and hospital. The traffic on 76<sup>th</sup> Avenue West and 212<sup>th</sup> Street already causes problems for the small businesses that are located at the intersection.

**APPROVED**

Mr. Underhill emphasized that he and Bruce Witenberg served as citizen members of the Highway 99 Task Force. They provided specific comments regarding issues that have been raised by the community, but these comments were not included as part of the final Highway 99 Report. They were also unsuccessful in getting a minority report submitted as part of the record. Therefore, it should be noted that the final Highway 99 Report is lacking full comment from all of its members.

Mr. Underhill pointed out that the high rise nodes along Highway 99 were put in place many years ago. Mr. Chave agreed that the high rise nodes were identified in 1985. Mr. Underhill asked the Board to keep in mind that tall buildings have an impact to surrounding properties, and they should think about whether it is still good to allow greater building heights because he doesn't see strong support for the concept from the neighborhoods. He referred to the American Institute of Architects 10 Principles of Livable Communities, and suggested that current exercise is an opportunity for the Board to make this part of the City a livable community through mixed use and other types of zoning. However, they have never sat down with the community, beyond the one open house, to discuss how to accomplish this goal. The proposed language does not address any type of concept such as a gathering place, open space or park to meet the needs of the community. He referred the Board to an article that was printed in *THE BEACON* regarding Mountlake Terrace's effort to create a town center. They plan to spend three days as a community with various professionals to design the center. He noted that a lot of time has been spent on the downtown and 4<sup>th</sup> Avenue, and neighborhood meetings were conducted with the Firdale Village and Five Corners neighborhoods. The residents living in the Highway 99/Hospital Activity Center would like the same opportunity. He suggested the Board separate the CG and CG2 zoning proposal from the BR and BR2 zoning proposal and then change their plans for moving forward with planning and design of the residential mixed-use portion as a community effort.

**Ron Carr** said he lives in the Northern Firs Condominium Complex, where only one of the seven residents is not an owner. He expressed his belief that the proposed BR zone would not be a benefit to the City. If land values end up depreciating as a result of the change, it could have a negative impact to him. He noted that there are currently offices located at the intersection of 218<sup>th</sup> Street and 76<sup>th</sup> Avenue West, but they do not allow their employees to park on site. The residents can only utilize the on-street parking spaces after 5 p.m. when the office people have gone home. He expressed his concern that allowing more businesses to move into the area would make the problem worse. There are several schools along 76<sup>th</sup> Avenue West, and if the number of businesses increase it could have an impact on the safety of the children. He noted that an office complex was just constructed at the corner of 219<sup>th</sup> Street and 76<sup>th</sup> Avenue West, and the architect had originally said that a new fence would be provided to separate the new business complex from the condominiums. However, the developer has ended up building beyond the fence for the garbage facility. The homeowners will now have to look out their window and see the garbage site. The Board should consider these types of concerns and not allow the properties to be developed as strictly commercial uses.

**Nina Roscow** said she lives in the Edmonds Town Homes, which is located at the edge of the northern most area designated as BR. She said she doesn't really see this area as transitional. The northernmost portion is truly residential with schools, a golf course, etc. She suggested that huge traffic issues would arise on 210<sup>th</sup> and the change would ruin her residential neighborhood. She said her main objections are related to traffic and the lack of infrastructure to support the change. She felt multi-family residential units would be much more appropriate as a transition.

**Rob Michel** concurred with some of the comments made by residents within the proposed new BR zone. He said he owns quite a few properties in this area, which seems to be more residential than commercial. He suggested they should add more language to support the transition concept. For example, it might not be appropriate to allow retail stores or laboratories within the BR zone because these uses would require greater buffers.

Mr. Michel said he also owns property within the CG zone and has never felt it would make sense to develop under the current restrictions. Many other property owners are in the same situation. He referred to Section 16.60.010.C.1 on Page 3 of the proposed CG and CG2 language, which would prohibit residential uses located within the first or second story of any structure in areas designed as the Highway 99 Corridor. He suggested this language be changed to read, "Areas outside the high rise node and not fronting on Highway 99 and less than 6,000 square feet may have residential uses on the second story." This change would allow a small shop on the first floor with a few residential units above.

**Susan Dickson** said she lives in the Northern Firs Condominium complex, which is essentially 100% owner occupied. She questioned the need to rezone the area when there are already so many condominiums developed. She said the Northern Firs Condominium Association has actually discussed the idea of petitioning the City for more rights and protection. She said she has lived in Edmonds for 32 years and has owned her condominium for the past 20 years. She said she understands how difficult it can be to protect her property, and she suggested that condominium owners in Edmonds need stronger protection. They are taxpaying residents of the City. They love the City and do not want to see it look like another Lynnwood or Bellevue.

Ms. Dickson said that a medical professional building was recently constructed behind the residential units, and the City told them that their only recourse to address concerns was to contact the project architect. She said she made it a point to call him on a regular basis to make sure there was landscaping provided along the border of the property. However, they ended up with a garbage pad and a street lamp that shines directly onto the residential properties. She expressed her concern that if the City makes it easier to construct commercial uses in this area, the development could get out of control and the impact to existing condominium owners could be dramatic. It seems like the residents come second to what the City decides they want to do to create more tax revenue.

Ms. Dickson reiterated the concerns raised by previous speakers that the proposed change would not benefit them at all. It would likely increase taxes because the properties would be worth more as commercial lots. Property values would likely decrease as a result of increased noise and traffic associated with the business uses. She said she is also concerned about the proposal to increase the building height limit. She felt this was just another segway for heavier urban type living and that is not why she chose to live in Edmonds. She asked that the Board remove their property from the proposed rezone and let it remain in its current multi-family status.

**Alfredo Changco** said that one of his biggest concerns about the proposed BR zoning designation is that pedestrian traffic would increase substantially as a result of more retail shops being developed. He expressed his concern that this could bring in a lot of the wrong element into the neighborhood. He pointed out that there are schools located in the proposed BR area and the Board should also consider the safety of the children. He said he doesn't want additional strangers walking in front of his house without knowing their intentions.

**Stanley Piha** said he represents RMP LLC, the owners of a vacant piece of property at 236<sup>th</sup> Street and 84<sup>th</sup> Avenue. He said the owners of this property support the proposed new BR and BR2 zoning designations and find it would allow for a good transition for properties that are adjacent to Highway 99. The proposal would also be consistent with the Burke Associates and Makers Reports that were put together by the Highway 99 Task Force. The proposal would also support the Highway 99 Plan. Mr. Piha recalled that Mr. Kolmar from Weber Thompson Architects attended the Board's last meeting on behalf of his client to request a slight adjustment in the proposed height for the BR zone from 42 feet to 44 feet. He based this request on the need for the first floor of the structure to have a ceiling height of 14 feet to provide for mechanical equipment, etc. and still allow an adequate height for the retail uses. Mr. Kolmar also suggested the possibility of offering a bonus for roof height elevations to allow developers to screen the mechanical equipment that is often provided on the rooftop.

**Dale Behar** said he is one of the owners of the property at the corner of Highway 99 and 220<sup>th</sup> Street. He was present at the Board's last meeting to speak regarding the proposed new CG and CG2 zoning language. He said he supports the proposed language for the CG and CG2 zones and feels it would suit their needs and allow them to create the type of quality development the City is looking for—a transit-oriented, mixed use activity center. He said he is concerned, however, about the alternative language that was provided as part of the new draft language, which would require at least 50 percent of a development's overall leasable area be devoted to commercial space. He said he does not believe there is sufficient demand to support this great amount of commercial space. He noted that most of the medical uses in the area sit vacant, and more small commercial spaces are coming on line than there is currently a demand for.

Mr. Behar referred to Section 16.60.030.C.1, which talks about building design and massing. He said his architect has expressed concern that the alternative proposed language would be too prescriptive. As new design and materials are available, the alternative language would demand things that might be out of date. The original language would allow for more flexibility while still maintaining and keeping with the design requirements the City is looking for.

Next, Mr. Behar referred to Section 16.60.030.B.5, and said the alternative language would require that both the ingress and egress of a drive-through facility be located within the property. Mr. Behar pointed out that the properties within the CG corridor aren't large enough to allow for this, and in order to build a mixed-use, transit-oriented project, the drive-through option must be made available. Mr. Behar said he strongly endorses the proposed CG and CG2 language as written and urged the Board to reject the alternative language.

Mr. Chave asked Mr. Behar if he would support the language found in Section 16.60.020.B.1.b that would require that the floor area equivalent to the combined total of the first and second floors for all buildings located on the site be devoted to commercial uses. Mr. Behar asked that the Board consider changing this language so that the commercial space would only be required to occupy a floor area equivalent to the first floor of all buildings located on the site.

**The public portion of the hearing was closed.**

Mr. Chave reminded the Board that the City Council still has a moratorium in effect for certain types of development in the CG zone, so they are anxious to receive a recommendation from the Planning Board on the CG and CG2 zones as soon as possible. The Board agreed to consider the BR and CG zoning recommendations separately.

Vice Chair Dewhirst referred to Section 16.60.030.A, which talks about the various landscaping and buffering requirements for the CG and CG2 zones. He suggested that the proposed requirements do not adequately address the impacts that trash enclosures and loading zones have on adjacent residential properties.

Next, Vice Chair Dewhirst referred to Section 16.60.030.C, which talks about what needs to be done to make the site design unique and break up the buildings. He suggested that signage (Item 1.g) would not really play a role in accomplishing this goal. The remainder of the Board concurred.

Vice Chair Dewhirst expressed his support for the alternative language that would require a drive through to have internal access. He recalled that the Highway 99 Task Force indicated the need to limit turning movements and curb cuts on Highway 99. While he understands the concern about small sites, the City is hoping that the proposed changes would encourage property owners to consolidate and work together.

Vice Chair Dewhirst said he would support the alternative language suggested by Mr. Michel that would allow smaller parcels that do not front on Highway 99, are outside of the high-rise node, and are less than 6,000 square feet in size to have residential uses on the second floor. Mr. Chave questioned why the Board would want to limit this to lots that are less than 6,000 square feet in size. The Board agreed to change Section 16.60.010.C.1 to allow residential uses on the second floor of projects that are located outside the high rise node and do not front on Highway 99.

Mr. Chave suggested staff review Section 16.60.030.A again to consider how the requirements would be applied to multi-family zones. The Board agreed.

The Board reviewed Section 16.60.030.B.5 related to drive-through facilities. Mr. Chave explained that access issues would not be dependent on whether the access is a drive through or a general entry. He suggested the Board should not look at a drive through as an additional access point. If the Department of Transportation would allow three access points on a subject property, the existing proposed language would allow one of them to be used as a drive through entry or exit. The existing proposed language would give a developer options for configuring one of their access points. The Board agreed that the current proposed language would be appropriate.

The Board agreed to eliminate Item A.1 from Section 16.60.040 so that automotive wrecking yards would no longer be allowed in the CG and CG2 zones.

Mr. Chave referred to Section 16.60.020.B.1.b and recalled Mr. Behar's previous comment that he would support a requirement that only commercial uses be allowed on the first floor in the buildings that are oriented towards the streets, but he is concerned about requiring first floor commercial uses in areas that are inappropriate and unfeasible. Mr. Chave pointed out that large mixed-use developments appear to be the current trend. If the Board wants to support bus rapid transit on

Highway 99, they also need to encourage residential density. If mixed-use development could be done in a way that still provides a significant commercial aspect, the City should support this concept. He suggested the City could require that commercial space must occupy a floor area equivalent to the entire first floor space of all buildings on the site and all street facing portions of the ground floor.

Vice Chair Dewhirst questioned what this type of requirement would do to the City's long-term potential for office space above the first floor commercial uses. Mr. Chave answered that there is already a substantial amount of office space in the Highway 99 area, and more is being constructed now. He said if there is a demand for more office space in the future, the proposed language would not prohibit its construction. He cautioned that if the City requires a higher threshold for commercial space than the market could support, redevelopment would not occur. It is important to make sure the regulations do not prevent the combined larger lots on Highway 99 from redeveloping in the future to meet the market demand.

**BOARD MEMBER DEWHIRST MOVED THAT THE BOARD FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED LANGUAGE FOR SECTION 16.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE (FILE NUMBER CDC-05-20) PERTAINING TO THE CG AND CG2 ZONES AS PROPOSED BY STAFF AND AMENDED BY THE BOARD AS FOLLOWS:**

- **CHANGE SECTION 16.60.010.C.1 TO INTEGRATE THE FOLLOWING, “RESIDENTIAL USES WOULD BE ALLOWED ON THE SECOND FLOOR OF BUILDINGS IN AREAS OUTSIDE OF THE ACTIVITY NODES ALONG HIGHWAY 99 THAT ARE NOT FRONTING ON HIGHWAY 99.**
- **CHANGE SECTION 16.60.020.B.1.b TO READ, “FLOOR AREA EQUIVALENT TO THE LEASABLE AREA OF THE FIRST GROUND FLOOR FOR ALL BUILDINGS LOCATED ON THE SITE IS DEVOTED TO COMMERCIAL USE. THIS COMMERCIAL FLOOR AREA MAY BE PROVIDED IN ANY MANNER DESIRABLE ON SITE, EXCEPT THAT FOR ALL BUILDINGS ORIENTED TO AND FACING FRONTAGE STREETS, THE STREET FACING PORTION OF THE GROUND FLOOR SHALL BE OCCUPIED BY COMMERCIAL USES.”**
- **CHANGE SECTION 16.60.030 TO INTEGRATE MULTI-FAMILY RESIDENTIAL AS PART OF THE RESIDENTIAL BUFFERING REQUIREMENTS.**
- **DELETE ITEM g FROM SECTION 16.60.030.C.1.**
- **DELETE ITEM 4 FROM SECTION 16.60.040.A**

**BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Mr. Chave explained that the proposed BR zone was developed to accomplish the development pattern that has already been occurring and to encourage a little more intensive development so there would be incentive to provide additional pedestrian facilities as part of the development.

The Board agreed that the condominiums that front on 76<sup>th</sup> Avenue West should be taken out of the proposed BR zone boundary. The also agreed that the condominiums at the intersection of 218<sup>th</sup> Street and 76<sup>th</sup> Avenue West should be taken out of the boundary.

Vice Chair Dewhirst explained that the BR2 zone was intended to be a transition zone between residential and more intensive commercial areas, but the only real difference between the BR and BR2 zone would be the height limit. The proposed language would allow up to 50 feet in a BR zone and 44 feet in a BR2 zone. He noted that no maximum density has been identified for either zone. He suggested that perhaps the BR2 language could introduce a lower density requirement so the zone could truly be considered transitional. Mr. Chave suggested that the best way to limit density in the BR2 zone would be to establish a floor area ratio requirement. He noted that the real issue is not really the number of units, but the bulk of the building.

**APPROVED**

Mr. Chave agreed that the differences between the BR and BR2 zone are not significant, and he questioned why the City even needs both zoning designations if the standards are nearly the same. He suggested the Board review the language for both zones and decide if they want the BR2 zone to be more restrictive.

Vice Chair Dewhirst suggested the Board consider a neighborhood meeting process that would allow the neighbors to talk about goals, policies and intent for the area before the Board comes up with another draft proposal to consider.

Mr. Chave advised that, as part of the Planning Department's budget proposal, he plans to ask the City Council for funding to conduct a major study of this area next year. His proposal would include a fairly lengthy planning process to see whether this area could be designated as a regional urban center. He explained that if the City actually starts to see a high level of development fronting on Highway 99, it would make sense to reexamine what is happening west of Highway 99, too. They could conduct an urban design planning process to come up with an overall scheme for the whole area. He cautioned that this would not mean the uses in the area would be intensified, but this process would be the only way for the City to create parks, open space, gathering spaces, etc. The City should consider ways to support more intensive uses along Highway 99 while protecting the residential areas. He emphasized that completing an urban center analysis would enable the City to obtain public dollars to pay for public improvements like parks, pedestrian trails, etc. The other option would be to offer incentives to private developers to provide the amenities.

The Board agreed to put the BR and BR2 zoning proposal on hold to see if the urban center planning concept receives support and funding from the City Council. However, they agreed they could continue to talk about some type of business/residential zone that could be applied elsewhere in the City.

#### **REVIEW OF EXTENDED AGENDA**

The Board reviewed their extended agenda and particularly noted that three public hearings are scheduled for September 27<sup>th</sup>.

#### **PLANNING BOARD CHAIR COMMENTS**

Chair Freeman referred the Board to the Association of Washington's Legislative Report that was provided to each Board Member prior to the meeting. She particularly noted that the report describes the physical impacts of Initiative 933 related to property rights. She encouraged the Board Members to read the document. Mr. Chave added that the City Council would hold a public hearing on taking a position on Initiative 933, and Board Members are invited to attend.

Chair Freeman announced that the Washington Chapter of the American Planning Association would hold their annual conference in Yakima on October 4<sup>th</sup> through the 6<sup>th</sup>. She noted that the City would cover the cost of registration for interested Board Members to attend. Vice Chair Dewhirst indicated his desire to attend the conference.

Chair Freeman advised that a memorial service for Jay Clements has been scheduled for 1 p.m. on Saturday, September 23<sup>rd</sup> at Our Saviors Lutheran Church in Everett.

#### **PLANNING BOARD MEMBER COMMENTS**

Board Member Guenther referred the Board to an article in the August 29<sup>th</sup> *SEATTLE POST INTELLIGENCER* about Mercer Island's Downtown Development Project. It was noted that the project could have resulted in a nice downtown, but their architectural design board got too involved. He cautioned about the importance of not allowing an architectural design board to dictate design.

#### **ADJOURNMENT**

**APPROVED**

The meeting was adjourned at 10:45 p.m.

**APPROVED**