ORDINANCE NO. 3865

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT REGULATIONS TO ADOPT A UNIFORM 45-FOOT DIMENSION FOR ALL DESIGNATED STREET FRONTS IN BD ZONES, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.030.

WHEREAS, the Planning Board held a public hearing on June 8, 2011, on proposed amendments to ECDC 16.43; and

WHEREAS, the City Council held a public hearing on this issue on July 26, 2011, and referred the matter to the Community Services/Development Services Committee for further review and discussion; and

WHEREAS, after discussion, the Committee forwarded three of four issues to the full Council for further deliberation and potential action; and

WHEREAS, the City Council deliberated further on August 23, 2011, and decided to move forward with only a portion of the Planning Board's recommendation: the 45-foot store fronts proposal; and

WHEREAS, the City desires to amend the regulations for designated street fronts to adopt a uniform 45-foot requirement measured perpendicular to the street front of the building lot fronting on each of the mapped streets within all BD zones; and

WHEREAS, this effort necessitates an amendment to Edmonds Community Development Code section 16.43.030;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Site Development Standards. Section 16.43.030 of the Edmonds Community Development Code, entitled "Site development standards," is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.43.030

Site development standards.

A. Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the~~ BD~~1~~ Zones**

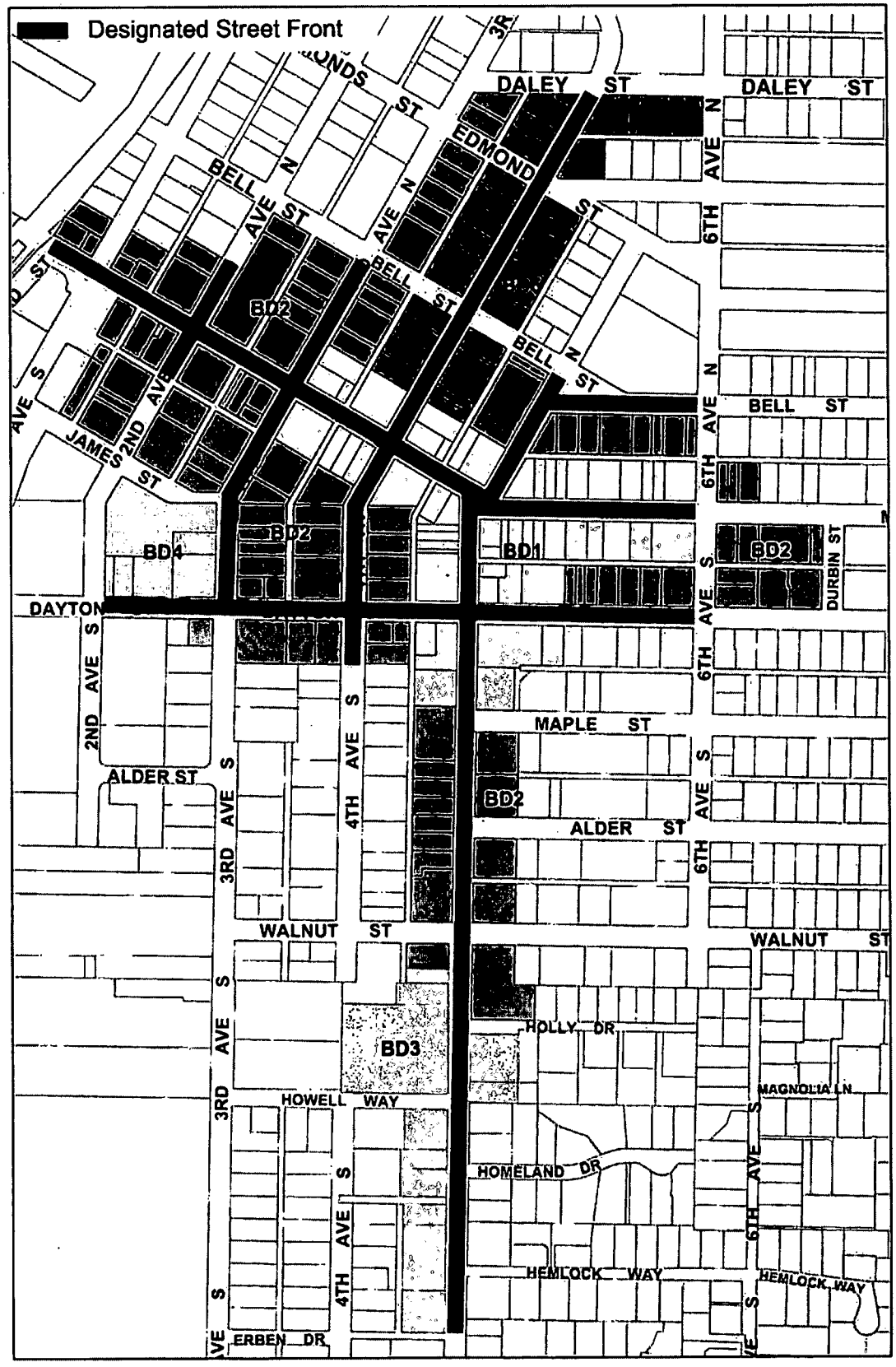
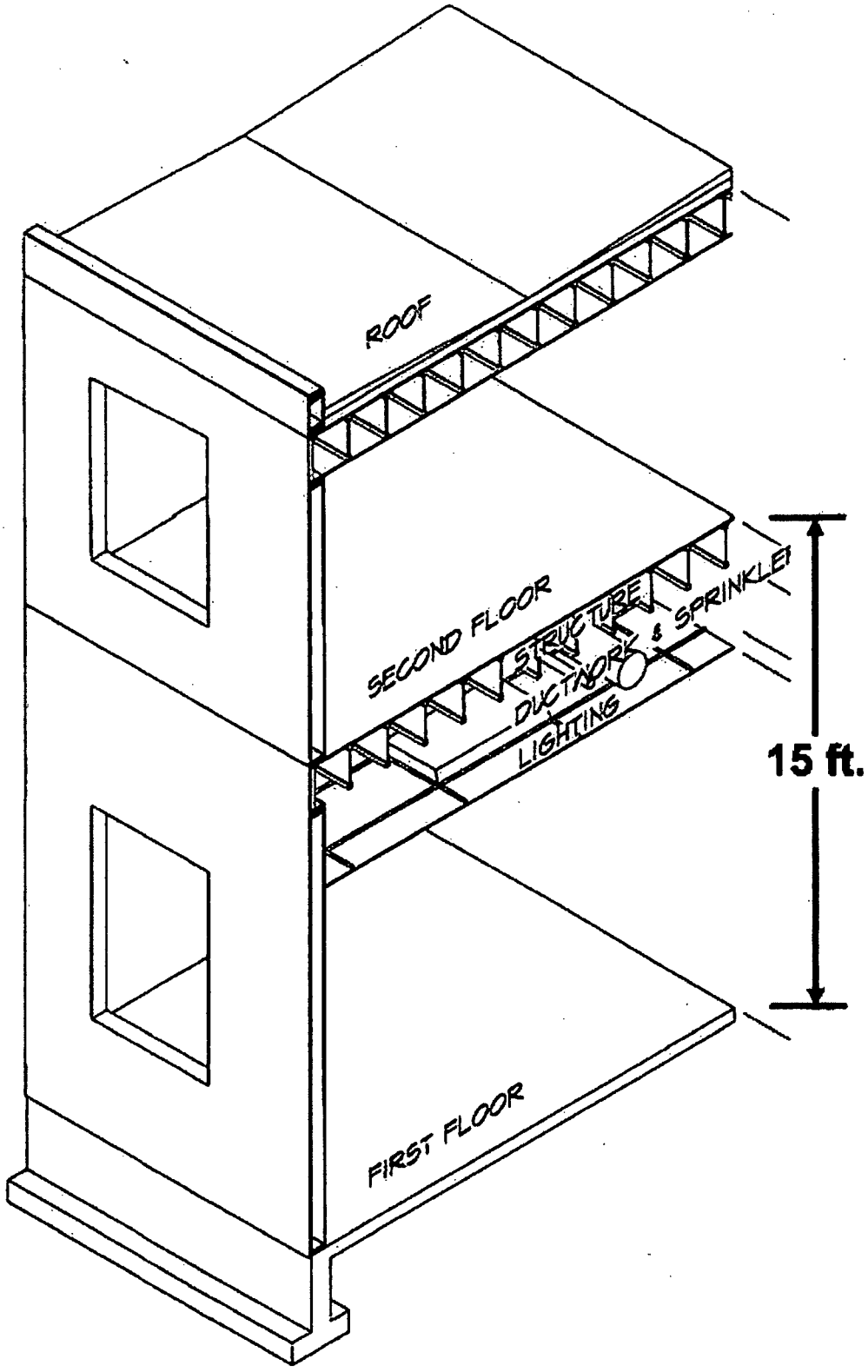


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~, which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right of way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall

the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY
JEFF TARADAY

FILED WITH THE CITY CLERK:	12-16-2011
PASSED BY THE CITY COUNCIL:	12-20-2011
PUBLISHED:	12-25-2011
EFFECTIVE DATE:	12-30-2011

ORDINANCE NO. 3865

SUMMARY OF ORDINANCE NO. 3865

of the City of Edmonds, Washington

On the 20th day of February, 2011, the City Council of the City of Edmonds, passed Ordinance No. 3865. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT REGULATIONS TO ADOPT A UNIFORM 45-FOOT DIMENSION FOR ALL DESIGNATED STREET FRONTS IN BD ZONES, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.030.

The full text of this Ordinance will be mailed upon request.

DATED this 21st day of December, 2011.

Sandra S. Chase

CITY CLERK, SANDRA S. CHASE

4840-7251-8158, v. 1

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH } **S.S.**

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance

No. 3865

City of Edmonds

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

December 25, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

SUMMARY OF ORDINANCE NO. 3865
of the City of Edmonds, Washington
On the 20th day of February, 2011, the City Council of the City of Edmonds passed Ordinance No. 3865. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON AMENDING THE CITY'S DEVELOPMENT REGULATIONS TO ADOPT A UNIFORM 45-FOOT DIMENSION FOR ALL DESIGNATED STREET FRONTS IN BD ZONES, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.030
The full text of this Ordinance will be mailed upon request.
DATED this 21st day of December, 2011.
CITY CLERK, SANDRA S. CHASE.
Published: December 25, 2011.

Principal Clerk

Subscribed and sworn to before me this **26th**

day of **December, 2011**

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

Account Name: City of Edmonds | Account Number: 101416 | Order Number: 0001762110

STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

January 17, 2012

Robert Chave
Planning Manager
City of Edmonds
121 - 5th Avenue North
Edmonds, Washington 98020

Dear Mr. Chave:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Edmonds - Adopted amendment for a uniform 45-foot dimension for all designated street fronts in BD zones, amending ECDC 16.43.030. These materials were received on January 12, 2012 and processed with the Material ID # 17731.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services

Department of Commerce

Innovation is in our nature.

Notice of Adopted Comprehensive Plan or Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following hereby provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

Jurisdiction Name:	**City of Edmonds**
Address:	**121 5th Ave. N. Edmonds, WA 98020**
Date:	**January 12, 2012**

Contact Name for Ordinance:	**Rob Chave, Planning Manager**
Phone Number:	**425.771.0220 ext. 1332**
Fax Number:	**425.771-0221**
E-Mail Address:	**chave@ci.edmonds.wa.us**

Brief Description of the Proposed Development Regulation or Amendment:	**Uniform 45-foot dimension for all designated street fronts in BD zones, amending ECDC 16.43.030.**
Public Hearing Date:	**July 26, 2011**
Date of Adoption:	**December 30, 2011**
Please Attach a Copy of the Adopted (Signed/Dated) Ordinance and Amendment. (Attachment Required)	**Attached Ordinance #3865**

CITY OF EDMONDS

121 5TH AVENUE NORTH, EDMONDS, WA 98020 (425) 771-0220

RCW 197-11-965 Adoption Notice

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption of (check appropriate box) ☐ DNS ☑ EIS ☐ Other_____

Description of current proposal: Minor amendments to the City of Edmonds Community Development Code including: (1) Update to streamline approval of rooftop solar energy installations; (2) Minor changes to the BD zones clarifying designated street fronts and commercial depth requirements; (3) Update streamlining permitting for outdoor dining approvals.

These amendments further implement current city comprehensive plan policies.

Proponent: City of Edmonds

Location of proposal, including street address if any: The amendments apply city-wide.

Title of document being adopted: Edmonds 1995 Comprehensive Plan FEIS and 2004 Addendum.

Agency that prepared document being adopted: City of Edmonds / PSRC.

Date adopted document was prepared: Edmonds FEIS adopted in 1995; 2004 Addendum adopted in January, 2005.

Description of document (or portion) being adopted: The 1995 EIS and 2004 Addendum supported adoption of the city's original GMA-compliant comprehensive plan and 10-year update.

If the document being adopted has been challenged (WAC 197-11-630), please describe: N/A.

The document is available to be read at (place/time): Edmonds Planning Division, 121 5th Ave N, Edmonds, 98020; public hours are 8:30am to 4:30pm, Monday through Friday.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of agency adopting document: City of Edmonds

Contact person, if other than responsible official:_____ Phone:_____

Responsible official: Robert Chave, AICP

Position/Title: Planning Manager Phone: 425.771.0220

Address: 121 5th Ave. N, Edmonds, WA 98020

Date: November 15, 2011 Signature: _____

Cunningham, Diane

From: COM GMU Review Team [reviewteam@commerce.wa.gov]
Sent: Thursday, September 01, 2011 4:53 PM
To: Chave, Rob
Cc: Andersen, Dave (COM); Cunningham, Diane
Subject: 17277, City of Edmonds, Expedited Review Granted, DevRegs

Dear Mr. Chave:

The City of Edmonds has been granted expedited review for the proposed amendments to downtown BD zones, that focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for development agreements to achieve specified city goals. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Edmonds has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact Paul Johnson at 360.725.3048 or by email at paul.johnson@commerce.wa.gov.

Thank you.

Review Team, Growth Management Services

Department of Commerce

P.O. Box 42525

Olympia WA 98504-2525

(360) 725-3000

FAX (360) 664-3123

washington state department of
community, trade and economic development

Request for Expedited Review of Development Regulations

Pursuant to RCW 36.70A.106, the following hereby provides notice of intent to adopt and requests expedited state agency review of the following development regulation or amendments.

Jurisdiction Name:	**City of Edmonds**
Address:	**121 5th Ave. N., Edmonds, WA 98020**
Date:	**August 17, 2011**

Contact Name for Ordinance:	**Rob Chave, Planning Manager**
Phone Number:	**425.771.0220**
Fax Number:	**425.771-0221**
E-Mail Address:	**chave@ci.edmonds.wa.us**

Brief Description of the Proposed Development Regulation or Amendment:	**Potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals.**
Planned Public Hearing Date:	**July 26, 2011 continued**
Planned Date of Adoption:	**September 2011**
Please Attach a Draft of the Proposed Amendment. (Attachment Required)	**Attached**

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
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BD3[5]	0	0	0	0	0	25'	12'
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[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

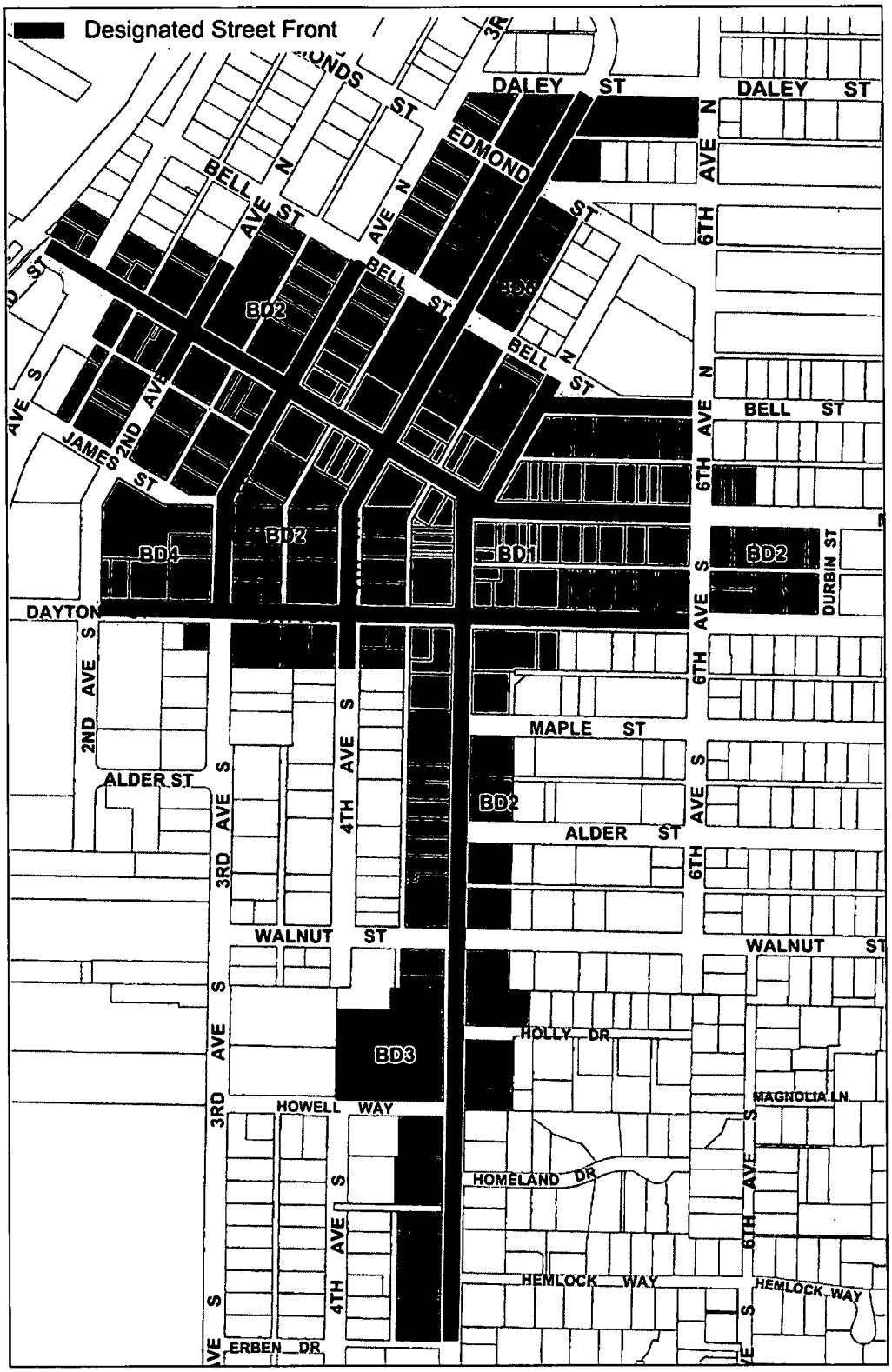
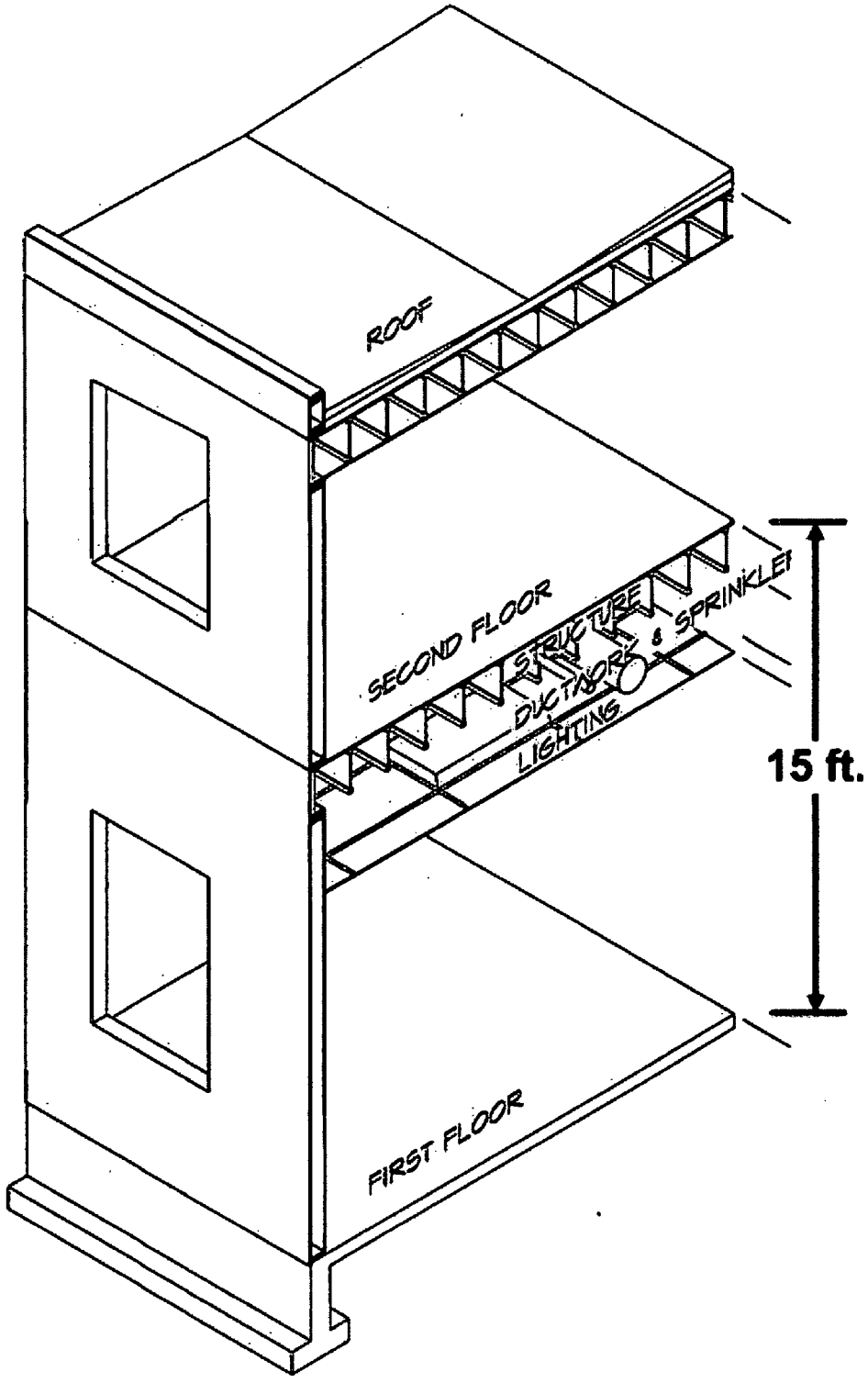


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

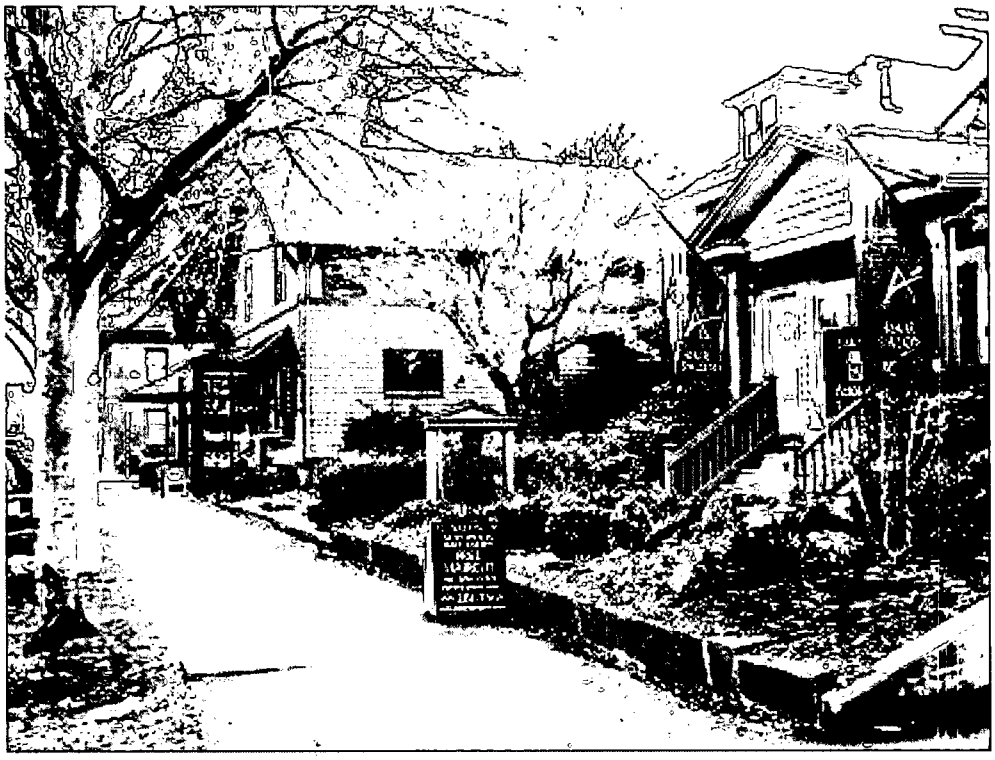
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Within the BD1, BD2, BD3, or BD4 zones, an additional five feet of building height – increasing the overall building height to a maximum of 30 feet – may be obtained if the building meets the ground floor requirements for the zone as enumerated in ECDC 16.43.030(B). ~~Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).~~

~~a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:~~

~~i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.~~

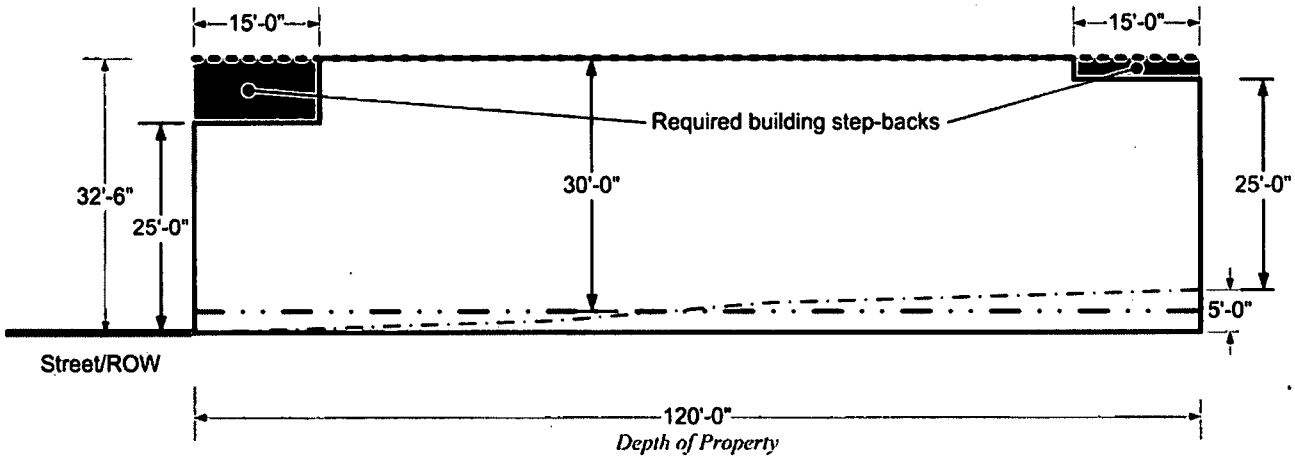
~~ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.~~

~~iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a five-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.~~

~~b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.~~

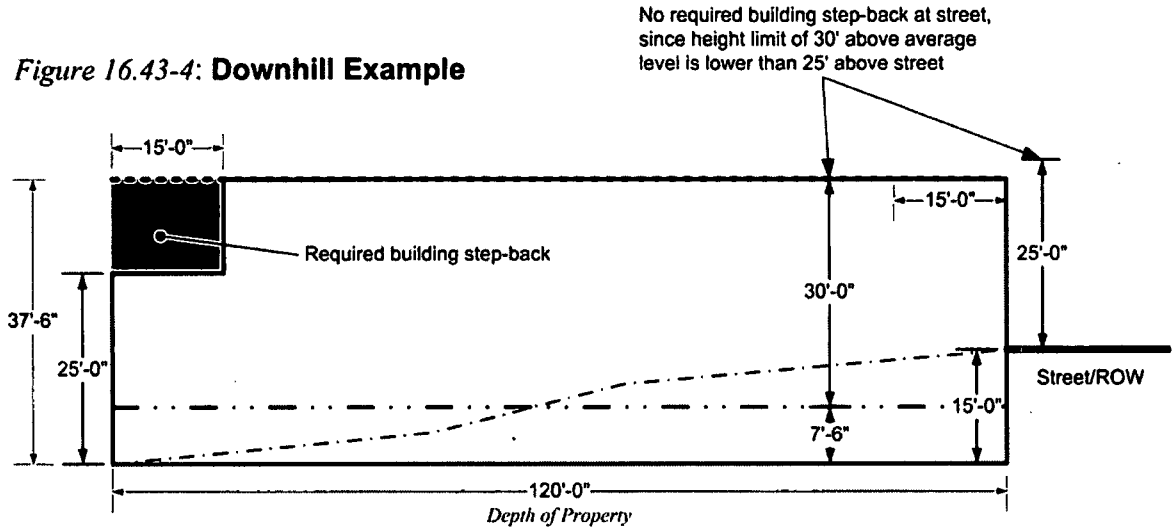
Note: the diagrams on this page are deleted in the Planning Board recommendation.

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, the building shall meet the same requirements ~~step-backs shall be required the same as for the BD2 zone, as described~~ detailed in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

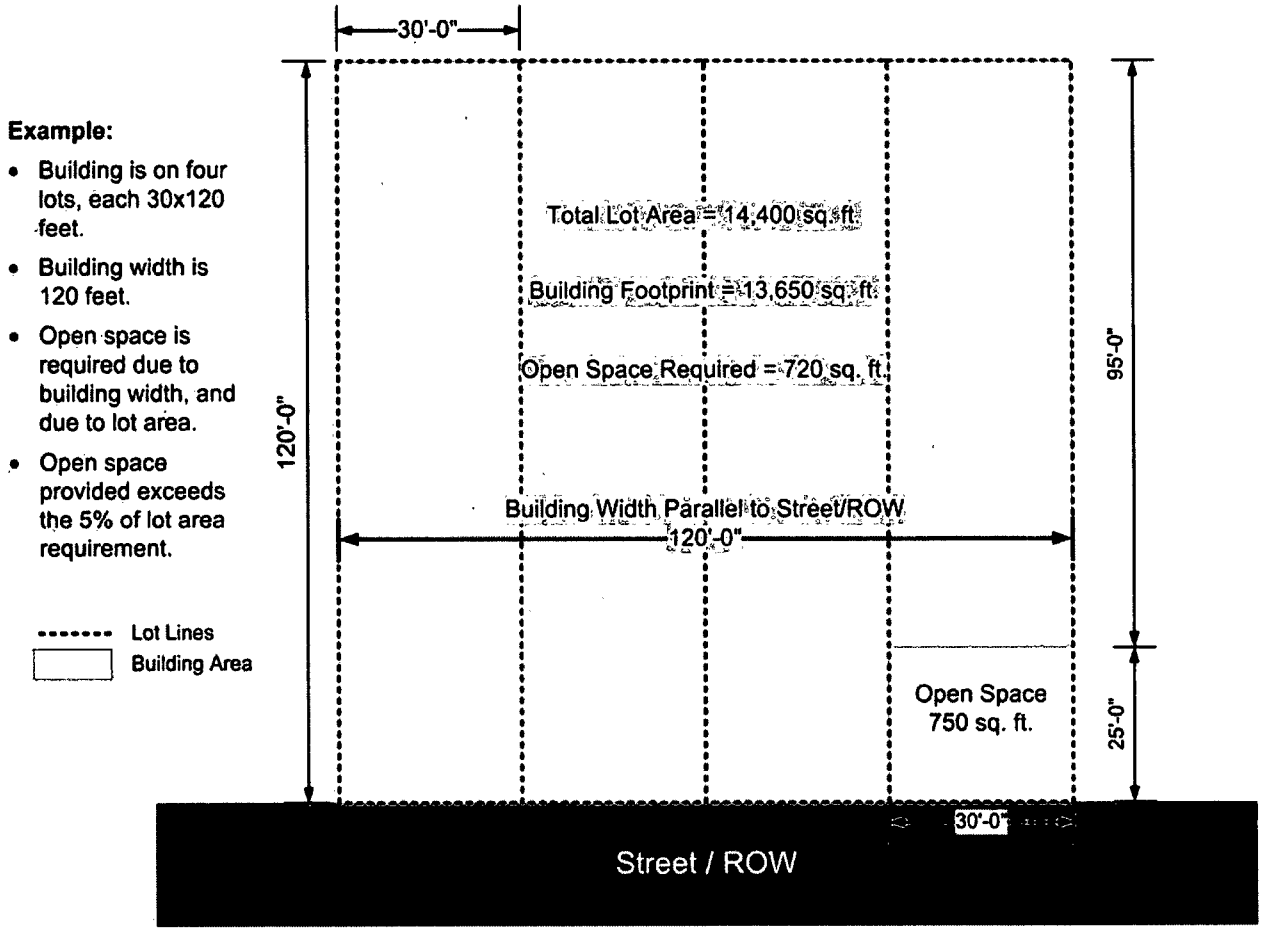
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Without limiting the scope of enhanced public space and amenities, examples include such features as public restrooms, additional building setbacks which provide expanded public sidewalks or gathering space and/or combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.

6. **PUBLIC HEARING ON A DRAFT PROPOSAL TO AMEND THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TO APPLY DESIGN STANDARDS TO THE BD2, BD3 AND BD4 ZONES TO REPLACE THE REQUIREMENT FOR BUILDING STEP-BACKS. THE PROPOSAL ALSO INCLUDES A PROVISION EXEMPTING SMALL DECORATIVE 'BLADE SIGNS' FROM SIGN CODE AREA CALCULATION LIMITATIONS.**

Acting Development Services Director Rob Chave explained the Planning Board's original recommendation to remove the step-back requirements from the BD zones was made in 2011. The Council held a public hearing on July 26, 2011. In 2012, although supportive of replacing the stepback requirements in the BD zone with design standards, the Council wanted design standards in place before removing the step-back requirement. It was referred to the Planning Board and the Board has provided this recommendation. By way of background, he reviewed how height limits have changed over time:

- First zoning code in 1956: 45 feet
- 1964: 35 feet
- 1981: 30 feet
  - Pitched roof / modulated design / step-backs
- Codes since 1981 have addressed what happens in the 5 feet above 25 feet, but the 30-foot height limit has remained unchanged
- 2005 - step-back required to increase building height from 25 to 30 feet

Mr. Chave displayed photographs of buildings constructed prior to 1956: historic forms that still exist, noting there are common features such as first floor windows; pedestrian awnings; differentiation between the first floor and upper floor using materials and design elements; and rhythm or distinctive breaks in facades.

He displayed photographs of buildings constructed 1956 to 1981, what he termed as the "simplified box," unadorned with little architectural character. The solution in 1981 was 25 + 5 feet with some kind of design feature such as a pitched roof. He displayed photographs of buildings constructed 1981 to 1997, commenting they tended to be "buildings with hats." Beginning in 1997 there was a requirement for modulated buildings. He displayed photographs of buildings constructed 1997-2005, explaining the result was different roof forms and some attempt to differentiate vertical forms with a lot of repetitive elements. He pointed out there is a difference between building rhythm and breaking up a large façade into individual elements.

Mr. Chave summarized:

- Buildings prior to 1956
  - Pedestrian scale & orientation
  - A richness of materials & architectural detail
  - Vertical detailing
- 1956 to 1981
  - Larger scale, very simple buildings
  - Lacking in architectural detail
- 1981 to 1997
  - Some improvement in architectural detail
  - Pitched roofs as an add-on or afterthought
- 1997 to 2005
  - More architectural elements included
  - More attention to vertical elements
  - "Busy" horizontal elements

Mr. Chave noted one of the differences between historic buildings is richness in material and craftsmanship. Even when craftsmanship is not present, the details and rhythm of the buildings fit into the overall feel. Although buildings can be historic at 50 years old, he did not view many of the buildings constructed more recently as historic; they are typical of the period but not historic. While the concern in recent years has been height, it should be about design, the overall appearance of buildings and how they fit into the streetscape.

Mr. Chave summarized the existing code requirements:

- Retail core / BD1:
  - No step-backs
  - Mandatory design standards
- Other BD zones (BD2 – 4)
  - Mandatory 15-foot step-backs
  - Design objectives (not design standards)

The Board's recommendation is to remove the 15-foot stepback in the BD2-4 zones and replace it with design standards. He provided photographs of 15-foot step-backs in downtown Kirkland and Old Town Bellevue, noting they are typically on much taller buildings. He displayed photographs of Chanterelle's and the Edmonds Theater, commenting step-backs do not complement traditional commercial building styles. Using Chanterelle's as an example, he pointed out step-backs would not allow traditional buildings to be built. He explained the facades on historical buildings were viewed as a desirable downtown element. The intent is to adopt design standards that are consistent with some of the old building types and rhythms found downtown. He relayed downtown property owners have indicated the 15-foot step-back is a building killer and at least one developer concluded that a building utilizing that requirement was not feasible.

He displayed photographs of buildings that echo traditional building styles and new construction that often tries to duplicate traditional building styles such as Mill Creek Towne Center. The Board's recommendation eliminates the 15-foot step-back requirement in the downtown BD2, 3 and 4 zones and replaces it with the same regulations that work in the BD1 zone; a height limit of 30 feet and the BD1 zone design standards.

With regard to Mr. Hertrich's comment about being unable to find where the idea of 30 feet came from, Mr. Chave referred to the Board's January 9, 2013 minutes, page 8, 3rd paragraph, Board Chair Reed suggested to simplify the code language, 30 feet should be inserted. Mr. Chave noted this made sense because otherwise the language was convoluted with a base height of 25 feet with a 12-foot ground floor and the 12-foot ground floor was already required. He emphasized the 30-foot height was not a height increase.

Councilmember Buckshnis clarified the Council approved 25 +5 feet to a maximum of 30 feet in October 2012. Mr. Chave responded that seemed to be the consensus of the Council although the Council did not take formal action to approve it as the Council wanted to see the design standard language before taking final action.

Councilmember Buckshnis asked whether the Parks, Planning and Public Works Committee had reviewed this issue. Mr. Chave answered yes, at the outset of the process in 2011. The Planning Board had a joint meeting with the Architectural Design Board to discuss the design standards.

Councilmember Bloom asked when roof modulation was removed from the code. Mr. Chave answered it is still applicable in some parts of the City such as the BC zones in lower downtown including the Salish Crossing property. In 2005-2006, the idea of roof modulation was replaced with step-backs.

Mayor Pro Tem Petso referred to horizontal rhythm, noting large buildings not occupying entire blocks in the past. In recent years buildings are the size of an entire block without any horizontal modulation or rhythm. She asked whether the Planning Board's recommendation addressed that issue. Mr. Chave advised he would have to research that.

Mayor Pro Tem Petso observed BD5 was also being amended. Mr. Chave answered BD5 is the 4th Avenue Arts Corridor. The language for BD5 retains the step-back because that area needs a special process. There is already a 15 foot setback requirement for larger buildings in that area. Staff's recommendation to the Planning Board was to consider BD5 separately in the context of the plan that was adopted for that area because it is unique and needs to have its own rules.

Mayor Pro Tem Petso observed it appeared an extensive change was made to the BD5 language. Mr. Chave answered the language that was otherwise applicable to all the BD zones was retained for BD5. Although it looks like a big change in the markup copy, it is actually status quo.

Councilmember Buckshnis asked if the blade signs were reviewed by the Planning Board. Mr. Chave answered yes. He explained the intent is to make small signs that hang under awnings an easy process.

Mayor Pro Tem Petso asked whether the blade sign proposal was reviewed by the Parks, Planning and Public Works Committee. Mr. Chave answered it was not, this was the first presentation to the Council.

Councilmember Johnson asked how blade signs apply in the BD1 zone. Mr. Chave answered the same way as the other BD zones. The proposal is any blade sign under 4 square feet does not count against the overall signage. A business that wants a small blade sign simply undergoes a staff review to ensure there is enough clearance. There is no review of the overall building square footage and allowable sign space.

Councilmember Johnson observed the public hearing was in regard to BD2-4 and asked whether a separate process was necessary for the blade sign exemption for BD1. Mr. Chave answered the blade sign exemption was for the BD zones, not just BD2-4.

Councilmember Bloom referred to a Planning Board Member's question that it was "his understanding of the current code the additional height from 25 to 30 feet could only be achieved with a step-back. Eliminating the step-back requirement as proposed would mean a developer could achieve the maximum height with certain design accommodations. He asked what a developer might provide in terms of amenities or design features in order to obtain the maximum height. Mr. Chave answered the BD design standards provide illustrations that give a good idea of what would be expected." Councilmember Bloom asked whether it was the Planning Board's understanding that the design standards would be required to obtain the additional 5 feet in height and whether there had been any discussion regarding amenities that would be necessary to obtain the additional 5 feet. Mr. Chave answered the Planning Board agreed the design standards apply regardless of the building height.

Councilmember Bloom asked if the Planning Board discussed 25 + 5 feet with an additional amenity of some sort. Mr. Chave answered no; they focused on design standards that would apply consistently across the board. The idea of incentive zoning and other kinds of incentives was not discussed. There is some of that built into the BD zones; for example buildings over a certain size require open space be provided.

Community Services/Economic Development Director Stephen Clifton explained Roger Brooks' presentation talked about the importance of including blade signs on storefronts in the retail area. Blade signs are often used to attract pedestrians or drivers who do not see the storefront because they are traveling perpendicular to the front of the business. He displayed photographs of blade signs in Fairhaven, noting the design of the signs add to the attractiveness of the streetscape. Blade signs are typically much thinner than wall signs. He noted 3-4 businesses have approached him about installing a blade sign but do

not want to go through the sign process. The proposal is to allow a blade sign up to 4 feet and it would not count against the sign square footage allowed on the building façade. He summarized blade signs help pedestrians and drivers see businesses more clearly.

Council President Pro Tem Fraley-Monillas recalled Roger Brooks mentioning that blade signs often identify the merchandise or service a business provides. Mr. Clifton agreed Mr. Brooks talked about the importance of a business listing what they sell on the blade sign. Council President Pro Tem Fraley-Monillas asked why the blade sign issue was included with the design standards in the BD2-4 rather than separately. Mr. Clifton responded the Council directed the Planning Board to look at the design guidelines for the BD2-5 zones and it is very appropriate that the signage allowed in those zones be part of the design standards.

Councilmember Bloom recalled blade signs identify the product a business sells; the examples Mr. Clifton provided did not show that. She asked if that would be allowed? Mr. Clifton answered it would, noting blade signs can also hang from awnings provided they maintain a minimum clearance above the sidewalk.

Mayor Pro Tem Petso opened the public participation portion of the public hearing.

Doug Spee, Edmonds, a property owner in the BD2 zone, commented this is a very fair approach to the challenge to get development going downtown. He liked that the same design standards would apply to BD1-4. He noted the Council need not fear ugly or boxy buildings as the ADB review is a very challenging, effective process that, in his case, produced a better building. Once a developer complies with the design guidelines, they still must go through ADB review.

Finis Tupper, Edmonds, commented he was involved in the final adoption of the Comprehensive Plan and recalled the last element the Council worked on in 1981 was building heights. He recalled the Harbor building on Main Street was the driver for the 25-foot height. He noted Mr. Chave did not show the view of the Olympics and Puget Sound. The code was written to preserve the downtown area and the entire area was zoned BC. Another dimensional requirement in 1981 was that 51% of the building had to be commercial. Edmonds lacks commercial zones and more condominiums are being built than the City needs. He questioned whether the condominiums on 5th Avenue represented the small town character of Edmonds. If Councilmembers liked big, boxy buildings, he recommended they raise the building height from 25 feet to 30 feet tonight.

Roger Hertrich, Edmonds, clarified when he spoke under Audience Comments, he was speaking about elections, now he was talking about building heights that have been arbitrarily changed to 30 feet. He noted in the BD1 zone the height limit was raised due to the extra height of the first floor level; the BD2-4 zones were not required to have an increased first floor height. He recalled there were incentives in the past to create extra design features in exchange for additional height such as modulated rooflines, modulated building walls and sloped roofs. He summarized this was an arbitrary increase in height without any requirements.

Ron Wambolt, Edmonds, commented if Councilmembers did not support the proposed changes, it meant they liked the current situation. The current situation is not construction of an abundance of beautiful buildings; it is no buildings being built. He was a Councilmember in February 2006 when the new BD zones were implemented to replace the BC zone; no buildings have been constructed since then in a BD zone except for the rebuilding of two banks.

David Arista, Edmonds, owner of a building in the BD2 zone, expressed his support for the Planning Board's recommendation to replace the requirement for building step-backs. He does not plan to redevelop his building any time soon, but if he did in the future he wanted the opportunity to do so

without a step-back. He commented a 15-foot step-back did not make sense for a building 25-30 feet in height. He also supported the proposal to exempt blade signs, explaining blade signs are very helpful as drivers do not see the front of the building but a blade sign catches their attention.

Hearing no further comment, Mayor Pro Tem Petso closed the public participation portion of the public hearing.

Council President Pro Tem Fraley-Monillas asked the current height limit in the BD1-4 zones. Mr. Chave answered BD1 is 30 feet, BD 2, 3 and 4 is essentially 25 feet and the ability to go to 30 feet with certain things, mainly a step-back. That is why the Planning Board felt if they removed the step-back requirement, there was no reason to call it 25 + 5 anymore because 25 + 5 = 30. In the BD4, there are two options, a commercial building that requires the 15-foot step-back or a multi-family building up to 30 feet with a front yard setback.

Council President Pro Tem Fraley-Monillas observed if the Council kept the height the same and removed the step-back, the height limits would be 30 feet in BD1 and 25 feet in BD1, 2, 3 and 4 zones. Mr. Chave answered that would essentially be lowering the height limit in the BD 2, 3 and 4 zones because there is no option to go from 25 feet to 30 feet. Council President Pro Tem Fraley-Monillas observed the only option currently to go from 25 feet to 30 feet is the step-back. Mr. Chave agreed.

Council President Pro Tem Fraley-Monillas asked if the option to go from 25 feet to 30 with a step-back was adopted because of building modulation. Mr. Chave answered the genesis of the step-back was a concern with the appearance of the street front. At the time there was a feeling that somehow 25 feet provided a more pedestrian-friendly environment; historically what makes more sense is the design rather than imposing an artificial step-back. That is evident in the design of historic buildings. The primary focus of the Planning Board and ADB Members' discussion was that design is important and the step-back does not really produce good design and in fact is not consistent with historic designs.

Council President Pro Tem Fraley-Monillas asked whether design standards instead of a step-back could be required to go from 25 feet to 30 feet in the BD2-4 zones. Mr. Chave answered under the Planning Board's proposal, design standards would be required regardless of building height. Design standards address variation in material, detailing on facades, etc.

Mayor Pro Tem Petso asked if horizontal modulation was addressed. Mr. Chave answered not directly; there is discussion about materials and differentiation of facades, but nothing that sets an absolute number when one portion of the building transitions to another and no horizontal standard is included. Mayor Pro Tem Petso observed adopting this tonight would not provide any improvement for a building that runs the full length of the block. Mr. Chave answered it would, such as the detailing that enhances the façade. There is just not a specific standard that addresses horizontal spacing although that would be relatively easy to add. He referred to the first page of the design standards (page 83 of the packet), 22.43.010 Massing and Articulation, A. Intent. To reduce the massiveness and bulk of large box-like buildings and articulate the building form to a pedestrian scale. A sentence could be added something like "buildings shall echo historic horizontal building spacing or building elements consistent with the historic pattern of the city." He noted it would be different on each block or façade depending on the historic pattern. He referred to the photographs of historic buildings where there is a distinctive difference between one section of the building frontage and another.

Mayor Pro Tem Petso asked whether that would need to go back to the Planning Board or could it be included in the ordinance for approval by Council. Mr. Chave answered the intent is there; if a majority of the Council wanted to include that language, it could be included in the ordinance.

Mayor Pro Tem Petso referred to Mr. Chave's statement that the BD1 building height is 30 feet, yet when she looked at the table in the packet, 25 is crossed out and replaced with 30. She noted it appeared a change was being made to BD1. Mr. Chave answered buildings in BD1 are required to have a 15-foot ground floor; with a 15 foot ground floor, the building can be 30 feet tall; therefore, from a practical standpoint, the height limit in BD1 is 30 feet. That was why Planning Board Chair John Reed recommended changing the table.

Mayor Pro Tem Petso observed the same change was being made in the table for the BD2, 3 and 4 zones, changing 25 feet to 30 feet. She asked if it would be possible to eliminate the step-backs, adopt the design standards and not change the table, leaving the height limit at 25 feet. Mr. Chave answered yes, but it would mean no possibility of going from 25 feet to 30 feet. Mayor Pro Tem Petso agreed pointing out the extra 5 feet could be achieved via a development agreement, incentive zoning or other ideas that have been discussed. Mr. Chave advised that would require a separate process.

Councilmember Bloom observed open space was required for a larger bulk building. Mr. Chave agreed. Councilmember Bloom recalled being at Council meetings when the Gregory Building was approved where citizens were in opposition to the building design. The former City Attorney said three errors were made by the Planning Department in approving the building but nothing could be done because an appeal had not been filed during the 21 day LUPA period. She recalled one of the errors was related to open space. Mr. Chave responded he was not directly involved with that project but recalled there was split zoning on the property and a bay window that extended beyond the façade that was not picked up during building review. There was nothing regarding open space at the front of the building. The provisions in the BD zones that he referenced earlier, page 11 of the zoning chapter (page 79 of the packet), Open Space Requirements, for buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet, at least five percent of the lot area shall be devoted to open space, is a new requirement that was not in place until the BD zones were adopted. The intent of the open space requirement was to encourage pocket open spaces along a building frontage, particularly larger buildings such as a full block. There is also language regarding where the open space should be located. It is not an incentive; it is a requirement for a large building. The discussion regarding the Gregory Building was related to the back of the building.

Councilmember Bloom observed there are a number of buildings that have been built under the current 25 + 5 building code that many citizens have not been happy with, including Old Milltown and the Gregory. She was agreeable to eliminating the step-back but was concerned with eliminating 25 + 5 without any tradeoff for the additional 5 feet. She was also supportive of blade signs. She appreciated Mr. Spee's comments tonight and at the Planning Board that there is a lot of fear. She noted the fear is due to buildings that have been constructed that citizens have had issues with. Mr. Chave responded the ADB and Planning Board looked at it differently. From a practical standpoint, they felt the height limits were established at 30 feet and the discussion is really about the overall façade and design of the building, not what occurs above 25 feet.

Councilmember Bloom asked what the highest part of the Gregory Building is, recognizing that portions of buildings can be higher than the height limit due to the topography. Mr. Chave answered the overall height of the Gregory was 30 feet. He referred to the photo of the building with the curved roof which looks like a 2-story building at the street, but is a 4-story building down the hill. The opposite happens on the other side of the street where the uphill slope is behind the building. The Gregory appears taller because it takes advantage of the slope behind the building. That is a function of the way height limits are calculated and the topography. There has been discussion in the past about establishing height limits at the street front; but that was not done because it was such a huge change.

Councilmember Bloom asked how tall the front of the Gregory Building is. Mr. Chave guessed it was 33-34 feet and the back of the building was less than 30 feet. Councilmember Bloom observed that was the

reason citizens view this as a height increase; some buildings seem quite large due to the topography. Mr. Chave agreed a building's height calculation depends on the site's topography.

In response to the comment that the City was not getting anything in return, Mr. Clifton assured the City was getting something in return – BD1 design standards applied to the BD2–4 zones. He noted the BD1 design standards were adopted after the development that Councilmember Bloom referred to. The two developments that have occurred since then, the banks, particularly the one at 3rd and Main Street, would not have been allowed under the proposed design standards because they do not reflect the desired downtown urban form. The bank building looks like it belongs in a suburban office park; it would have been better to gut the existing building and build around the façade than to build that building. He found it interesting that the Council was fearful when they had already approved BD1 guidelines that require a 15-foot first floor ceiling height which allows a 30-foot building in the most concentrated and intimate area of the downtown, but did not want to allow that in the rest of downtown. He noted the intent of the BD1 design standards was to require building design and construction that reflected the architectural style that many in the community find attractive such as the Beeson building, Chantrelle's, Edmonds Theater, the Starbucks building, etc. He found the 15-foot step-back arbitrary and had never understood why it was imposed.

Main Motion
COUNCILMEMBER YAMAMOTO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO APPROVE THE PLANNING BOARD'S RECOMMENDED CODE CHANGES AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR CONSENT AGENDA APPROVAL TO INCLUDE THE PROVISION EXEMPTING SMALL DECORATIVE BLADE SIGNS FROM SIGN CODE AREA CALCULATION LIMITATIONS.

Councilmember Peterson commented by adopting the design standards, it is no longer a tradeoff, it is forcing good design which is a great step toward ensuring buildings fit the feel of downtown. Although not anti-development, the design standards are the City showing a heavier hand and requiring good building design regardless of the height. As Mr. Clifton pointed out, these design standards are required in BD1, a zone that citizens are adamant about protecting, and it makes sense to expand them to the surrounding zones.

Amendment #1
MAYOR PRO TEM PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO ADD A SENTENCE THAT THE BUILDINGS SHALL ECHO HISTORIC DEVELOPMENT HORIZONTALLY.

Mayor Pro Tem Petso referred to Mr. Chave's indication that it would be a simple matter to ensure buildings demonstrate horizontal rhythm by adding a sentence to the ordinance. Mr. Chave responded the intent is stated in the code. He displayed a picture of a block that reflected building rhythm, noting the additional language would not prohibit or otherwise restrict construction of a large building, but it would address the façade and appearance at the street.

Vote on Amendment #1
UPON ROLL CALL, THE AMENDMENT CARRIED (5-2), MAYOR PRO TEM PETSO AND COUNCILMEMBERS PETERSON, FRALEY-MONILLAS, BLOOM, AND JOHNSON VOTING YES; AND COUNCILMEMBERS YAMAMOTO AND BUCKSHNIS VOTING NO.

Amendment #2
MAYOR PRO TEM PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO ELIMINATE THE STEP-BACKS, ADOPT THE DESIGN GUIDELINES BUT LEAVE THE BUILDING HEIGHTS AT 25 FEET.

Councilmember Peterson reiterated the design standards were created with a great deal of public input for the most intimate area of the City, around the fountain, and he did not understand the reasoning behind Mayor Pro Tem Petso's motion. He pointed out many of the buildings on the Historic Register could not be built with a height limit of 25 feet. If the goal is an historical element, which he supports, he questioned how that could be accomplished with this motion.

Councilmember Bloom recalled during a past discussion there was an indication that incentive zoning was included in the Comprehensive Plan. She asked if the option for incentive zoning applied to all zones. City Attorney Jeff Taraday advised the City Council always adopts incentive zoning anywhere in the City it wished. Councilmember Bloom asked what would be required to adopt incentive zoning to allow an additional 5 feet with certain amenities. Mr. Taraday referred to the memo his office prepared regarding incentive zoning, explaining there needs to be a careful balance between the public benefit that is sought and the deviation that the City is willing to accommodate. The tradeoff only works if the benefit and deviation are in balance; just the right amount of public benefit and just the right amount of incentive to the developer. That needs to be carefully considered and he was uncertain that there had been any analysis regarding how much going from 25 to 30 feet was worth economically and what a developer would be willing to provide in the way of an amenity to gain the additional 5 feet in height. The drafting of the incentive is a simple process; the analysis of whether it will actually work to generate the amenity has not been done with regard to an increase from 25 to 30 feet.

Councilmember Bloom asked whether development agreements could be used to allow an additional 5 feet and get something in exchange. Mr. Taraday said staff could be asked to develop a proposal that would accomplish that and bring it to the Planning Board for review and ultimately to the City Council.

Councilmember Johnson commented she had been following this issue for some time and it was both simple and confusing. In the interest of clarity for elected officials, developers, staff and citizens, Planning Board Chair Reed suggested changing the minimum height from 25 feet to 30 feet. It was her understanding the building height was 30 feet prior to the adoption of step-backs and it will be 30 feet once the step-back requirement is eliminated, yet the table indicates the height is 25 feet. At the very least, this is a PR nightmare. She suggested being clear about what the standards were, what they are and what they will be. She agreed the 15-foot step-back was not a good idea. She referred to Figure 16.43.4 that illustrates uphill and downhill examples, observing that depending on the topography, the frontage could be above 30 feet. She summarized the goal was improved communication between advisory boards and the City Council; her preference would have been for the Parks, Planning and Public Works Committee to have reviewed the Planning Board's recommendation so that there could have been an in-depth discussion with staff. In the interest of expediency and because this has been discussed since 2011, she supported making a decision tonight.

Councilmember Buckshnis echoed Councilmember Johnson's comments that the goal was clarity and pointing out 25 + 5 = 30 feet. The proposal simplifies the regulations. She referred to Roger Brooks' suggestion #5, keep it simple. The amendment would require buildings to echo historical horizontal design. She agreed this is a PR nightmare in that this has been going on since 2011. She summarized the step-back was being removed and building heights were not being raised because 25 + 5 = 30 feet.

Council President Pro Tem Fraley-Monillas disliked step-backs particularly in shorter buildings. She spoke in favor of blade signs. She supported the amendment to keep building heights at 25 feet.

Vote on Amendment #2
UPON ROLL CALL, THE AMENDMENT FAILED (3-4), COUNCILMEMBERS FRALEY-MONILLAS AND BLOOM, AND MAYOR PRO TEM PETSO VOTING YES; AND COUNCILMEMBERS PETERSON, YAMAMOTO, JOHNSON AND BUCKSHNIS VOTING NO.

Mayor Pro Tem Petso said she will not support the main motion; in order for her to support the main motion, both amendments would have needed to pass. She thanked everyone for their work on this; the positive is improved design standards will be adopted and they will be further improved before final adoption via the amendment.

Councilmember Bloom echoed Mayor Pro Tem Petso's comments, stating she supported the removal of the step-back requirement and supported blade signs but would vote against the main motion due to the 30-foot height limit.

Councilmember Johnson expressed her support for extending the BD1 design standards to the BD2, 3 and 4 zones.

Vote on Main Motion
UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS JOHNSON, YAMAMOTO, BUCKSHNIS AND PETERSON VOTING YES; AND COUNCILMEMBERS BLOOM, FRALEY-MONILLAS, AND MAYOR PRO TEM PETSO VOTING NO.

Mayor Pro Tem Petso declared a brief recess.

7. EDMONDS STRATEGIC ACTION PLAN – PRESENTATION OF DRAFT FINAL REPORT.

Community Services/Economic Development Director Stephen Clifton reported the Planning Board (PB) and Economic Development Commission (EDC) conducted a joint meeting open to the public on January 23, 2013. The City Council was also invited. The purpose of the meeting was to provide an opportunity for Beckwith Consulting Group (BCG) to present information related to a Draft Strategic Action Plan Report dated December 21, 2013. PB and EDC members asked questions and discussed next steps with Mr. Beckwith.

Following the January 23, 2013 joint PB/EDC meeting, Mr. Beckwith submitted a revised Draft Strategic Action Plan dated February 8, 2013 to the City. The document was forwarded to the City Council, PB and EDC members, City staff, Chamber, Senior Center, etc. The document was also provided to the Strategic Action Plan subcommittee consisting of City Council/PB/EDC members and City staff. All entities were asked to review the document and provide comments.

On March 5, 2013, the Strategic Action Plan Committee met to discuss the February 8, 2013 document. During the meeting, the committee focused primarily on BCG's proposed five strategic objectives, related plan actions, who/which entity would perform in a lead capacity and as participants, etc. Using comments provided during the meeting, revisions were made to the document and clean/redlined versions were again provided to City Council, PB and EDC members, City staff, Chamber of Commerce, Senior Center, and others and each was asked to provide comments by Friday, March 22, 2013. The redlined document and comments submitted by reviewers were then sent to BCG to give them time to review and prepare the final draft products for the April 2, 2013 City Council meeting.

The purpose of tonight's meeting is to provide Tom Beckwith an opportunity to present information related to the Final Draft Strategic Action Plan. Following the presentation, the City Council may be interested in conducting a public hearing on the Final Draft Strategic Action Plan or the Council could approve the Plan tonight in order to begin implementation.

Mr. Clifton introduced **Tom Beckwith, Beckwith Consulting Group**, who introduced **Steve Price, Beckwith Consulting Group**. Mr. Beckwith provided an overview of the Strategic Action Planning process:

Selection of Mayor's Executive Assistant
Mayor Earling reported on the application process for his executive assistant. The City received 127 applications for the position. Screening reduced the applications to 25 potential applicants and 6 were interviewed. At the conclusion of that process, he selected Carolyn LaFave.

Public Hearing Sign-In Sheets
Council President Peterson announced the availability of sign-in sheets for audience members to indicate their support or opposition to public hearing topics without signing up to speak.

3. APPROVAL OF AGENDA

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Petso requested Item K be removed from the Consent Agenda and Councilmember Bernheim requested Item I be removed.

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

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 6, 2011.

C. APPROVAL OF CLAIM CHECKS #129221 THROUGH #129387 DATED DECEMBER 8, 2011 FOR $588,030.36, AND CLAIM CHECKS #129388 THROUGH #129555 DATED DECEMBER 15, 2011 FOR $873,482.27.

D. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #51050 THROUGH #51076 FOR THE PERIOD NOVEMBER 16, 2011 THROUGH NOVEMBER 30, 2011 FOR $713,624.43.

E. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM JAMES KREIDER (AMOUNT UNDETERMINED), FRONTIER (AMOUNT UNDETERMINED), MONIQUE WALSH (AMOUNT UNDETERMINED), AND KIMBERLY COLE (AMOUNT UNDETERMINED).

F. REPORT ON FINAL CONSTRUCTION COSTS FOR THE ALDERWOOD INTERTIE AND RESERVOIR IMPROVEMENT PROJECT AND ACCEPTANCE OF PROJECT.

G. ORCHID CELLMARK DNA TESTING.

H. ORDINANCE NO. 3864 - ADOPTING THE FOLLOWING AMENDMENTS TO THE COMPREHENSIVE PLAN: REMOVING CERTAIN PROPERTIES FROM THE MEDICAL / HIGHWAY 99 ACTIVITY CENTER; REVISING POLICY LANGUAGE DESCRIBING THE MEDICAL / HIGHWAY 99 ACTIVITY CENTER; REDESIGNATING CERTAIN PROPERTIES FROM "SINGLE FAMILY URBAN 1" TO "MULTI FAMILY - MEDIUM DENSITY"; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

J. ORDINANCE NO. 3865 – BD1 ZONE DESIGNATING 45 FOOT STREET FRONTS.

AM-4451 **Item #: 4. J.**

City Council Meeting

Date: 12/20/2011

Time: Consent

Submitted By: Rob Chave

Department: Planning

Review Committee:

Committee Action:

Type: Action

Information

Subject Title

Proposed Ordinance – BD1 Zone designating 45 foot street fronts.

Recommendation from Mayor and Staff

Approve the proposed ordinance (Exhibit 1).

Previous Council Action

The City Council held a public hearing on this subject on July 26, 2011, and voted to approve the Planning Board recommended changes to designated street fronts on August 23, 2011.

Narrative

On August 23, 2011, the Council voted to adopt the Planning Board's recommended changes to designated street front in the BD zones, changing the commercial requirement to a uniform 45-foot depth. The attached ordinance (Exhibit 1) implements this Council action. Note that this ordinance does not implement the other changes recommended by the Planning Board that the Council did not act on.

Attachments

Exhibit 1: Proposed Ordinance

Form Review

Inbox	Reviewed By	Date
City Clerk	Sandy Chase	12/15/2011 03:26 PM
Mayor	Dave Earling	12/15/2011 04:39 PM
Final Approval	Sandy Chase	12/15/2011 04:42 PM
Form Started By: Rob Chave		Started On: 12/15/2011 02:33 PM
Final Approval Date: 12/15/2011		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT REGULATIONS TO ADOPT A UNIFORM 45-FOOT DIMENSION FOR ALL DESIGNATED STREET FRONTS IN BD ZONES, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.030.

WHEREAS, the Planning Board held a public hearing on June 8, 2011, on proposed amendments to ECDC 16.43; and

WHEREAS, the City Council held a public hearing on this issue on July 26, 2011, and referred the matter to the Community Services/Development Services Committee for further review and discussion; and

WHEREAS, after discussion, the Committee forwarded three of four issues to the full Council for further deliberation and potential action; and

WHEREAS, the City Council deliberated further on August 23, 2011, and decided to move forward with only a portion of the Planning Board's recommendation: the 45-foot store fronts proposal; and

WHEREAS, the City desires to amend the regulations for designated street fronts to adopt a uniform 45-foot requirement measured perpendicular to the street front of the building lot fronting on each of the mapped streets within all BD zones; and

WHEREAS, this effort necessitates an amendment to Edmonds Community Development Code section 16.43.030;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Site Development Standards. Section 16.43.030 of the Edmonds Community Development Code, entitled "Site development standards," is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.43.030

Site development standards.

A. Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the~~ BD~~1~~ Zones**

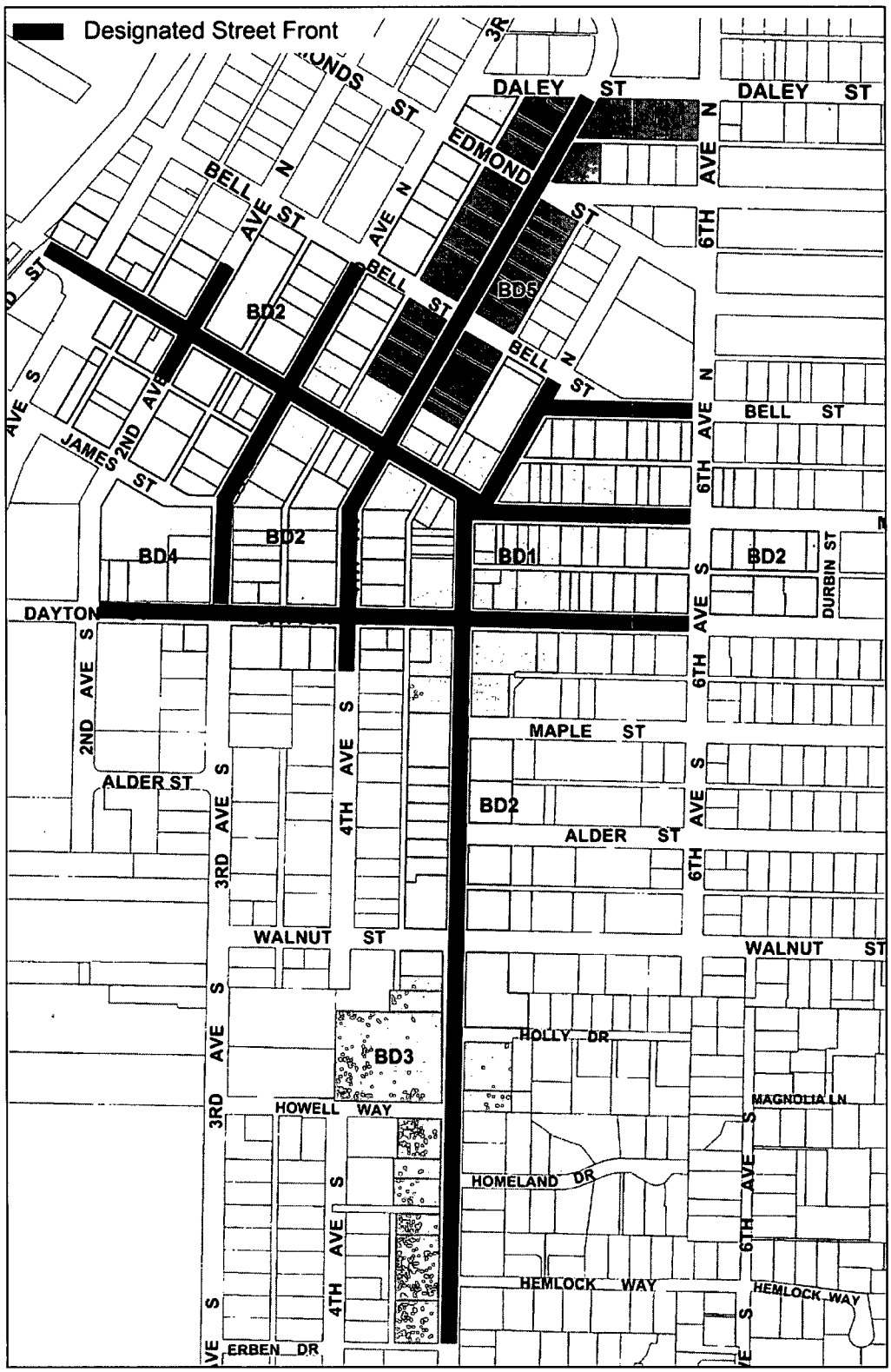
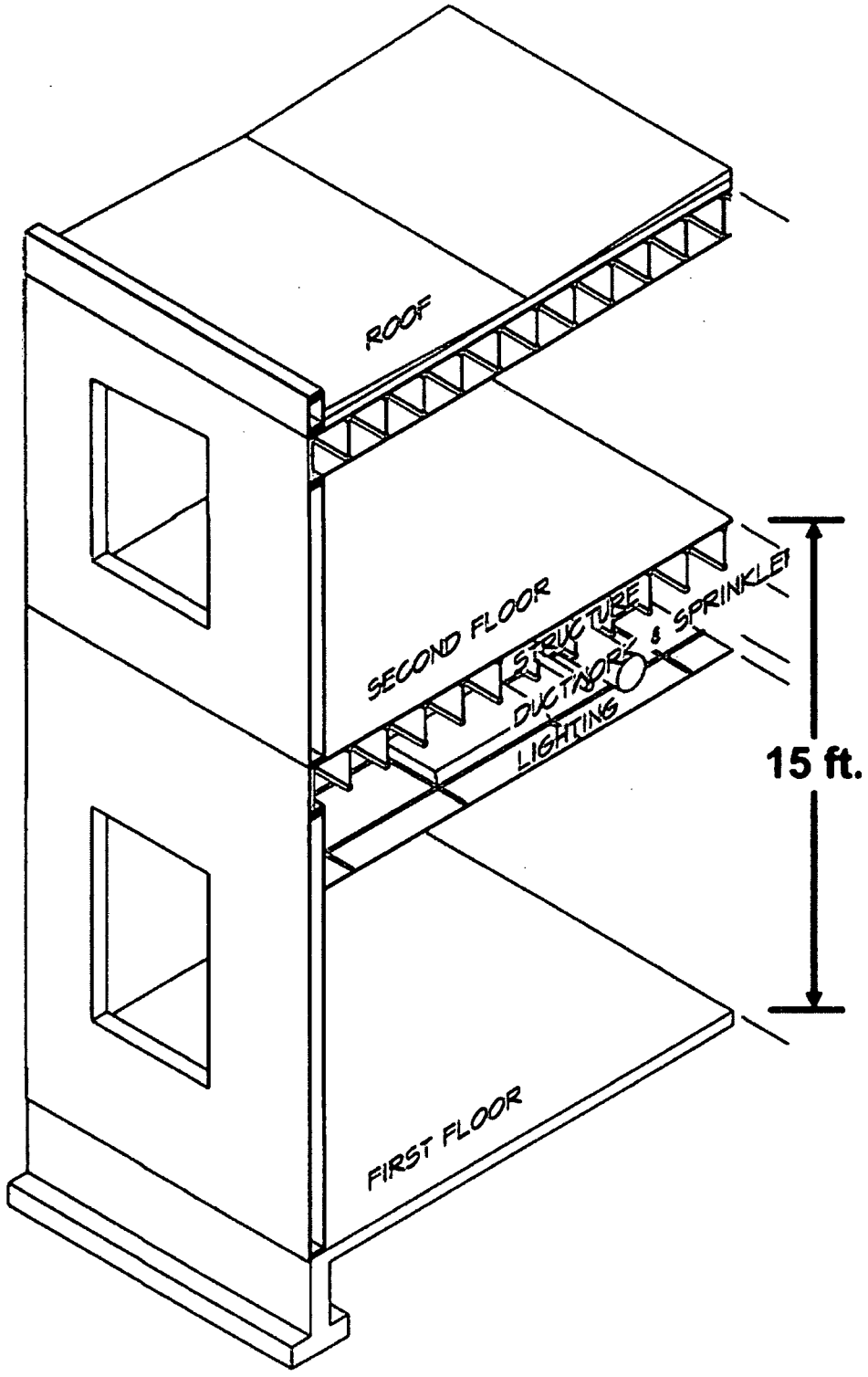


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

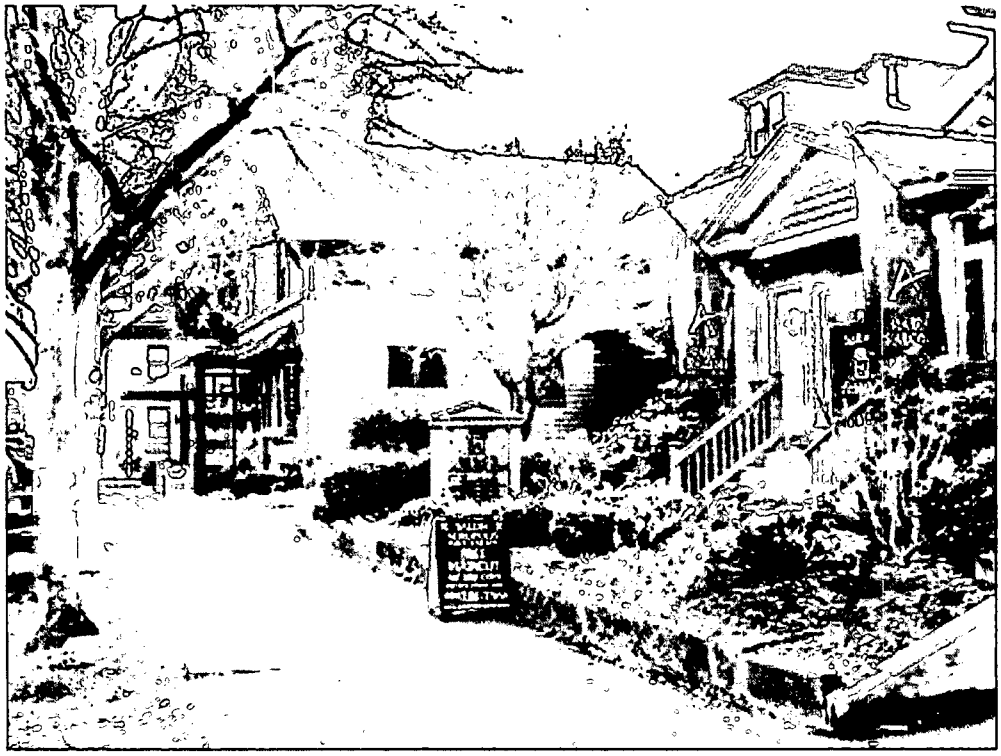
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall

the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

_____
MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:

_____
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JEFF TARADAY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. _____

of the City of Edmonds, Washington

On the ____ day of _____, 2011, the City Council of the City of Edmonds, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT REGULATIONS TO ADOPT A UNIFORM 45-FOOT DIMENSION FOR ALL DESIGNATED STREET FRONTS IN BD ZONES, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.030.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2011.

_____

CITY CLERK, SANDRA S. CHASE

4840-7251-8158, v. 1

F. **AUTHORIZATION TO ADVERTISE RFQ FOR ARTISTS TO CREATE INTERPRETIVE ELEMENTS FOR THE DOWNTOWN EDMONDS CULTURAL HERITAGE TOUR PROJECT**

G. **APPOINTMENT OF MARLA MILLER TO THE EDMONDS PUBLIC FACILITIES DISTRICT BOARD.**

ITEM B: **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 19, 2011**

Councilmember Bernheim requested the following changes to the minutes:

- Page 17, last paragraph, delete the sentence, "He suggested including bike racks and an electric car plug."
- Page 23, second paragraph from the bottom, change "admirably" to "adequately."

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO APPROVE ITEM B AS AMENDED.

Council President Peterson advised he would abstain from the vote as he was absent from the meeting.

Councilmember Wilson observed it was the Council's normal process to refer the minutes to the Clerk for verification. Councilmember Bernheim responded he was trying to save the Clerk time. Councilmember Wilson recalled Councilmember Bernheim did say he wanted bike racks in the park but would not hold up his vote to get them. Councilmember Bernheim read the comments he made at the July 19 meeting from a transcript.

MOTION CARRIED (5-1-1), COUNCILMEMBER WILSON VOTING NO AND COUNCIL PRESIDENT PETERSON ABSTAINING.

3. **PUBLIC HEARING ON THE PLANNING BOARD RECOMMENDATION REGARDING POTENTIAL AMENDMENTS TO DOWNTOWN BD ZONES. THE AMENDMENTS FOCUS ON USES PERMITTED IN DESIGNATED STREET FRONTS IN BD ZONES, COMMERCIAL DEPTH REQUIREMENTS, REDUCING MANDATORY STEP-BACKS, AND PROVIDING FOR DEVELOPMENT AGREEMENTS TO ACHIEVE SPECIFIED CITY GOALS**

Planning Manager Rob Chave reviewed the Planning Board's recommendations:

1. **Designated street front and commercial depth requirements.** The current commercial depth requirement is 30 feet in the BD1 downtown retail core and 60 feet elsewhere in the downtown zones. The Planning Board felt the existing commercial depth requirements were contrary to the City's goals for the retail core and felt a consistent definition of designated street front and street depth was appropriate throughout the downtown area. The Planning Board recommended a consistent 45-foot depth. Staff's walkthrough of commercial spaces downtown a few years ago found nearly all commercial spaces, in the BD1 zone in particular, were approximately 60 feet in depth. Existing uses will be allowed to continue, the amended depth will only apply to new development.
2. **Uses in the BD1 (Retail Core) zone**. There are currently no restrictions as long as the use is commercial. In the City's economic development goals and the downtown Comprehensive Plan, pedestrian activity and retail activity in particular is a core goal for the downtown BD1 area. The Planning Board recommended not allowing offices or professional offices within the 45-foot designated street front in the BD1 zone. Uses within the first 45 feet uses must be retail or service-related businesses. The Planning Board felt offices and professional offices do not rely on walk-in customers and some offices in the BD1 close off their visible windows to the public via

blinds, etc. Mr. Chave reminded the BD1 zone is a very small area, the two blocks radiating out from the center fountain. Retail and service oriented business would be allowed to locate within the first 45 feet; any commercial use including offices can locate behind the first 45 feet or in the upper story.

3. **Step-back requirements**. There is currently no step-back requirement in the BD1 zone. The other downtown BD1 zones require a 15-foot step-back above 25 feet. The Planning Board felt building design could be addressed by the existing design guidance that refers to presence of building on the street, differentiating lower portions from upper portions. Historic buildings downtown such as Beeson Building or Chanterelles derive their character not from a step-back but decoration, ornamentation, etc. which the Planning Board felt provided more building design enhancement than a step-back.
4. **Development Agreements**. Developers would be allowed to build according to normal development pattern in accordance with the current zoning or could propose a development agreement. Development agreements have a thorough public hearing process at both the Planning Board and the City Council and the final decision is made by the City Council. Under the Planning Board's recommendation, development agreements would achieve certain specified goals. A developer would need to achieve two of the following three goals:
   1) Attain at least a LEED Gold or equivalent level of green building certification
   2) The development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists)
   3) The development includes enhanced public space and amenities.

Mr. Chave explained the goal of tonight's hearing was to identify what the Council wants to include in an updated code. The language could be amended such as strengthening or providing further clarity on some of the development agreement criteria. A number of the code provisions were adopted in 2006, about the time of the economic downturn. Therefore, the City has virtually no experience with the code provisions. The Planning Board, Economic Development Commission (EDC) and staff feel a down economy is an appropriate time to make improvements to the code where appropriate.

The EDC had a lengthy discussion regarding development agreements as they relate to the City's economic development goals. The EDC discussed and endorsed the Planning Board's recommendations at their recent meeting. The EDC expressed interest in further defining service uses, which service uses were appropriate in a retail core.

Councilmember Bernheim asked whether there was any sense of urgency or request that the City Council make a decision tonight following the public hearing rather than listening to points of view and making a decision in the next weeks or months before the end of the year. Mr. Chave answered it is a legislative matter so there is no particular deadline. The Planning Board and EDC felt these were important issues and hoped the Council would address them as quickly as possible. Councilmember Bernheim asked whether there was a need for the Council to make a decision tonight. Mr. Chave answered the public testimony may indicate a need that he is not aware of; there is no specific deadline.

Councilmember Petso referred to minutes in the Council packet that indicate the CS/DS Committee wanted to refer the environmental sustainability considerations to the Mayor's Climate Protection Committee and asked whether that had been done. Mr. Chave answered that is a separate issue, including broader incentives in the codes. The environmental aspect tonight is only related to development agreements.

Councilmember Petso asked whether there had been discussion regarding something other than LEED for the environmental incentive. Mr. Chave answered the Planning Board's discussion primarily focused on LEED although they did discuss other standards. The problem is there are few other good environmental

standards; LEED is the best established standard at this time. The words "or equivalent" were included because other standards or ways of measuring environmental benefits may develop over time such as the Master Builders green building initiatives. If a developer could show their proposal had equivalent environmental benefits, it would be acceptable. He summarized it was not expected that a developer would complete the LEED certification process.

Councilmember Fraley-Monillas asked what type of businesses would be prohibited in the BD1 zone. Mr. Chave answered general office such as a corporate or business office or a professional office such as a doctor's office would not be allowed in the designated street front. Both could occur behind the designated street front, in the story above or in one of the surrounding commercial zones. Conversely any retail or service use would be allowed.

Councilmember Buckshnis thanked staff, the EDC and the Planning Board for their work. As Council liaison to the EDC, she is aware of the discussions that occurred at their meeting and the Planning Board minutes demonstrate a very thoughtful process. She referred to page 9 of the Planning Board June 8 minutes, where Board Member Cloutier moved that the motion be amended to delete the words "or three stories, whichever is greater" from Item B.1. The motion was seconded by Board Member Johnson. The minutes do not reflect a vote on the amendment. Mr. Chave recalled it was approved.

Councilmember Plunkett observed the proposed development agreement would increase height to 35 feet. In Mr. Spee's case, per the Planning Board minutes, he is planning that some portion of his lot will have a 4-story building. Councilmember Plunkett asked whether removing 35 feet from the development agreement and retaining the height in the existing code would eviscerate the value of the development agreement. He asked whether development agreements were predicated on an increase in height up to 35 feet and in some cases, depending on the lot, up to 4 stories. Mr. Chave answered the language in the development agreement states the development standards in general can be varied. The language regarding 35 feet is a limitation. Even if a developer wants to vary other regulations in the code, the height cannot exceed 35 feet. If the Council did not want to allow height above the existing feet, the language would need to be changed to not more than 30 feet. Whether it eviscerated the value of a development agreement was in the eyes of the beholder.

Councilmember Plunkett asked whether there was value in a development agreement if the Council did not approve allowing an increase in height. Mr. Chave answered there could still be some value because other regulations could be altered via a development agreement. Some of the discussion by the EDC and Planning Board was regarding uses that they wanted to occur downtown such as a boutique hotel. Companies who develop that use considered the City's zoning and indicated it would not be feasible under the existing 30-foot height limit and would require a few additional feet in height. The discussion by the Planning Board and EDC specifically referenced that input. Depending on the situation, particularly where a higher building would not impact the existing street scape and the use would potentially be a huge economic benefit particularly for tourism, the Planning Board and EDC felt strongly the opportunity for increased height was appropriate. Councilmember Plunkett pointed out the Council had been told previously that a certain building could not be built but it was later constructed when required to build to code.

Councilmember Buckshnis asked whether a development agreement could be used with a variance. Mr. Chave answered the City's variance criteria are very tight and absent something unique to the site, the variance criteria could not be satisfied. For example, he could not imagine a circumstance where additional height would be granted via a variance for a boutique hotel. Councilmember Buckshnis pointed out the land slopes. Mr. Chave explained there are slopes throughout the downtown and it would be difficult to argue that because a particular property slopes, granting additional height would be so unique

that another site should not also receive a variance for slope. He summarized granting a variance on one site opened up to variances all over the City.

Councilmember Petso referred to the identifying street fronts (page 111 of the packet) where there is one parcel on 2nd Avenue extending north from Main Street that has the blue line designating the street front on only a portion of the parcel. Mr. Chave explained when the lines were drawn, consideration was given to commercial streets and the designated street front were identified in areas where there are commercial uses on both sides or there is a long history of commercial use in the vicinity. The EDC and ultimately Planning Board may reconsider the area south of 5th beyond Howell Way. In the core area the intent was to avoid extending the designated street front along areas where there are significant residential uses or wrapping around corners where there is commercial only on one side.

Councilmember Petso asked when this particular property at the corner of 2nd and Main develops, will it be required to have a designated street front all the way along 2nd, part of the way along 2nd or none of the way on 2nd. Mr. Chave advised in areas where there is not a designated street front, the requirement for a 45 foot depth does not apply and any of the uses allowed by the zone would be permitted.

Councilmember Petso observed this was supposed to be legislative but the discussion appears to relate strongly to a particular project that has yet to be submitted. City Attorney Jeff Taraday explained this discussion is in regard to all the BD zones and the map on page 111 encompasses several blocks. To the extent any particular lot was discussed in the context of a hypothetical development, he supposed that could assist the Council in understanding the effect of the proposed changes as long as it was understood any discussion regarding a site specific application of the proposal was purely hypothetical. There is no quasi judicial land use application before the Council tonight.

On a property where hypothetically the blue line stopped in the middle of a parcel, Councilmember Petso asked whether the parcel has a designated street front or only has a designated street front as far as the blue line extends. Mr. Chave answered the designated street front only extends as far as the blue line. If it splits a parcel, only the portion of the parcel where the blue line is has a designated street front. The designated street fronts are tied to street sections rather than property lines.

Councilmember Plunkett advised he heard a conversation that led him to believe this development agreement was pretty much centered around one potential developer. He was at a Historic Preservation Commission meeting when a representative for the developer of the post office made comments, believing he was speaking to the Planning Board. The representative stated all he needed to do was get the Council to change the code and they could construct a nice building with a number of nice attributes. Councilmember Plunkett asked if this matter was still legislative when he heard something like that because he assumed this particular developer would ultimately submit an application. Mr. Taraday answered this is a legislative matter and while there may be developers/property owners in the community who lobby the City Council to adopt/not adopt the proposed amendments, they are free to do so in the context of approaching their elected officials about a legislative matter. Access to Councilmembers will change as soon as a development application is submitted; to his knowledge there is no application on file yet, therefore, the Council is truly in the legislative realm. Councilmember Plunkett clarified a developer could lobby a Councilmember as much as they wanted even if they would profit from the change. Mr. Taraday answered absolutely.

Student Representative Gibson asked whether it would be fairer to everyone else if the blue line extended through the entire property rather than stopping halfway through the property. Mr. Chave answered the concept behind the designated street front is to identify portions of downtown where there is the strongest commercial activity. There are certain main pedestrian arterials, along Main, down 5th, and somewhat on Dayton, that tend to be the main corridors. However, outside those main corridors, the question arises if

commercial is required, how far off the corridor commercial will it be viable. Especially in areas where one side of the street is residential, requiring commercial on the opposite side lessens its viability. When people walk down a commercial street, they like to see activity on both sides. He summarized determining how far the requirement for commercial activity should extend is a judgment call, the reason this is a legislative matter.

Councilmember Fraley-Monillas asked who designated the street fronts. Mr. Chave answered the concept was first raised when the BD zones were adopted in 2006 and established only for the BD1 zone. The Planning Board ultimately recommended expanding that concept to the other BD zones.

Councilmember Fraley-Monillas pointed out the designated street front on 4th Avenue extends to Daley Street although it is residential past Bell Street, yet on 2nd Avenue it is cut off a block short of James and mid-block south of Bell. Mr. Chave answered beyond Dayton there is a consistent block on the south side of 4th versus 3rd where there is only one large building on the east side and only a small corner on the west side. He reiterated it is a judgment call; the Council could revise the locations of the designated street fronts.

Councilmember Wilson inquired about the definition of service uses. Mr. Chave acknowledged there was no definition for service uses. The EDC and Planning Board felt it worthwhile to forward the proposed amendments to the Council but want to review and further define services uses to determine whether some are more retail oriented.

Councilmember Bernheim asked whether it was true that the height in the BD1 zone is 25 feet with a minimum 12-foot first floor ceiling height but the building height can be 30 feet if the developer includes a 15-foot first floor ceiling height. Mr. Chave answered there must be a 15-foot first floor ceiling height and the maximum height is 30 feet. Councilmember Bernheim clarified in the BD1 zone a 15-foot first floor ceiling was required. Mr. Chave agreed.

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

Karen Wiggins, Edmonds, owner of a commercial building and former contractor, commented all the BD1 zone changes are beneficial. She expressed concern with the development agreement, opining that development agreements were legislated to avoid cities being accused of spot zoning. In this case the development agreement is for a specific building and lists the things that a property owner wants to do with the building. The development agreement also allows a building to extend above the height limit. She recalled the City's Comprehensive Plan refers to 3-story buildings, not 4 stories. She concluded a development agreement was a fancy way to get around spot zoning.

Doug Spee, Edmonds, a property owner in the downtown BD2 zone, acknowledged his interest may be more personal than other speakers. He expressed support for the proposed amendment with regard to the designated street front; extending the designated street front down Main Street to ensure a consistent look down Main and up the side streets that cross Main but still allow flexibility on the outer portions of the zoning that in some cases face a mixed residential zone. In his experience, renting commercial space on the edges of the commercial zone is virtually impossible; he has had a vacancy for four years. With regard to step-backs, he commented removing the step-back provision is long overdue. Although passage of that change five years ago was intended to reduce the perceived size of a new building as viewed from the street or sidewalk, it eliminates any possible duplication of layout for residential levels of a small mixed use building and it is architecturally unattractive unless above a fourth floor or higher. The code has adequate provisions without the step-back requirement to ensure esthetically pleasing and appropriate development downtown.

With regard to development agreements, Mr. Spee pointed out a huge component of design downtown relates to the location of the site within the specific BD zone. Although the planner may have ideas, they must simply quote the code, play no part in the design even though a site may be perfectly situated for public open space, have overhead power lines could be undergrounded, or be perfectly situated for a certain use that deserved some concession to make it possible. The City's unbending code language hurts the ability of a designer to take advantage of a site's unique characteristics and prevents a flow of discussion between the developer and the planner which could result in a win-win project. Any development agreement requires public hearings and Council approval, thus eliminating the concern it would get out of control. He encouraged the City Council to approve the Planning Board's recommendations as proposed.

Don Hall, Edmonds, retail store owner and member of the EDC, urged the Council to pass the four proposed changes to the BD zone code, envisioning they will lead to better development, economic growth and go a long way toward bringing new business to Edmonds. Development agreements are the key to economic vitalization downtown. A hotel and apartments will add to the number of people that need the goods and services offered by downtown merchants. The use of development agreements would achieve the goal of silver and gold LEED building and require public amenities such as public restrooms, gathering spaces, and public art. He urged the Council to view the code change as a way to kick start the desperately needed economic revitalization downtown.

John Reed, Edmonds, Planning Board Member, advised he was out of town when the Planning Board held the public hearing on the proposed modifications to the BD zones, ECDC 16.43. He expressed support for economic development and as a member of the Planning Board, supported recent changes to zoning at Firdale Village which among other things included significant height increases. He also supported the creation of the Edmonds Way Corridor zones and applauded the work of the EDC over the last 18 months. Regarding the proposed changes, he supported eliminating the step-back requirement but encouraged their use as an attractive design feature. He supported the changes to the primary and secondary uses in the BD zones and had recommended the BD1 zone be changed to full retail/restaurant and other commercial uses excluded although the Planning Board did not make that change. He supported changing the commercial depth on designated street fronts to a consistent 45 feet rather than the existing 30 and 60-foot depths. He expressed concern with 16.43.050, development agreements and its interaction with the development agreement section of ECDC 20.08. Section 16.43.050 allows all BD zone provisions except design provisions to be eligible for modification by a developer meeting only two criteria, some of which are loosely defined such as no square footage or percentage requirements and therefore could be minimal.

Mr. Reed relayed ECDC 20.08 has two provisions that may be cause for concern; final plans and drawings are not required, conceptual drawings and general design criteria must be specified. These often change during design development as a project evolves. He questioned whether those changes would be transparent and public knowledge and whether follow-up hearings at the Planning Board and Council would be required. ECDC 20.08 also refers to consistency with the Comprehensive Plan and existing code. He questioned whether the freedom to modify nearly all the major provisions of the BD zone code was consistent with this requirement. The 35-foot maximum height included a maximum of 3-story statement when considered by the Planning Board. That statement has been removed and he echoed the question whether that change was actually approved by the Planning Board. Some sloped lots would qualify for 4 stories which can be built if 35 feet is allowed without a story limitation. He believed 4 stories was 1 too many downtown and asked that the Council revise the statement to either limit development to 30 feet or 3 stories. He relayed his concern that the open ended nature of 16.43.050 may lead to litigation if/when an agreement meeting the basic but loosely defined criteria is denied by the Planning Board and City Council.

Ron Wambolt, Edmonds, urged the Council to support the Planning Board's recommendations, envisioning that the ability to use development agreements would stimulate economic development downtown. He pointed out there had been no new development downtown since the BD zoning was implemented in early 2006. Although the economy may be partially to blame, another cause is the rigid BD development standards. The only flexibility currently allowed in the BD zones is via a variance which requires a developer meet six criteria. Although the variance concept is well intended, meeting all six criteria generally prevents the granting of a variance. The development agreement provision will open new opportunity for controlled flexibility; developers will have more flexibility but the flexibility is controlled by the City Council. A development agreement allows for a win-win situation; the developer must give something to get something in return. With regard to the 35-foot maximum height, retaining the existing 30-foot height limit as Councilmember Plunkett suggested would eviscerate the value of a development agreement because although a building can be developed in 30 feet, it would prevent a third floor of apartments and the generation of sales tax and ongoing property taxes from those 17 apartments. As Mr. Spee has previously indicated, the additional floor of apartments would allow him to lower rents by $200/month. The tenants in his existing apartments in the Spee Building will attest he has not raised rents in ten years. He urged the Council to approve the amendments without delay so that much needed economic development can occur. Economic development is a real need, without economic development and as long as inflation exceeds 1%, annual levy lid lifts will be necessary.

Joan Bloom, Edmonds, referred to the Planning Board minutes in which Mr. Chave stated a development agreement is similar to the contract rezone concept that the City no longer uses. She asked why contract rezones are no longer being used by the City, how development agreement are superior to a contract rezone, and whether the flexibility provided by a development agreement would open the City to lawsuits if one developer is granted something for a specific site and another developer does not get what they want.

Ruth Arista, Edmonds, advised the extension of the designated street front on 4th Avenue to Daley was related to that being part of the Arts Corridor to the Edmonds Center for the Arts. As a business owner in three locations in downtown Edmonds, on the corner of 5th & Main, next to that corner on 5th Avenue, and currently further south on 5th Avenue, she supported the proposed designated street front map. She described a shopper at the corner of 5th & Dayton on Saturday where there are two banks and an empty store front turning around and heading back to the intersection of 5th & Main. The designated street front proposal is very important to businesses located further down the street. Store fronts with good eye candy keep people walking and going into one store after another. Some offices do a great job decorating their windows, and although the banks provide a terrific service, people are not drawn to a bank. The blue line identifying designated street front stops in the middle of the parcel because a retail business located on the corner of 2nd & Bell was unlikely to get much foot traffic. She expressed her support for the proposed changes.

Rebecca Wolfe, Edmonds, member of the EDC and the tourism subcommittee, explained whenever the subcommittee thinks of something wonderful for Edmonds, the need for more hotels arises. The proposed project for a boutique hotel on 2nd & Main is very exciting. She recalled from their presentation that the elevation between Main and Bell makes development tricky without an increase in the height. She agreed with all the previous speakers who supported the proposed changes.

Roger Hertrich, Edmonds, referred to the criteria for a development agreement related to a green building, recalling a grocery store that installed an ugly water tank in an effort to be green. He hoped that would not be allowed in the future to meet the criteria for a green building. He questioned how long a uses that allowed a developer to use a development agreement would be required to remain and how that use could be guaranteed long term. Public restrooms are an expensive amenity and likely not practical for a developer to provide. His goal was protecting Edmonds' small town atmosphere and protecting existing

views downtown. He questioned how a green building protected views. With regard to increasing the maximum height, he recommended further consideration such as whether the requirements are appropriate. Only three people spoke at the Planning Board; another public hearing was likely to generate more public participation. He urged the Council not to make a final decision tonight and to consider this the beginning of the discussion.

Rich Senderoff, Edmonds, explained as a member of the EDC he supported the recommended changes to the BD zone. There was a great deal of discussion by the EDC regarding service uses in the retail core and the EDC recommended further vetting of service uses. He explained a service is an exchange of money for a product or service such as a hair salon. That definition is consistent with recommendations for the BD1 zone in the Comprehensive Plan. He recalled comments that prohibiting a drive-through would discourage banks from locating in the BD zone. When someone is told they cannot do something, it is easy to get around that; when someone is told what is expected, it is harder to get around. He recommended the "such as" clause in the development agreement amendment needed further specificity. With regard to requiring two of the three criteria for a development agreement to be met, he recommended requiring the use criteria be met and then one of the other criteria. He summarized development agreements were a way for the community and the Council to help shape the downtown area.

Al Rutledge, Edmonds, pointed out 2500-3000 additional residents will locate in Edmonds in the future. He recommended including a criteria for the use of a development agreement that relates to a transportation system that will bring people downtown to shop.

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

Councilmember Bernheim commented he was positive about the changes, but due to the hour and the urgency of the levy discussion, he proposed bringing this matter back for a special workshop. He has questions about raising the height limit to 35 feet and raising the standard height limit to 30 feet but it was unlikely the Council would work through those issues tonight.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO RESCHEDULE THIS FOR AS SOON AS POSSIBLE. MOTION CARRIED (5-2), COUNCILMEMBER WILSON AND COUNCIL PRESIDENT PETERSON VOTING NO.

Council President Peterson recalled there was some concern the issues were not discussed by the Mayor's Climate Protection Committee. He suggested discussing it at their August 4 meeting. In response to comments that this was to be reviewed again by the CS/DS Committee before forwarding it to full Council, he suggested the CS/DS Committee discuss it at their August 9 meeting and this item be scheduled on the August 23 Council agenda.

Councilmember Wilson advised he would relay his questions under Council comments. Mayor Cooper encouraged Councilmembers to submit any questions/comments prior to the August 23 meeting.

4. AUDIENCE COMMENTS (

Al Rutledge, Edmonds, referred to an interview of Human Resources Director Debbie Humann in the *Everett Herald*. Next, he reported on the legislative redistricting; the last meeting is in Seattle on August 9. Public hearings will be held in Seattle, Spokane, Vancouver and Olympia after the final decision is made in November. In 2000 a public hearing was not held after the final decision. Further information is available at 360-786-0046. With regard to the levy, he recommended forming a 100-150 member advisory committee. He suggested a levy include funds to purchase Al Dykes' property and that it developed with a use that was beneficial to citizens.

AM-4110 **Item #: 3.**

City Council Meeting

Date: 07/26/2011

Time:	60 Minutes		
Submitted By:	Rob Chave		
Department:	Planning		
Review Committee:	Community/Development Services	**Committee Action:**	Recommend Review by Full Council
Type:	Action		

Information

Subject Title

Public hearing on the Planning Board recommendation regarding potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals.

Recommendation from Mayor and Staff

Direct the City Attorney to prepare an ordinance to implement the Planning Board's recommendation (Exhibit 1).

Previous Council Action

Council's CSDS Committee discussed several staff-initiated issues pertaining to downtown BD zones and asked the Planning Board to review BD zoning issues (see Exhibit 7).

Narrative

After a number of months of discussion and work, the Planning Board held a public hearing on June 8, 2011, on proposed amendments to ECDC 16.43, code requirements pertaining to the downtown BD zones. The Planning Board's recommended amendments resulting from that public hearing are contained in Exhibit 1, which shows a markup version displaying changes from the existing code. A staff summary of the proposed changes is contained in Exhibit 2, and the Planning Board minutes are in Exhibit 3.

An earlier staff memo describing some of the issues involved is contained in Exhibit 4, with the hearing draft of the amendments that was considered by the Planning Board contained in Exhibit 5. A map of the existing downtown BD zones can be found in Exhibit 6.

Attachments

Exhibit 1: PB draft code amendments
Exhibit 2: Staff summary of PB recommendations
Exhibit 3: Planning Board minutes
Exhibit 4: Staff memo from 6/8/2011 PB hearing
Exhibit 5: Draft amendments from 6/8/2011 PB hearing
Exhibit 6: Map of BD zones
Exhibit 7: CSDS minutes of 8/11/2010

Form Review

Inbox	Reviewed By	Date
City Clerk	Sandy Chase	07/21/2011 04:41 PM
Mayor	Mike Cooper	07/21/2011 05:23 PM
Final Approval	Sandy Chase	07/21/2011 05:27 PM
Form Started By: Rob Chave		Started On: 07/21/2011 03:25 PM
Final Approval Date: 07/21/2011		

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

EXHIBIT 1

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

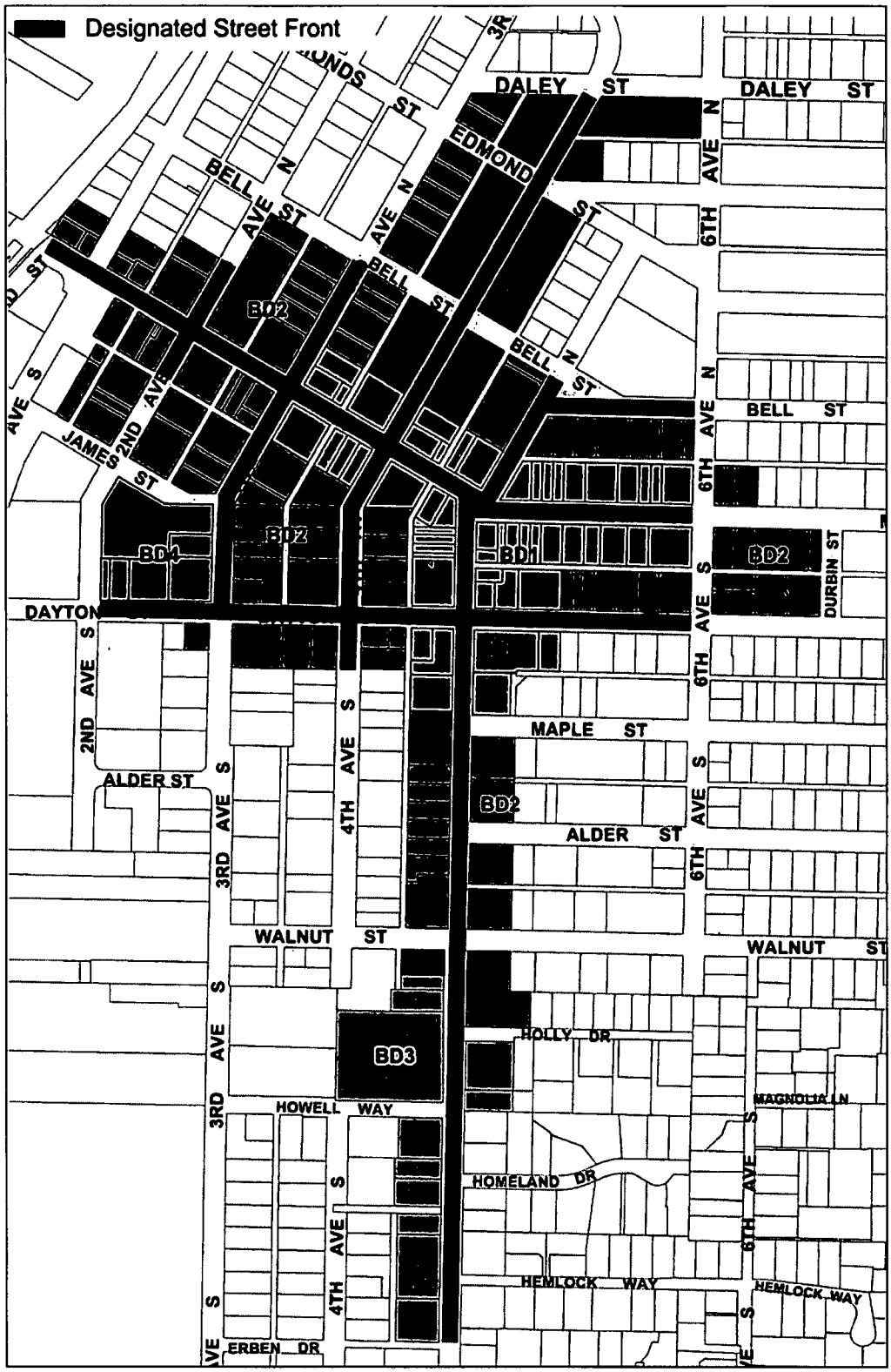
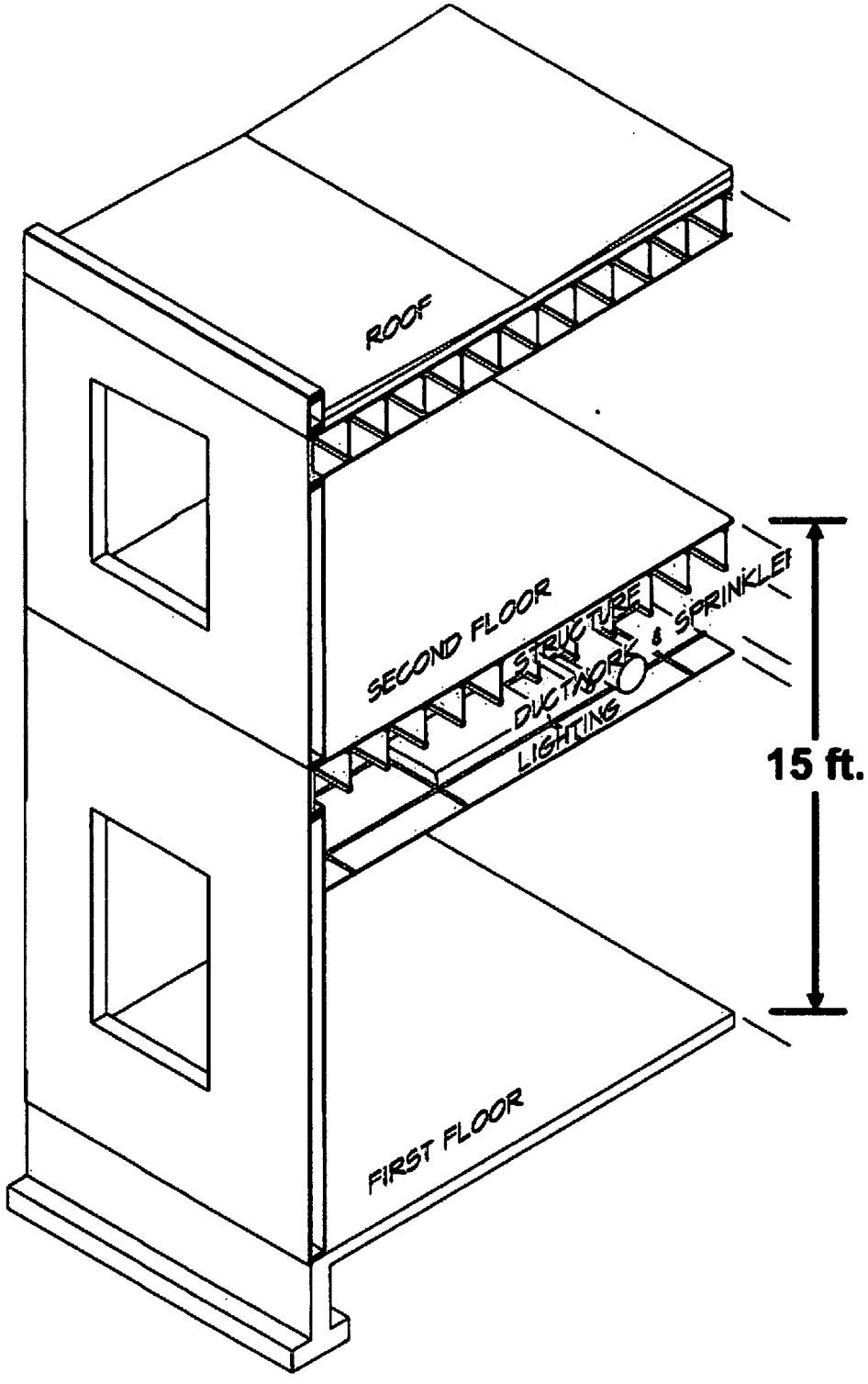


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~, which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

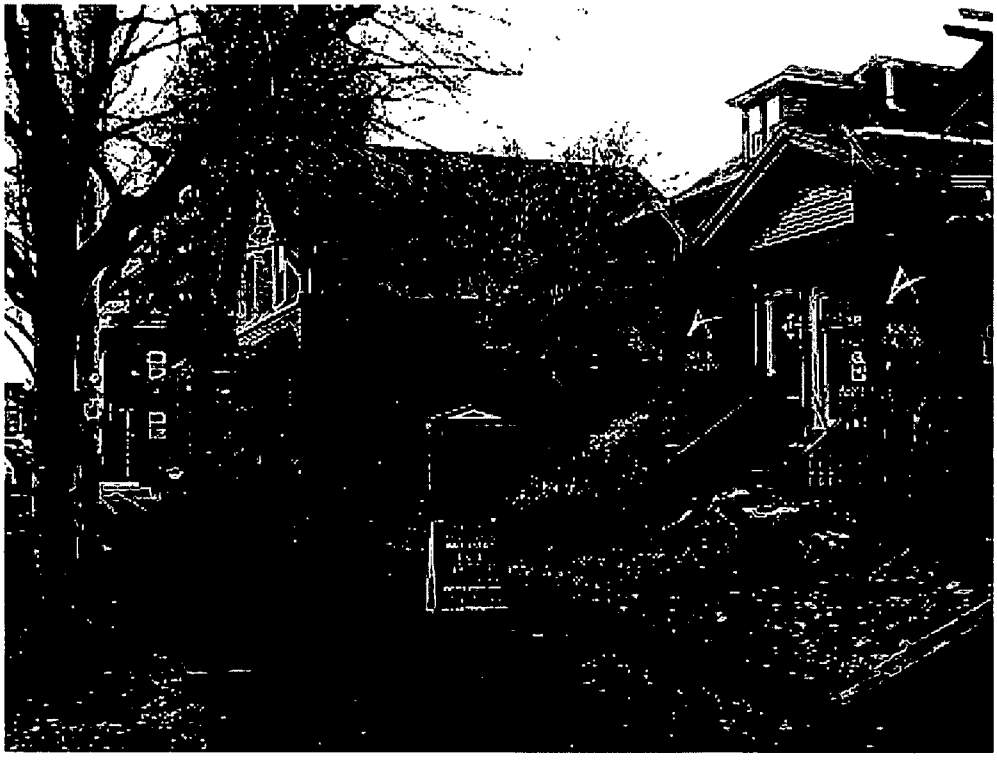
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Within the BD1, BD2, BD3, or BD4 zones, an additional five feet of building height – increasing the overall building height to a maximum of 30 feet – may be obtained if the building meets the ground floor requirements for the zone as enumerated in ECDC 16.43.030(B). ~~Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).~~

~~a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:~~

~~i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.~~

~~ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.~~

~~iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a five-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.~~

~~b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.~~

Note: the diagrams on this page are deleted in the Planning Board recommendation.

Figure 16.43-3: **Uphill Example**

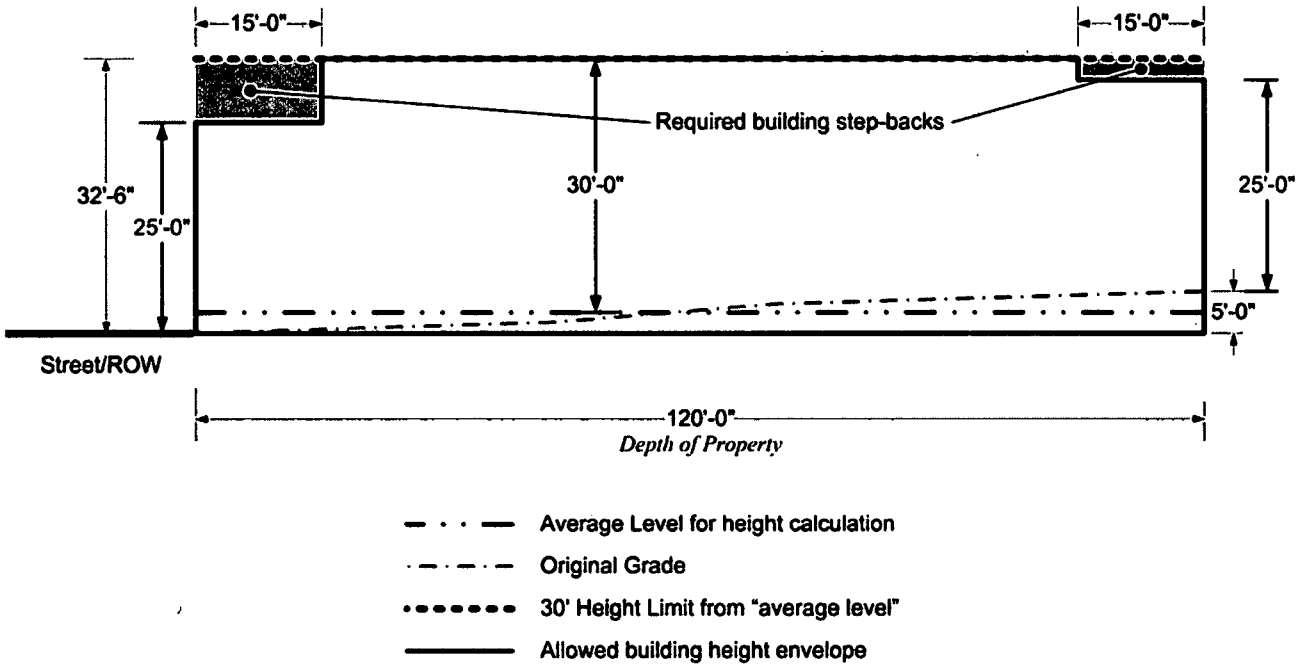
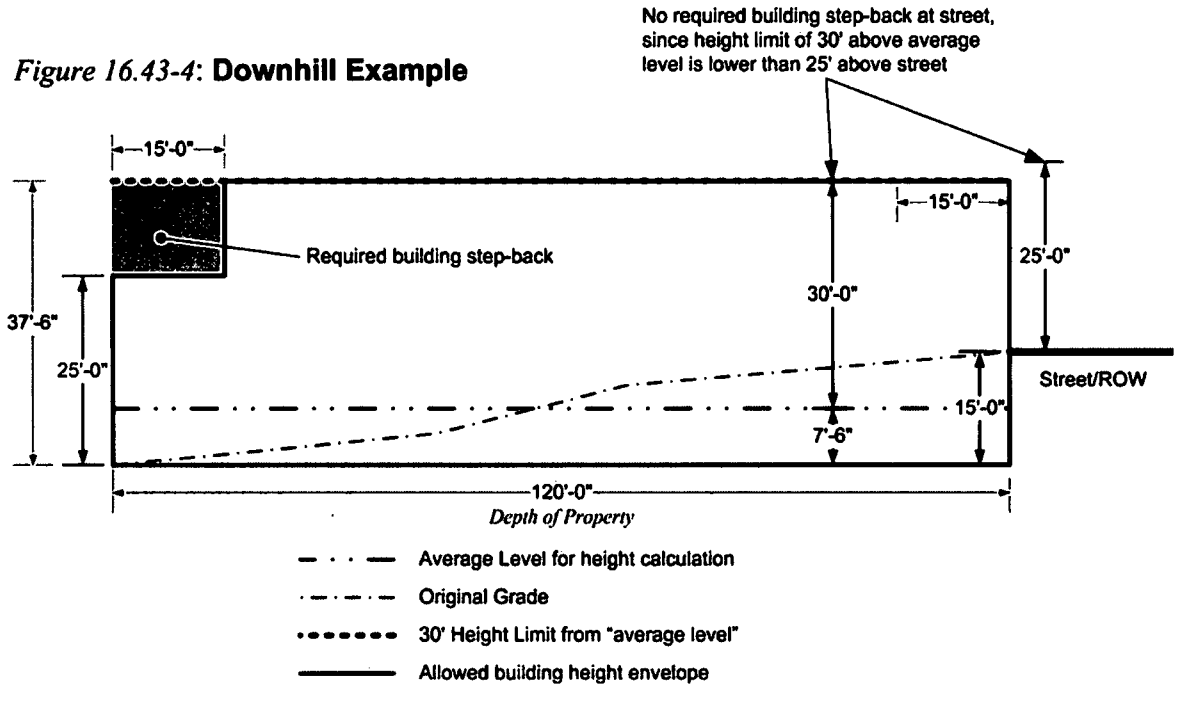


Figure 16.43-4: **Downhill Example**



3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, the building shall meet the same requirements ~~step-backs shall be required the same as for the BD2 zone, as described~~ detailed in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

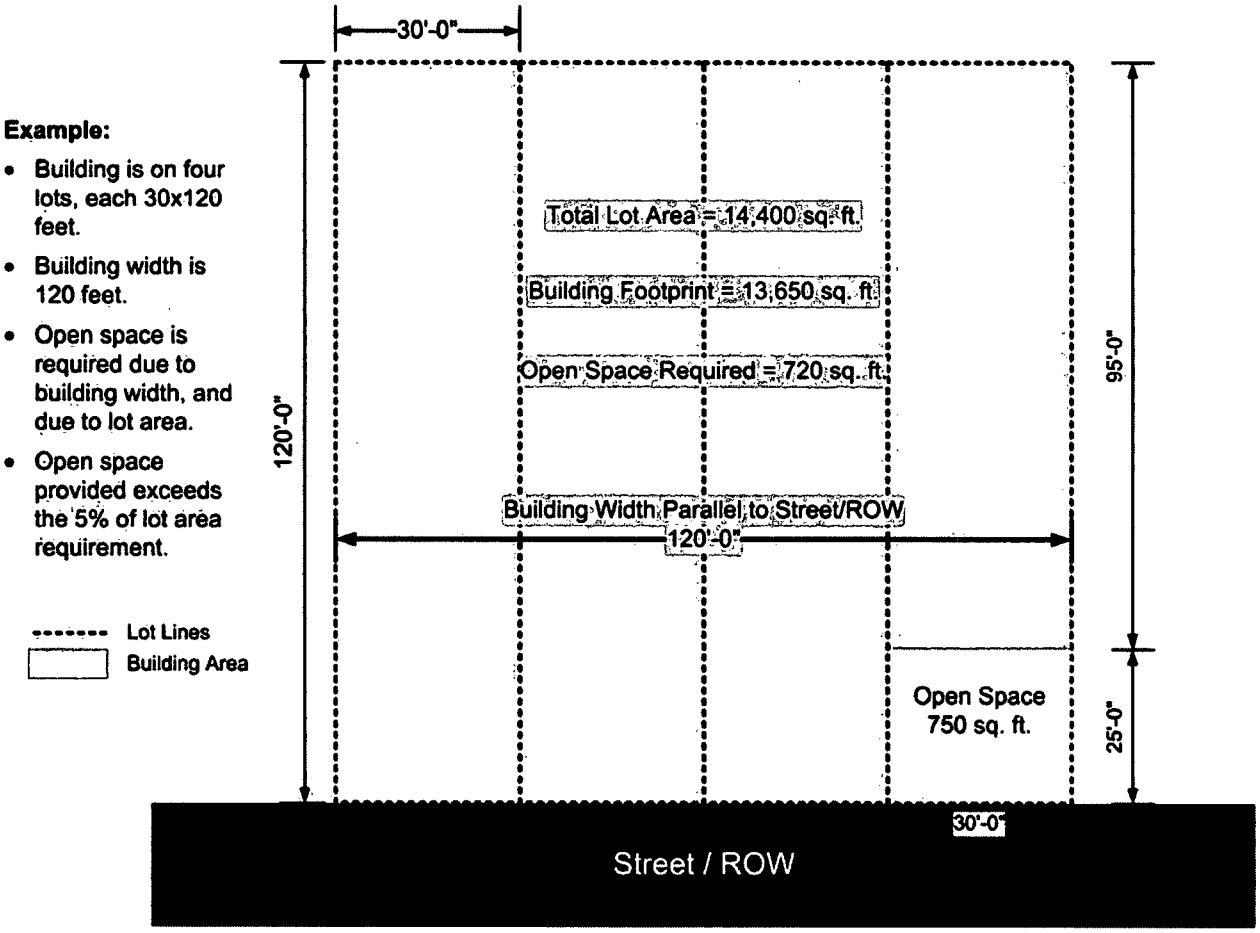
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Without limiting the scope of enhanced public space and amenities, examples include such features as public restrooms, additional building setbacks which provide expanded public sidewalks or gathering space and/or combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.

Summary of Planning Board Recommended Changes to BD Zones

1. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. *This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.*

2. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' In addition, drive-in or drive-through businesses are prohibited in the BD1 zone. *Existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone.*

3. Step-back requirements. Step-backs are no longer required in downtown buildings (currently, they are not required in the BD1 zone, while a 15-foot step-back is required above 25 feet in other BD zones). *The Planning Board concluded that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce, and the design of buildings is determined more by overall height and design standards.*

4. Development Agreements. Development agreements are authorized in the proposed amendments (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. Approval hinges on meeting at least two of three criteria, generally including (1) attaining at least a LEED Gold or equivalent level of green building certification; (2) the development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists); (3) the development includes enhanced public space and amenities. *Development agreements are authorized as an alternative development approval process, requiring public hearings at both the Planning Board and City Council, with final approval by the Council. Notwithstanding the other criteria, a development agreement cannot increase the height of a building to be more than 35 feet.*

2011.07.15

EXHIBIT 2

APPROVED JUNE 22nd

CITY OF EDMONDS
PLANNING BOARD MINUTES

June 8, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT
John Reed, Vice Chair (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CLARKE MOVED THAT THE MINUTES OF MAY 25, 2011 BE APPROVED AS AMENDED. BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON POTENTIAL AMENDMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES (FILE NUMBER AMD20110003)

Mr. Chave reviewed each of the proposed amendments as follows:

Designated Street Front and Commercial Depth Requirements:

Mr. Chave referred the Board to the proposed map of Designated Street Fronts for BD Zones (Map 16.43-1), which has been expanded to include all BD zones, not just the BD1 zone. The purpose of the map is to clarify where the primary pedestrian areas and commercial uses are intended to be oriented within the BD Zones. He explained that ground floor of properties along designated street fronts would be required to meet the commercial height and depth requirements. At this time, the commercial height requirement for the ground floor space of properties along the designated street fronts is 12 feet. The

EXHIBIT 3

proposed language identifies a consistent commercial depth requirement of 45 feet, which replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere in the BD zones. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater standard of 60 feet outside the retail core (BD1). He reminded the Board that multi-family residential and professional offices would be allowed to locate on the portions of ground floor space located outside of the designated street front areas and on the upper floors of all buildings in the BD Zones.

Mr. Chave said the Board is specifically seeking feedback from the public about the proposed amendment to the commercial depth requirement, as well as the proposed Designated Street Front Map. He advised that staff measured a large number of commercial spaces in the BD zones in 2005 and 2006, with particular focus on the BD1 zone. They found that the vast majority of the commercial spaces had a depth of at least 60 feet. Therefore, they believe that a 45-foot commercial depth requirement would be reasonable to ensure an adequate amount of ground floor commercial space. Again, he emphasized that this requirement would only apply to properties located along designated street fronts.

Step-Back Requirement:

Mr. Chave explained that, currently, there is no step-back requirement in the BD1 zone, but there is a 15-foot step-back requirement in all other BD zones. In order to increase the height of a building from 25 to 30 feet, a 15-foot step-back is required for the portion of the structure above 25 feet. This requirement results in a significant loss in the amount of developable area and ends up prohibiting buildings from actually being constructed within the established downtown height limits. He said the proposed language provided for the hearing identifies a reduced step-back requirement from 15 feet to 5 feet. However, the Board is also considering the option for removing the step-back requirement entirely from all BD zones. The logic is that if the 30-foot height limit is adequate in the BD1 zone, it should be adequate for all BD zones. In addition, the step-back requirement does not really add any additional protection that is not already addressed by the existing Design Guidelines for the BD zones. He said the Board is seeking feedback on whether or not the step-back requirement should be reduced or eliminated.

Uses in the BD1 (Retail Core) Zone:

Mr. Chave explained that the area one to two blocks radiating out from the fountain is known as the downtown retail core or BD1 zone. Members of the Planning Board surveyed the existing uses in this area and found that it is predominately retail and restaurant uses, with a fair amount of service uses that are generally compatible with retail uses. However, there are some uses that are not compatible, such as medical offices and/or other types of offices that do not have walk-in customers. These uses tend to want to wall off their businesses from the street front, which discourages pedestrian activity. If more of these types of uses are located in the retail core, they could undermine the viability of the existing retail uses. He particularly noted that medical uses are required to provide privacy to their patients. Because they have not been allowed to close off their front windows, they have used privacy screens inside, which have had the same affect.

Mr. Chave said the Board has discussed the idea of prohibiting certain types of uses that are incompatible with the retail core. As per the proposed amendment in Table 16.43.020, retail, restaurant and service businesses would be allowed, but office and/or professional office uses would only be located outside the 45-foot designated street front. Another option being considered by the Board would be even more restrictive to prohibit office and service uses in the designated street front areas in the BD zone. Only retail and restaurant uses would be allowed. He emphasized that the BD1 zone occupies only a small portion of the downtown, and the use restrictions would only apply to the designated street front areas. Office uses would still be allowed elsewhere in the building behind the front retail-oriented uses or on the upper floors of the building. He noted that if the proposed language is adopted, existing nonconforming uses would be dealt with via the nonconforming rules in the zoning code. They would be allowed to continue as the same type of use so long as they remain occupied.

Development Agreements:

Mr. Chave explained that a development agreement is similar to the "contract rezone" concept, which is no longer used by the City. As proposed, the development agreement concept would allow flexibility for a developer to propose modifications to the development standards in exchange for providing a public benefit. He referred to the proposed code language in

Section 16.43.050, which includes sample criteria and authorizes what can be modified by a development agreement. The Board is seeking specific feedback about whether the criterion is appropriate and whether development agreements should be available in all BD zones. They would also like feedback about whether specific conditions should be attached to development agreements, as well as what development standards could be varied, and to what extent.

Mr. Chave said that, as proposed in Section A, development agreements would be reviewed by the Planning Board as part of a public hearing process. The Board would forward a recommendation to the City Council, and the City Council would conduct another public hearing before making a final decision. The Board's recommendation and the City Council's final decision would be based on whether or not a proposal is consistent with the City's economic development and Comprehensive Plan goals and the downtown Design Guidelines.

Mr. Chave reviewed that Section B outlines what can be approved as part of a development agreement. The language includes two options. One would allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040. An alternative would be to allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height limits would only be allowed to increase to 35 feet or three stories, whichever is greater. He recalled that the Board specifically discussed the concept of using "stories" to address height. He explained that the topography in downtown Edmonds makes this approach difficult. Because of topographical changes, development on a single lot could accommodate up to three stories on one side, but four on another. He said the Board is particularly interested in hearing public feedback regarding this concept.

Mr. Chave referred to the criteria for approval of development agreements, which is outlined in the proposed language for Item C. As proposed, in addition to attaining at least a LEED Silver or equivalent level of green building certification, a development would be required to meet at least two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the follow uses designed to further the City's economic development goals: a hotel, a post office, a farmer's market, and/or studio work space, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave observed that, typically, sidewalks in the downtown are narrow and buildings are constructed right to the sidewalk. A developer could propose an expanded sidewalk or plaza area to enhance the pedestrian space, which would meet one of the criteria for a development agreement. He reminded the Board that a development agreement must be consistent with the goals and policies in the Comprehensive Plan and the downtown Design Guidelines.

Chair Lovell referred to the proposed Designated Street Front Map (Map 16.43-1) and recalled the Board previously discussed that a portion of the street front on 5th Avenue between Howell Way and Erben Drive has a steep topography and is not really an ideal location for retail uses. It was suggested that this area should not be designated as commercial street front. Mr. Chave recalled this was discussed by the Board and the Citizens Economic Development Commission (CEDC) at a joint meeting. He said staff recommends that the designated street front extend all the way up 5th Avenue to the end of the BD3 zone. Otherwise, the area would be made available for other types of uses that are not compatible with retail and/or commercial uses.

Chair Lovell pointed out that Footnote 3 on Page 5 should be amended to identify a 45-foot commercial depth requirement in rather than a 60-foot requirement.

Board Member Ellis requested further information about how nonconforming uses would be addressed. While he understands the uses would be allowed to continue for a time after the amendments are approved, he asked when they would lose their nonconforming status. Board Member Johnson answered that the businesses would be allowed to continue as nonconforming uses as defined in ECDC 17.40. However, they would not be allowed to expand in any way, including the number of employees, equipment and/or hours of operation, except as provided in ECDC 17.40.050. If a nonconforming uses ceases for a period of six continuous months, any later use of the property occupied by the former nonconforming use would be required to conform to the zoning ordinance. In laymen's terms, the property could be rented to another similar

business or to a permitted use. However, if the building is vacant for six months, it may only be used for conforming uses in the code.

Board Member Clarke suggested that the Designated Street Front Map does not accurately represent how the City is legally platted into lots. Rather, it represents ownership. Mr. Chave explained that the map is divided into tax parcels, which are different than legal lots. In some cases, multiple lots are combined into a single tax parcel. As an example, Board Member Clarke specifically referred to the properties on the south side of Main Street between 2nd and 3rd Avenues South. The property to the west of the alley is divided into three lots, and the same size of property to the east of the alley is identified as a single lot because it is under the same ownership. Board Member Clarke pointed out that requiring a 15-foot step-back on narrow lots for portions of a building above 25 feet makes development challenging, if not impossible. The stepped-back portion of the buildings would be nonfunctional. Mr. Chave explained that the step-back requirement is particularly onerous for properties that have two street fronts (the main street front and the alley). These buildings are required to step back 15 feet on each side. Board Member Clarke referred to the property located just west of 3rd Avenue South at the northwest corner of the alley and questioned if it is legally possible to redevelop just one of the lots based on the current step-back requirement. Mr. Chave agreed that redeveloping just one of the lots would be very challenging.

Doug Spee, Woodway, said he has an office on Bell Street. He expressed his belief that the proposed code amendments are well written and would benefit all property owners in the BD zones. They do not favor any particular land owner. He said that while the step-back concept works well for high-rise development in downtown Seattle, the Board should keep in mind that development in downtown Edmonds is limited to three stories. Asking a developer to step back the top floor can kill the design and make a project unfeasible. He expressed his belief that a step-back requirement is the wrong choice to prequalify a developer for the additional 5 feet in height. Another option would be to allow the additional 5 feet in height if a building is modulated. He pointed out that the Architectural Design Board has the ability to effectively control whether a proposed building provides enough modulation to warrant the additional 5 feet in height. A step back should not be the only way a developer can obtain the additional height.

Mr. Spee referred to the proposed development agreement language (ECDC 16.43.050) and noted that the alternative language for Item B could be interpreted to allow building heights much greater than 35 feet if a developer proposes a 3-story building with tall ceiling heights on each floor. He suggested the language be clarified or that the reference to the number of stories be eliminated altogether.

Ron Wambolt, Edmonds, thanked the Board for the time and effort they have spent to work through the proposed amendments. He said he hopes that when they are presented to the City Council, they will be in a good frame of mind to support the Board's recommendation. He said he supports most of the changes as proposed. He specifically said he believes development agreements would stimulate economic development in downtown Edmonds. He noted there has been no new development in downtown Edmonds since the BD zoning was implemented in early 2006. While the economy is partially to blame, he believes the other cause is the rigid BD development standards. Currently, the only flexibility allowed in the BD zones is through a variance, which requires a developer to meet six criteria. While the variance concept is well intended, it generally curbs the granting of any variance. He said he believes the development agreement provision would open new opportunities for controlled flexibility. Developers would have more flexibility, but the flexibility would be controlled by the City Council. It sets up the opportunity for a win-win situation where the developer has to give something in order to get something in return. He said he hopes the Board can reach a unanimous decision and forward their recommendation to the City Council as soon as possible.

Stephen Clifton, Community Services/Economic Development Director, referred to the Planning Board's minutes of April 13th, which incorrectly quoted him as stating that "the step-back requirement should be applied in all BD zones." His intent was to suggest that he did not see the logic of applying a 15-foot step back in any of the BD zones.

Karen Wiggens, Edmonds, said she supports the Board's proposal to prohibit office uses in the BD1 zone. It is important for the retail area to be pedestrian friendly. However, she is not sure she supports the idea of prohibiting service uses, as well. Many people who visit the nail and hair salons walk to their destinations. She said she also supports the proposal to change the commercial depth requirement to 45 feet for all BD zones and to eliminate the step-back requirement. She explained that she owns a building on 2nd Avenue South and James Street, and they are currently negotiating a 10-year lease

with Landau Associates, which will be good for her and for the City. Part of the reason she can negotiate the new lease is because she can offer additional space on the third floor, which can be expanded on the east side of the building. There is no reason for a 15-foot step back on her building. If she was not allowed to expand her building to the street front, the City would lose a good business, and she is not the only property owner in this type of situation. She said that while she supports the development agreement concept, she cautioned that the proposed language appears to address one specific property, which can be a dangerous approach.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Chair Lovell requested clarification of Mr. Spee's comment related to the proposed language in Alternative B in ECDC 16.43.050 (height versus stories). He said he does not interpret the language to allow a 3-story building that is greater than 35 feet in height. Mr. Spee said he supports the concept of limiting building height to 35 feet. However, his interpretation of Alternative B is that a 3-story building could actually be much greater than 35 feet if each of the floors had a 16-foot ceiling height. He said he does not believe the language, as currently drafted, defines the maximum building height allowed.

Board Member Clarke observed that Ms. Spee is a successful developer in other jurisdictions in the Puget Sound area. He asked him explain how a developer could construct a 4-story building when the height is limited to 35 feet, particularly given the height required to provide a 12-foot ground floor commercial space, as well as space to locate the mechanical equipment. Mr. Spee answered that if a lot is sloped, it may be possible to construct four stories on one side. He said that if the proposed Designated Street Front Map is approved as presented, his property would qualify for four stories because a portion of the development would be outside the designated street front area. Therefore, he would not be required to provide 12-foot ceiling heights for the ground floor space. He briefly explained how a 4-story development could be accomplished on his particular lot.

Board Member Clarke reminded the Board that the objective of development agreements is to enhance flexibility. The development standards do not take lot size and topography into consideration, and applying a one-size-fits-all approach does not allow flexibility for developers to explore other options that would enhance overall development without creating a monstrous development that the community does not want. He recalled that the purpose of the height limit is to avoid massive buildings. Mr. Spee pointed out that a 30-foot high building could not be considered large. He suggested that one aspect that is missing from the conversation is that topography creates a stadium setting as you approach the downtown. The one-size-fits-all approach does not acknowledge that a slightly taller building on 4th Avenue South and Main Street would not look different from uphill. Development agreements would offer flexibility for the City to allow slightly taller buildings that do not block view from uphill. They also allow developers an opportunity to try and sell something that makes better sense to the public and the City Council. He said he has spent several months trying to offer ideas for how his development could provide more benefits to the community, but the current code language does not allow flexibility to implement any of the ideas.

Board Member Clarke pointed out that Mr. Spee also owns property in Redmond near their town center, which has potential for redevelopment. Mr. Spee said he purchased the property in July of 2008 and the permits to construct an 85-foot tall building were obtained in December of 2010. He said that while Redmond's development standards are different, they are not necessarily any better. However, they do not have a building height requirement for their town center zone.

The Board reviewed each of the proposed amendments and took action as follows:

Uses in the BD1 (Retail Core) Zone:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE REVISED TABLE IN ECDC 16.43.020 AS PROPOSED BY STAFF. BOARD MEMBER CLOUTIER SECONDED THE MOTION.

Mr. Chave referred to the proposed table and noted that the only term currently defined in the code is "office," which means "a building or separate defined space within a building used for a business which does not include on-premises sales of goods or commodities." He noted that this definition is not particularly helpful, and that is why staff provided more descriptive language for office and service uses. He advised that the Board would review all the use classifications after the

University of Washington Team has worked out their proposal for form-based zoning for the Westgate and Five Corners commercial areas. He referred to the handout that matches the 1987 Standard Industrial Classification (SIC) Codes to the 1997 North American Industry Classification System (NAICS), which identifies very different kinds of service categories. He recalled the Board has talked about allowing personal service uses in the BD1 zone. He summarized that while they must deal with use definitions at some point in the future, the proposed amendment is workable because it includes terms that are used throughout the Development Code.

Board Member Ellis recalled the Board previously discussed the option of prohibiting both office and service uses in the BD1 zone. However, the motion currently on the floor would only restrict office uses from being located in the designated street front areas within the BD1 zone.

Board Member Stewart reviewed the updated results of the survey she and Board Member Johnson conducted to identify the current uses in the BD1 zone. They found that 35% of the designated street fronts were retail uses, 5% were art, and 23% were restaurant and food services. That means a total of 63% of the uses were retail and/or food related. In addition, 25% of the space was occupied by beauty and wellness uses, finance, insurance and real estate uses, and professional offices. Other uses occupied 4% of the space, and 8% of the space was vacant. Mr. Chave observed that professional offices occupy only a small percentage of the designated street front space in the BD1 zone. However, adopting the proposed language would eliminate the possibility of more of these uses locating in these critical retail areas.

Board Member Cloutier recalled the Board's previous discussion about what options a land owner would have if they are unable to rent their space for a retail use. If a space cannot be rented within a 6-month time period, he suggested it would be better to allow the space to be rented for a professional office use rather than remain vacant. He questioned how this need could be addressed. Mr. Chave said the proposed amendment would offer no option for other types of uses, and a development agreement would not be allowed to modify the allowed uses, either. Board Member Stewart suggested the purpose of the proposed amendment is to serve a greater City need. Landowners have the option of adjusting their rent and/or terms to attract retail tenants. Mr. Chave recalled an experience shared earlier by Mr. Clifton in which he encouraged a property owner to think more carefully about the types of businesses he/she was trying to recruit. The property owner assumed the space was more suitable for office use, but he was able to convince him/her that a retail food business would be a better choice. The property owner was able to successfully recruit this type of use. Board Member Stewart emphasized that getting more retail uses in the BD1 zone will be positive for the landowners, too.

Board Member Johnson pointed out that changing the uses allowed in the BD1 zone would not require a successful office use to terminate now. However, she felt the proposed amendment would be appropriate if the City's intent is to have retail uses in the BD1 zone. She agreed that service uses such as nail and hair salons could be part of the retail mix. She would even support allowing all service uses, but medical and other professional office uses should be prohibited.

Board Member Cloutier agreed the City's goal is to have retail uses in the BD1 zone. However, he cautioned against limiting the property owners' ability to rent their space too much. There should be some provision that allows nonconforming uses if that is the only type of use interested in the space. Allowing a nonconforming use would be better than an empty store front. Mr. Chave pointed out that the hardship to property owners would be mitigated by the fact that the use restrictions would only apply to the portions of buildings located within the designated street front. The limited use would apply to just a very small portion of the downtown area, and he would advocate holding firm on the areas that matter (BD1 zone).

Board Member Clarke said it appears that the vacant properties in the BD1 zone are designed for retail rather than professional office uses. Mr. Chave added that much of the vacant space is in space that has never been occupied but was constructed for retail uses. Board Member Clarke said he cannot foresee a situation in which the proposed amendment would place a hardship on a property owner. He expressed his belief that the proposed amendment represents the best interest of the public and provides a fair balance between the needs of the landowners and the current economic conditions.

Board Member Johnson pointed out that, as proposed, drive-through businesses would no longer be allowed in the BD1 zone. The Board has generally agreed with this approach. However, as she reviewed the table of permitted uses, her attention was drawn to hotel and motel uses, both of which are permitted primary uses in the BD1 zone. She explained that a

motel is designed for auto travelers, and a hotel is defined in Chapter 21 as containing five or more separately-occupied rooms. A boarding house is a use that contains not more than four rooms for lodgers and boarders. She expressed her belief that hotel and boarding house uses seem to be more consistent for the BD1 zone, but perhaps motels should be excluded. Motels require an additional driveway access, which is similar to a drive-through business. If one is permitted and the other is not, it appears to be contrary to the desired pedestrian environment in the BD1 zone. Mr. Chave acknowledged that, at one time, the terms "hotel" and "motel" were defined differently, but now there is much less distinction. He reminded the Board that the BD1 development standards prohibit additional curb cuts, which would address issues related to access. Board Member Johnson pointed out that the definitions she provided came directly from the existing ECDC. Mr. Chave agreed but said the definitions are old and need to be reviewed and updated at some point in the near future. Board Member Clarke explained that the term "drive-through" references the fact that a user is maintaining their auto in the rendering of the service such as a coffee stand, a fast-food restaurant, etc. People are served while they remain in their cars. On the other hand, people who visit motels are required to park their cars to access their rooms. In the transient lodging world, which covers hotels, motels, etc., there is no such thing as a drive-through motel. Therefore, he suggested that motels are unrelated to drive-through uses. He summarized his belief that the City should not prohibit transient lodging facilities in the BD1 zone.

THE MOTION CARRIED UNANIMOUSLY.

Designated Street Front and Commercial Depth Requirements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE AMENDMENT TO ECDC 16.43.030 TO CHANGE THE COMMERCIAL DEPTH REQUIREMENT TO 45 FEET IN ALL BD ZONES AS PROPOSED BY STAFF WITH THE CORRECTION TO FOOTNOTE 3 (CHANGE 60 FEET TO 45 FEET). HE FURTHER MOVED THE BOARD RECOMMEND APPROVAL OF THE DESIGNATED STREET FRONT FOR BD ZONES MAP AS PROPOSED BY STAFF. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Step-Back Requirements:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND THAT THE STEP-BACK REQUIREMENT BE ELIMINATED IN ALL BD ZONES. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Chair Lovell said the logic behind his motion is that the Comprehensive Plan and Design Guidelines provide that building design shall include façade articulation and/or modulation. Using changes in textures, materials and articulation can achieve the same aesthetic result as requiring a step back. He expressed his belief that even a 5-foot step back would be too much when multiplied by the entire width of the lot.

Board Member Clarke observed that there is no step-back requirement in the BD1 zone. Similar to how the commercial depth requirement was changed to be consistent for all BD zones, he said he would support a consistent step-back requirement. He said the existing architecture in the BD zones reflects the uniformity of no step-back requirement since no new development has occurred since the step-back requirement was implemented. As examples, he noted the Windermere Building, City Hall, the Harbor Building, and the condominiums built in downtown. He concluded that the step-back provision has not proven to be a valuable contribution to the building code. For uniformity and to be consistent with how the City is currently developed, he recommended the step-back requirement be eliminated.

Board Member Ellis said he supports the motion to eliminate the step-back requirement for the same reasons that were stated by Board Member Clarke and Chair Lovell. He said he does not see why they should have a different step-back requirement for any of the BD zones. The current requirement is too blunt an instrument to accomplish its goal.

Chair Lovell referred to written comments submitted by Vice Chair Reed, which state, "I think the step-back change is good, though upper floor step-backs are a good design feature that I would hope is still used. Otherwise, we could end up with shoe boxes for the sake of maximizing square footage."

THE MOTION CARRIED UNANIMOUSLY.

Development Agreements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD ADOPT THE PROPOSED LANGUAGE FOR ECDC 16.43.050 AS PRESENTED BY STAFF, USING ALTERNATIVE B. CHAIR LOVELL SECONDED THE MOTION.

Board Member Cloutier referred to Mr. Spee's earlier concern that using the term "story" could result in building that are significantly taller than 35 feet if a developer chooses to construct three stories that are each 16 feet tall. He reminded the Board that the additional height would only be allowed via an approved development agreement, which would be reviewed by both the Planning Board and the City Council. If the proposed height of a development is unreasonable, the City would not be obligated to approve the development agreement. A developer would have to make a strong case to support why each story would have to be so tall, and each request would be weighed against the Downtown Design Guidelines and the Comprehensive Plan policies.

Board Member Cloutier recalled that one Board Member expressed concern that if all provisions in ECDC 16.43.030 and 16.43.040 can be altered with the exception of height, these two code sections would be meaningless. He reminded the Board that any code diversion would have to be approved by the City Council as part of a development agreement. Mr. Chave added that a developer would have to make a case to support his request to modify a development standard. Board Member Cloutier said a Board Member also raised the question of what would happen if a developer chooses not to meet one of the requirements of ECDC 16.43.030 or 16.43.040 after a development agreement has been approved. Mr. Chave answered that the developer would be required to either amend the development agreement or request an entirely new development agreement, both of which would require a public process and final approval by the City Council. These inconsistencies should be caught during the development permit review, and no development permit would be issued for a project that does not meet all of the code requirements as outlined in the development agreement.

While he actually recommended including the reference to "stories" in Alternative B, Board Member Clarke questioned if it is needed if the goal is to create flexibility. He asked if the 35-foot maximum height limit would provide enough safeguard that someone would not be able to build a taller structure. If so, then reference to "stories" is irrelevant. Mr. Chave agreed and noted that height has traditionally been regulated based on a specific height and not stories. The language related to stories was added at the request of the Board. It is not really necessary. Board Member Clarke said it is possible for a development that is 35-feet high to include a taller first floor to accommodate the mechanical equipment and a taller third story to provide a greater ceiling height for residential units. This would allow for development that is architecturally unique and different than a standard box. He noted that other municipalities are allowing flexibility in their codes for this type of development. He said he would support the motion, but he would like to amend it to delete the reference to "three stories."

Board Member Ellis suggested it would make more sense to change Alternative B to read, "A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height may only be increased to 35 feet." Board Member Chave agreed that would be appropriate and would not alter the intent of the proposed language.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO DELETE THE WORDS "OR THREE STORIES, WHICHEVER IS GREATER" FROM ITEM B.1. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Board Member Clarke said he appreciates that the City Council takes the time to read the Board's minutes because they have spent a lot of time on this issue. That is one of the reasons he has taken the time to have the discussion about building heights versus stories and the combination of the two. This discussion helps to lay the foundation so the City Council can see the complexity of the problem they face in the BD zones and offer a solution that meets the Design Guidelines and Comprehensive Plan Policies to encourage positive economic development and suitability to the community in long-term investments with the anticipation of providing economic benefits for all stakeholders in the community. Board Member Clarke said it is important for the City Council and the public to have a clear understanding of the concept of highest and best use of the development of real estate. He explained that there are four criteria for evaluating the highest and best use of a piece of property:

1. Potential Development. The potential development must be physically possible based on current construction standards and standards associated with the site.
2. Legally Permissible. This falls directly under the zoning code and development standards to create the elasticity on legally permissibility. Flexibility in the code enables the highest and best use to expand and adapt to different market conditions, which is critical in the development arena.
3. Financially Feasible. This is a key concept for the community to consider. For example, if the cost of land and the cost of construction are both high, these costs must be covered by the economic feasibility of the proposed project. This is one reason why the step-back requirement is onerous. It reduces a developer's opportunity to spread the financial viability over a larger footprint. The Board has enhanced the concept of highest and best use by recommending that the step-back requirement be eliminated and by establishing a uniform commercial depth requirement of 45 feet. Both of these amendments allow for more flexibility for the types of land uses that can be put in the BD zones. It also enhances the arena for financial feasibility.
4. Maximum Productivity. Maximum productivity is based on opportunity costs. If a developer has two alternatives, they must determine which one produces the maximum productivity of the asset. The zoning code helps the developer be able to choose the best of all the land uses based on economics at the time of development.

Board Member Clarke summarized that if all four criteria can be met, there is a high probability that the project will be sustainable over the long term and improve the return to all stakeholders through increased tax revenues and enhanced use of the property by the community. He said the Board has worked hard to create an environment that meets and exceeds the goals of the Comprehensive Plan with respect to the economic sustainability of the community. Developers will be able to speak to all four points with more flexibility, and there will be more opportunities for return to the community.

Chair Lovell referred to Vice Chair Reed's written concern about changes that occur after a development agreement has been approved. Mr. Chave clarified that the staff cannot unilaterally change a development agreement. Changes would have to go back to the City Council for approval.

Board Member Stewart pointed out that the proposed amendment incentivizes the City's goal of being sustainable by requiring Silver and/or Gold LEED or equivalent for all development agreements. It is also important to consider the concept of adaptive reuse so that the uses of buildings can be altered as the market changes without requiring substantial redevelopment. In addition, new construction should use local materials and other sustainable resources, be energy efficient, maximize day lighting to reduce electricity requirements, and safeguard the indoor environmental quality by eliminating the use of toxic materials. She summarized that return on investment is not just about construction costs, it also includes reducing operating costs over the life of a building. These measures will help improve the economic and social sustainability of the City.

Board Member Ellis questioned how the Board came up with the four uses outlined in Item C.2. Mr. Chave said these uses were identified in discussions with the Planning Board and CEDC as priorities for promoting tourism in the downtown. Board Member Ellis asked if this list is intended to be exclusive of the things that are desirable or if additional uses could be added. Mr. Chave agreed that the four items may not be the only important and desirable uses, but they represent those that have been identified thus far. Board Member Ellis questioned if specifically identifying these uses would preclude other desirable uses in the future. Mr. Chave pointed out that the language could be amended in the future if more uses are identified. Board Member Ellis suggested that a better option would be to identify the four uses as potential examples, but not all inclusive. Mr. Chave cautioned against leaving the language so extremely open ended.

Board Member Clarke suggested another option would be to add "or characteristics" after "uses," and then include a provision that allows the Planning Board to make recommendations to the City Council for uses or other characteristics that may be considered in the future. This would allow the document to be more flexible rather than restricted to just those four uses. Mr. Chave pointed out that this process would really be no less time consuming than a development code amendment to add another use.

Board Member Clarke said it is important for the City Council to see that this concept was considered by the Board and their intent is that it not be limited to the four uses identified in Item C.2. Neither is the language intended to apply to the needs of

just one property owner. Mr. Chave said the items on the list have been pursued and talked about at various levels for quite some time. He said the list is intended to represent the uses that have been identified to this point. He noted that the City Council would also have the ability to add additional uses to the list prior to their final approval.

Board Member Johnson reminded the Board that in previous discussions with the CEDC, public restrooms were identified as a desired public amenity. She suggested that the words "public restrooms" be inserted into Item C.3 as an example of a potential public amenity.

Board Member Ellis requested clarification of how Criteria C.3 would be applied. Mr. Chave clarified that art features would only be required if the applicant chooses to utilize Criteria C.3, which calls for enhanced public space and amenities. Board Member Ellis suggested that the words "without limiting the scope of enhanced public space and amenities," be added at the beginning of the second sentence to make it clear that developers can propose public space and amenities that are not included on the list of examples.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO CHANGE ITEM C.3 TO READ, "THE DEVELOPMENT INCLUDES ENHANCED PUBLIC SPACE AND AMENITIES. WITHOUT LIMITING THE SCOPE OF ENHANCED PUBLIC SPACE AND AMENITIES, EXAMPLES INCLUDE SUCH FEATURES AS PUBLIC RESTROOMS, ADDITIONAL BUILDING SETBACKS WHICH PROVIDE EXPANDED PUBLIC SIDEWALKS OR GATHERING SPACE, AND/OR COMBINED WITH EATING OR FOOD RETAIL SPACES WHICH INCLUDE OPEN AREAS ADJACENT TO THE SIDEWALK. ART FEATURES VISIBLE TO THE PUBLIC SHALL ALSO BE INCORPORATED INTO BUILDING AND/OR SITE DESIGN." BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MAIN MOTION TO RECOMMEND APPROVAL OF THE PROPOSED LANGUAGE FOR ECDC 16.43.050 WAS UNANIMOUSLY APPROVED AS AMENDED.

REVIEW OF EXTENDED AGENDA

Mr. Chave announced that the Board Members have been invited to attend the CEDC's June 15th meeting, at which the University of Washington/Cascade Land Conservancy Team will provide a final update on their work with the Five Corners and Westgate Commercial Centers before presenting their findings to the City Council. The Board would be invited guests of the CEDC and would not be voting on the item. He explained that after their presentation to the City Council, the Team would ask the City Council for authorization to begin the formal review of the Development Code and then the item will come before the Planning Board for review.

Mr. Chave advised that Mr. Lien would be present at the Board's June 22nd meeting to discuss the Shoreline Master Program Update.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart announced that the City of Bellingham is sponsoring their 9th Annual Imagine This! Home and Landscape Tour on June 25th and 26th from 10:00 a.m. to 5:00 p.m. She said she would not be able to attend the event. She encouraged Board members to visit http://sustainableconnections.org/events/9th-annual-home-and-landscape-tour for more information. She felt the event would be of interest to the Board given the City's goal of implementing green initiatives in Edmonds. She would like ideas for promotional events to show off green projects that have occurred in the City.

ADJOURNMENT

The Board meeting was adjourned at 9:20 p.m.

to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since

that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be

considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr. Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.
- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks

Roger Hertrich, Edmonds, said he lives in a neighborhood located across the street from a true Neighborhood Business (BN) zone that serves the local neighborhood. The property is well-landscaped and the building is set back appropriately from the residential properties behind. The property was developed in full compliance with the code requirements, including the setback of the building so it is far enough back to allow for adequate sight distance when approaching the major intersection. Mr. Hertrich pointed out that the proposed amendment to reduce street setbacks would apply to all BN zones, large and small. He expressed his belief that the BN zones are different in character, and one setback requirement for all may not be appropriate. He observed that Westgate is a special area because it is located on a state highway (SR-104) and a major arterial (100th Avenue West). He said he envisions an opportunity in the future to widen the roadways and add a right-turn lane to make the intersection more efficient. However, allowing buildings to be constructed within five feet of the right-of-way would eliminate this possibility. If the 20-foot setback area is maintained, the roadway could potentially be expanded if necessary at some point in the future. He summarized that a 20-foot setback results in a good looking neighborhood and provides safety for pedestrians who use the sidewalks. Mr. Hertrich encouraged the Planning Board to use their influence to let the University of Washington team know they are interested in the concept of creating a new and specific zone for Westgate called the "neighborhood shopping area." Having a distinct and specific zoning designation would make it easier to accomplish the identified goals for Westgate.

DISCUSSION ON PROPOSED ADJUSTMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES

Mr. Chave reviewed that the Planning Board has discussed potential amendments to the downtown BD zones on at least two previous occasions. Draft amendments were prepared based on input from the Planning Board regarding four broad issues that have been raised by the staff, City Council and individual citizens. He referred to the draft amendments and invited the Board and Commission to provide additional direction.

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave advised that the proposed language would restrict the uses in the BD1 zone to retail only. While restaurants would be allowed, office and other types of service uses must be located outside the designated street front. If these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code. They would be allowed so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front or on upper floors of a building, but the emphasis going forward would be for retail and restaurant uses along the commercial street fronts within the BD1 zone.

Mr. Chave said that in the intervening years since the BD zones were adopted, issues have come up because numerous office and service uses have located in the BD1 zone. Staff believes these uses can be successfully located outside the designated street front areas or in other BD zones. He shared an example of a medical office that located in the BD1 zone. Because of privacy requirements, screens were placed in front of the windows. This is contrary to the City's goal of providing a pedestrian-friendly environment in the retail core. He reminded the Board that the City Council was reticent to make the BD1 zone retail only when the code language was initially adopted. However, staff is asking the Board to reconsider this position.

Vice Chair Reed pointed out that the proposed amendment would also prohibit drive-through businesses in the BD1 zone. Mr. Chave said the Board discussed this issue and agreed that drive-through businesses should no longer be allowed in the BD1 zone. Changes were made to Table 16.43.1 to implement the Board's direction.

Board Member Johnson said she conducted a windshield survey of the BD1 zone and found 10 finance, insurance and real estate (FIRE) offices, 10 health and beauty services, and two medical office buildings all within the ground level storefront area. These 22 businesses would theoretically become non-conforming if the proposed amendments are approved. She asked if similar businesses would be allowed to occupy these spaces if the current businesses leave. Mr. Chave said another service or office use would be allowed to occupy the space as a non-conforming use. However, if the space remains vacant for a year, service and/or office uses would no longer be allowed. He clarified that the proposed language is not intended to drive out the existing service and office uses from the BD1 zone, but it would enable the City stop further erosion of the retail core. Mr. Clifton said he has been contacted by numerous business owners who were interested in locating in the BD1 zone but were unable to find the right

were unable to find the right space.

Board Member Stewart recommended the code be amended to require a property owner to change the use to retail when an existing service and/or office use moves out. She expressed her belief that if the City truly wants to change the makeup of the BD1 zone, they need to help it along rather than waiting for change to occur. Vice Chair Reed asked if the code language could be written in such a way to restrict the types of uses allowed in the BD1 zone when the current service and office spaces become vacant. Mr. Chave agreed this is an option, but it would require an amendment to the non-conforming section of the code to specifically spell out the requirements for the BD1 zone. Normally, a non-conforming use would be allowed to continue unless the space is vacant for a long period of time. Mr. Clifton suggested another option would be to shorten the time period a space can remain vacant before it is required to comply with the retail use requirement.

Commissioner Hall observed that the purpose of the proposed restriction is to slow down the growth of service and office uses in the downtown so it can become more vibrant. He reminded the group that people come to downtown Edmonds to shop, and he encouraged them to move forward with the change. If a service or office use moves out of a space, the new use should be restricted to retail only.

Board Member Clarke pointed out that most of the space in the BD1 zone is smaller in size and older, which equates to lower rents. In addition, most of the blocks are divided into small ownership. He suggested that many downtown retailers would be unable to afford the higher rents that new development would require in order to pencil out. He referred to downtown Kirkland and explained that much of the retail space in the newer mixed-use developments is vacant because small businesses cannot afford to pay the high rents.

Commissioner Yamamoto agreed that most of the retailers in the BD1 zone are small and require between 1,000 and 1,500 square feet of space. Businesses prefer to locate in the downtown core were foot traffic is significantly greater. He expressed concern that some of these retail spaces are currently occupied by service and office uses that do not depend on foot traffic.

Board Member Clarke said he would prefer to allow flexibility for a property owner to fill space in the BD1 zone with something other than retail, depending on market demand. Otherwise, spaces could remain vacant for long periods of time, resulting in blight. Commissioner Yamamoto pointed out that the City has never tried to limit the BD1 zone to retail uses. He said he knows of business owners who want space in the retail core, but there is none available because it is occupied by service and office uses. He expressed his belief that if the code is amended to restrict the uses in the BD1 zone, the spaces would be filled quite quickly with retail uses.

Commissioner Pierce said Board Member Clarke has a valid point that prohibiting service and office uses could result in vacant buildings because the space would only be marketable to a narrow group of business types. He pointed out that much of the first floor commercial space in the newer buildings in downtown has remained vacant because the older buildings offer more flexibility and lower rents. He expressed his belief that restricting the uses in the BD1 zone would be a bad idea because it would eliminate potential tenants. Board Member Clarke noted that rents for the newly renovated Old Mill Town are triple the previous rates. Much of the space is vacant at this time because rents are too high and the spaces are too large for the typical tenant who wants to locate in downtown Edmonds. He said the same would be true for any new mixed-use development. Rents would have to be significantly higher in order to make the proforma pencil out. He expressed concern that eliminating some of the potential tenants could make new development unfeasible. He felt the code should allow flexibility for other types of uses if spaces are not marketable for retail. Otherwise, the City could eliminate a property owner's ability to lease space.

Mr. Clifton said his predecessor, Jennifer Gerend, shared her experience that allowing too many office-related uses along the storefront can kill the retail core. He suggested there needs to be a balance. At what point should the City say no to office uses in the ground floor storefront areas. He reminded the group that the proposed amendment would not exclude office uses in the BD1 zone, but they would have to locate outside of the ground floor storefront areas or on the upper floors. Board Member Clarke said he does not believe that financial, insurance and real estate businesses would want to occupy space that is located behind a storefront, with no visibility from the street. He expressed his belief that these uses fill a demand in the community. Mr. Clifton said some businesses have chosen not to locate in Edmonds because they cannot find space in the most desirable location (BD1

most desirable location (BD1 zone). He suggested that having more restaurant and retail uses would make the downtown more attractive. He said he understands Board Member Clarke's concern, but at some point there is a tipping point where the downtown goes downhill because there are not enough retail and restaurant businesses to attract people to the area.

Mr. Chave shared an example of a medical office locating in the BD1 zone. Because the code does not allow them to cover the windows, they put up screens inside the space to provide privacy for their patients. He said he does not believe this is an ideal situation for the downtown retail core. He explained that office uses are important to a downtown because they provide employees to use the retail businesses. However, it is not so important that they have a street presence because they are not directly related to the people on the sidewalk. Typically, offices use blinds to close their space off so that people cannot see in from the street. Because of this, medical offices are not generally compatible with retail uses, and should not be encouraged in the BD1 zone.

Board Member Johnson said some service uses can benefit the downtown because they draw people to the area. Mr. Chave agreed but cautioned that if service uses are allowed to expand in the BD1 zone, they could eventually overpower and undermine the retail uses.

Council Member Buckshnis said Port Townsend is a good example of a vibrant downtown. If the City wants to move forward in tourism and retail, they must change the look of the downtown. While barber shops and other service uses are important, more retail is also needed. She said she would like the City to become an artist and tourist destination within the next five years, and parameters should be added to the code to move in that direction.

Board Member Johnson suggested they start by prohibiting office uses within designated street front areas. Mr. Chave agreed that the code language could make it clear that professional office uses are prohibited within the designated street front areas, and existing businesses could be allowed to continue in their current locations. However, if the space remains vacant for an extended period of time, it must be converted to a retail use. Another option would be to identify the specific service uses that are compatible with retail uses and prohibit all others within the BD1 zone. He reminded the group that the BD1 zone is intended to have a retail focus. However, this was never specifically spelled out in the code language, and the City Council was reticent about limiting the BD1 zone to retail uses.

Board Member Cloutier reminded the group that the City's goal is to raise retail presence in the downtown core, and prohibiting service and office uses would be a step in the right direction. However, they must be careful not to damage the economic viability of the downtown in the process. He suggested the code language should be written in such a way to allow service uses if the real estate market cannot support enough retail uses to fill the available spaces. Property owners should not be forced to leave the space vacant. On the other hand, he cautioned that a developer's bad choices should not set the City's policy.

Mr. Chave said the Hartland Study that was conducted approximately eight years ago indicated that it would not be feasible to redevelop the BD1 zone based on the current zoning requirements, regardless of the types of uses allowed. He said he does not anticipate significant redevelopment in the BD1 zone in the near future. Board Member Clarke agreed that redevelopment is so costly that developers must charge significantly higher rents to make projects pencil out. Small retailers do not typically generate enough revenue to pay these higher rents and still remain successful.

Vice Chair Reed suggested that perhaps they should break down the different types of service uses into categories. Some categories may be more appropriate for the BD1 zone than others. Perhaps the more compatible service uses could be allowed in the BD1 zone as secondary or conditional uses. Mr. Chave explained that allowing a service use as a secondary use to a primary use that is allowed would merely add an additional step to the process. The City could allow service uses in the BD1 zone as a conditional use. However, unless there are clear criteria in place to innumerate the conditions that must be met, every application would be automatically approved.

Mr. Chave suggested the group either continue their discussion on this item to the next meeting or make a decision to move forward with a public hearing based on two different options: prohibit professional office uses only or prohibit any uses except retail. It may be helpful to invite public feedback on both options.

Mr. Clifton suggested that to address the concerns raised by Board Members Cloutier and Clarke, the code could be amended to require a property owner to replace a vacant space with a retail use. However, if the space remains vacant for an extended period of time, the City could grant an exemption to allow the space to be leased for service or office uses. He agreed that no property owner wants a commercial space to remain vacant for an extended period of time, and an exemption provision would address these situations. It would also help the BD1 zone transition over time to retail uses without having a lot of vacant space.

Commissioner Witenberg asked if the conditional use requirement could be keyed to a specific percentage of retail space that must be maintained. Service uses could be allowed as long the total amount of retail space remains at or above the required percentage. Mr. Chave cautioned that this approach would require the City to maintain a detailed inventory of the uses in the BD1 zone. He suggested that Mr. Clifton's recommendation would be more useful. If a property owner can prove he/she has been unsuccessful in renting the space for a retail use, the City could grant an exception and allow the space to be filled with a service use. Commissioner Pierce agreed there should be some mechanism that protects property owners who are unable to lease their space for retail uses. He cautioned against establishing restrictions that can push property owners into a negative financial situation.

Change the Commercial Depth Requirements to be the same for all BD zones

Mr. Chave advised that the proposed language would change the commercial depth requirements to a consistent 45 feet. In addition, the depth requirement would be directly tied to the expanded Designated Street Front Map (Map 16.43-1) covering all BD zones. He explained that, at this time, the BD1 zone has a 30-foot commercial depth requirement, but the commercial depth requirement for all other BD zones is 30 feet. He explained that staff believes the 30-foot standard is too small to ensure adequate commercial space. However, it makes no sense to require a greater standard outside the retail core. He reminded them that the BD1 zone is intended to be the downtown's strongest commercial district.

Mr. Chave reported that staff conducted a walking survey a few years ago to measure the depth of the commercial spaces in the BD1 zone. They found that nearly all of the spaces had a commercial depth of at least 60 feet. Therefore, a 45-foot commercial depth requirement would not be asking too much of the current property owners. He emphasized that the new requirement would not be applied to existing spaces, which would be allowed to continue as non-conforming uses. However, newly created commercial spaces would be required to provide 45 feet of commercial space along the designated street front. As proposed, the front 45 feet of space along the street front must be reserved for retail commercial uses.

Mr. Chave advised that the proposed amendments also include an update of the Designated Street Front Map (Map 16.43-1), which identifies all designated street fronts within the BD zones for which the commercial depth requirement would be applicable. He noted that the map was originally adopted for the BD1 zone, but staff is recommending to include all BD zones. Chair Lovell said that although the map identifies 4th Avenue north of Bell Street as a designated street front area, the Board previously agreed that the proposed amendments would not be applicable to the BD5 zone (4th Avenue Cultural Corridor). Mr. Chave explained that although this area would be identified as a designated street front, the criteria would be somewhat different than for other BD zones. He reminded the Board that once the Westgate and Five Corners zoning proposals have been adopted as examples of form-based zoning, they agreed to consider the option of also applying the form-based zoning concept to the 4th Avenue Cultural Corridor since the initial design work has already been done. The Board agreed to address specific criteria for the 4th Avenue Cultural Corridor (BD5 zone) as a separate issue later in the year.

Adopt Language to Allow Development Agreements

Mr. Chave reported that the Board discussed development agreements in some detail on March 23rd and authorized staff to prepare the draft code amendment language found in Edmonds Community Development Code (ECDC) 16.43.030.A and 16.43.050. He noted that the language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Board has had discussions about whether these are the right criteria and whether the development agreement option should be available in all BD zones. They specifically discussed not allowing development agreements in the BD5 zone.

Mr. Chave explained that development agreements are allowed in the code, but can only condition or limit what a developer is already allowed to do in the zone. They cannot give any additional flexibility. Because of the location, configuration, topography, etc. of some properties in the BD2 zone, staff is recommending the Board entertain options that are somewhat different than the standard zoning requirements. He referred to the draft language (ECDC 16.43.050), which would allow standard development within the BD zones as specified in the current code language. However, a developer could also submit an application for a development agreement that would ask for certain code variances if certain criteria can be met. He pointed out that Section B describes what can be approved as part of a development agreement. As proposed, a development agreement could vary any of the site development standards contained in ECDC 16.43.030, 16.43.035 or 16.43.040. An alternative to Section B would only allow a development agreement to vary the step back requirements and adjust the height to a maximum of 35 feet. He noted that the alternative language was created in response to the City Attorney's counsel that the language should specifically identify the standards that can be varied.

Mr. Chave referred to Section C, which lists the criteria that must be met for approval of a development agreement. As currently proposed, a development would have to be designed to attain at least a LEED Silver or equivalent level of green building certification. In addition, it would have to meet two of the following three criteria:

1. Designed to attain at least a LEED Gold or equivalent of green building certification.
2. Incorporate one or more of the following uses designed to further the City's economic development goals: hotel, post office, and studio work space, housing or live-work space for artists.
3. Include enhanced public space and amenities.

Mr. Chave explained that development agreements would involve a public process, with public hearings before the Planning Board and the City Council. The City Council would make the final decision. A developer may request a bonus for height, setbacks, etc. in exchange for providing a number of community benefits. Mr. Clifton added that applicants would be required to state why they are asking for modifications and identify what would be provided in exchange. The City Council would make the ultimate decision about whether the items offered by the applicant warrant the proposed modifications. Mr. Chave said the burden of proof would be on the applicant to show how their proposal would meet the criteria found in ECDC 16.43.050.C.

Commissioner Pierce observed that, as drafted, Section.3 does not define what the enhanced services and amenities would be. For example, would an applicant be required to dedicate a certain percentage of open space based on the size of the project? He suggested the required open space be clearly defined.

Commissioner Senderoff said it is his understanding that when a developer submits an application for a development agreement, the final design of the project would already be done. The City Council's ultimate decision regarding the development agreement would be based on the actual design. He suggested that this be clearly stated in the proposed language so the public is aware that the final decision would be based on a specific design.

Commissioner Senderoff suggested that Section C.3 should provide more information about what is meant by "public amenities." He said he is generally in favor of the development agreement concept, but he felt they should consider additional criteria besides the three items listed in Section C. For example, only one hotel and post office are needed in the downtown. Once both of these uses have been developed, Criteria C.2 would no longer be an option. Mr. Chave pointed out that, as proposed, an application would only be required to meet two of the three criteria.

Commissioner Pierce questioned the difference between a development agreement and a contract rezone. Mr. Chave said development agreements are intended to replace the contract rezone mechanism, and there is a significant difference between the two concepts. Only the applicant had the ability to propose and approve modifications to a contract rezone proposal, and there was no opportunity for the City to negotiate with the applicant. A development agreement involves a contractual discussion process that allows the City to negotiate the various elements of the agreement with the developer. He summarized that a development agreement offers the City more control in the process.

Chair Lovell referenced Revised Code of Washington (RCW) 36.70B.170, which authorizes development agreements. It states that development agreements must be specific to a project. Commissioner Senderoff observed that this would be consistent with his earlier comment that development agreements would be based on final design proposals. Mr. Chave clarified that while development agreements would be based on actual development proposals, they would not be based on exact designs because the design review process could potentially modify the design further. He concluded that a developer would not be able to go straight from a development agreement to a building permit because design review would be required. Chair Lovell summarized that a development agreement would spell out the specific requirements of the proposal at the programmatic design stage.

Commissioner Senderoff questioned how the City would ensure that designs are not modified so much that they are no longer consistent with an approved development agreement. Mr. Chave said staff would ensure that a developer adheres to the requirements identified in the development agreement. The design that is provided as part of the development agreement process is intended to describe what the project would generally look like, but would not identify every detail. Changes would likely be made as part of the design review process that would come later.

Commissioner Pierce asked if the development agreement criteria and code standards would be applied uniformly for every development agreement proposal. Mr. Chave answered that he does not anticipate a significant number of development agreement applications, but each one would be different to address the unique circumstances of each site. However, every development agreement proposal would be evaluated against the Comprehensive Plan policies and the adopted design guidelines for the BD zones.

Mr. Clifton said that when he served on the City of Seattle's Design Review Board for three years, he found that those projects that were designed at the 80% to 90% level were typically approved more than those that included simple building envelope sketches. He concluded that developers who refine their sketches will be more likely to gain acceptance from the public, the Planning Board, and the City Council. If applicants expect to gain approval to modify a development standard, they will have to build exceptional projects.

Council Member Buckshnis suggested the criteria (Section C) should be expanded to be more global so it does not appear to specifically apply to a single property. For example, Section C.2 could also include the option of developing a farmer's market. Mr. Chave said it was not staff's intent to create language that is only applicable to one property. The proposed language was intended to include the uses previously identified as desirable by the City Council, the Planning Board, the Economic Development Commission, and the public. He agreed that a farmer's market would be a good addition to Section C.2. He cautioned against leaving the criteria open ended and undefined, but he agreed that the list could be expanded to include other desirable uses the City wants to encourage in the downtown.

Board Member Clarke observed that the community has struggled with the height limit in the downtown for a number of years, and 30 feet appears to be a sacred line. If the proposed language is adopted as proposed, a developer would be allowed to propose additional height as part of a development agreement in order to provide adequate height on the first floor for retail space, with two residential stories above. Although the applicant could provide evidence that the additional height is needed in order for the project to pencil out, the City Council could ultimately deny the development agreement because it calls for increasing the height limit above 30 feet.

Mr. Clifton said staff does not believe the community and/or City Council would support the development agreement concept if it allows heights to be adjusted significantly. He suggested the language may be more acceptable to the community if it identifies a cap for building height.

Board Member Clarke asked staff to provide visual photographs to illustrate various building heights to help the public and the decision makers understand that the visual difference of a few extra feet would be minimal. He reminded the group of the City's goal to have unique and modern architecture. Greater ceiling heights result in buildings that are more marketable and their values are enhanced. For example, third floor residential units with taller ceilings command a significantly higher real estate value. In addition, modern building design requires more space for mechanical equipment. He expressed his belief that it would be difficult to visually see the difference between a three-story building that is 37 feet and one that is 33 feet. He suggested the language focus on the number of floors allowed rather than a specific height limit. He further suggested the City allow some bonus for

City allow some bonus for architectural creativity of facades rather than just straight boxes.

Board Member Clarke suggested they also consider allowing for the transfer of development rights. For example, the City's goal is to promote the 4th Avenue Arts Corridor by providing public amenities. Rather than developing public amenities on site, a developer could be allowed to put dollars into a fund to pay for public amenities and enhancement of this unique corridor.

Board Member Stewart said she likes the idea of allowing three-story developments that are aesthetically pleasing. She referred to the site development standards (Table 16.43-2), which identify a 15-foot minimum ceiling height requirement for ground floor space in the BD1 zone. She reminded the group that incorporating green building design, particularly higher energy upgrades, requires more space. Green roofs also require more space so the structure can be properly reinforced, but they offer a very good insulating component and are very attractive. She summarized that if the City is going to require developments to meet LEED Silver or equivalent, they need to reconsider the practicality of the current code limitations.

Board Member Stewart suggested that in addition to identifying the types of developments they would like to encourage in the BD zones as part of the criteria for obtaining a development agreement, the language should also emphasize the City's goal of creating a consistent and connected look in the downtown. The City's goals also include enhancing the pedestrian experience, creating a lively cultural and civic campus, and preserving history. She expressed concern that if each development is considered separately, piecemeal development would result. Mr. Chave pointed out that all of these goals are identified in the Comprehensive Plan, and all development agreements must be consistent with the policies and goals of the Comprehensive Plan. Therefore, there is no need to call out the goals separately in ECDC 16.43.050.

Commissioner Pierce expressed concern about allowing development up to three stories high rather than setting a specific height limit. He felt this would encourage developers to build to the maximum extent possible because there would be no cap on height. Board Member Clarke agreed but noted that it would also result in more attractive roof design than just boxes. Commissioner Pierce noted that a three-story development would be allowed by the proposed 35-foot maximum height limit. He said he believes there needs to be a defined limit for height. Board Member Clarke disagreed and suggested the City should be more concerned about the overall building design instead of just the height. Again, he expressed his belief that it would be difficult to distinguish between 35 and 37-foot buildings. Again, he reminded the group that taller ceilings and creative window design enhances the marketability of third-floor residential units, and he felt it would be very short-sided for the City to limit the height to 35 feet.

Commissioner Faires said that, conceptually, the development agreements are interesting because of the flexibility they allow. However, given the context of Edmonds and the current political climate, he suggested that having an absolute height limit would be necessary in order to successfully incorporated the development agreement concept into the code language.

Commissioner Zagorski said she likes the flexibility afforded by development agreements. She said she would also support a proposal that would address bulk and mass by the number of stories allowed rather than a specific height limit. She agreed with Board Member Clarke that using a three-story requirement would allow for creativity and flexibility.

Commissioner Hall emphasized that if they want Edmonds to become a vibrant town, they need to make changes now and not wait. He observed that developers are doing wonderful projects in other locations. He cautioned that if Edmonds is not ready when the economy improves, they will be left behind and their downtown will suffer.

Board Member Reed referred to the Economic Development Commission's January 19th minutes in which Mr. Spee presented his plans for a new development in the BD2 zone. He pointed out that Mr. Spee could develop up to three stories using the existing height limit, and increasing the maximum height limit to 35 feet could allow him to accommodate four stories. If the proposed language for 16.43.050 is approved, Mr. Spee would not be able to develop the four stories he has indicated he might prefer. He said he could consider supporting the concept of eliminating the maximum height limit and allowing three stories. Two and three story development would be consistent with the current Comprehensive Plan. However, a baseline height limit must be established so the community has some assurance about what is being proposed. He suggested that perhaps they use language such as "three stories not to exceed ____." He noted that topography plays a significant role when determining the number of stories allowed on a site based on the current code.

Chair Lovell requested clarification about the step back requirement and whether or not the standard could be modified by a development agreement. Mr. Clifton reminded the group that the purpose of the standards is to create buildings that relate well to the streetscape, have architectural interest, etc. He suggested that allowing flexibility might encourage developers to produce the types of buildings they are looking for in the downtown. He said he does not understand why a step back is required in all BD zones except the BD1 zone where development is supposed to be of a more intimate scale. He suggested the step back requirement should apply to all BD zones. The proposed language would allow a developer to modify the requirement via a development agreement.

Board Member Johnson observed that the problem they are trying to address is lack of flexibility and the impact this has on economic development. Development agreements would allow staff, the City Council and Planning Board to consider flexibility. In addition to achieving certain objectives like public art or a farmer's market, development agreements can enhance economic development. She suggested the language should specifically identify economic development as a purpose of development agreements. This would make the development agreement provision consistent with the Comprehensive Plan goals and policies related to economic development. Board Member Stewart pointed out that zoning is already tied to the Comprehensive Plan goals and policies, so there is no need to specifically call out economic development in the proposed language. Mr. Chave added that the development agreement language actually identifies the goals of the Comprehensive Plan as criteria that must be met.

Vice Chair Reed requested clarification of whether staff is recommending approval of Section B or the alternative language. Mr. Clifton said staff prefers the language in B, which would allow all zoning standards to be modified through a development agreement subject to the criteria. Chair Lovell agreed and commented that there is no sense creating the development agreement provision if they are not going to allow flexibility.

Vice Chair Reed cautioned against allowing 16.43.050 and thus development agreements to override all design guidelines. Mr. Clifton clarified that staff is not advocating that the design guidelines and Comprehensive Plan goals and policies be modified via a development agreement. Vice Chair Reed pointed out that ECDC 16.43.135 refers to ECDC 22.43, which is the BD Design Guidelines. Mr. Clifton agreed to research this issue further and report back to the Commission.

Commissioner Senderoff said he is attracted to the development agreement concept because it would be driven by the City rather than the developer. Development agreements would also allow the City to focus on certain uses that create the different business zones they want to achieve.

Commissioner Zagorski voiced her belief that the boundaries of the BD3 zone extend too far south. She briefly described the current development and noted that once you start up the hill at Howell Street, the properties are not really desirable locations for commercial uses. She asked the Board to consider changing the boundaries at some point in the future to address the existing conditions and site constraints.

DISCUSSION ON PROPOSED AMENDMENT TO REDUCE STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE

Mr. Chave reported that staff presented an interim ordinance to the City Council on April 5th to potentially amend the City's BN zones to reduce required street setbacks from the current 20 feet down to a 5-foot minimum The intent of the proposal is to better align the neighborhood business zones with City policies and design guidelines. Even though it would be ideal to wait for the planning process to be completed for the Five Corners and Westgate areas, preliminary discussions with a prospective developer for a key Westgate intersection is prompting staff to make a code proposal now. Without the code change, development would continue to be recessed into building sites, removing opportunities for improving the streetscape and enhancing pedestrian access.

Mr. Chave further reported that the City Council elected not to adopt the proposed interim zoning ordinance but inquired whether the issue could be "fast tracked" to get a recommendation returned to the City Council. If considered by the Board, the same amendment would be reconfigured as a permanent zoning change.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He

again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th

However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work

moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

APPROVED MARCH 23RD

CITY OF EDMONDS
PLANNING BOARD MINUTES

March 9, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT
Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF FEBRUARY 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The Board placed their review of the downtown BD zones (Item 7b) before their continued discussion on amendments to the wireless communication facilities regulations (Item 7a). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Doug Spee, Woodway, commented that negative comments were made at the Board's February 9th meeting regarding mixed-use development in Kirkland that includes a big-box store and a mixture of smaller commercial uses. He reminded the Board that mixed-use developments often start with a main tenant, with other commercial space built around it. For example, his proposed project would start with a main tenant, the post office. Having a long-term commitment from a main tenant allows mixed-use developments to be successful. He said comments were also made at the last meeting that if the existing building height in the downtown was good enough to support development in the 1990's, it is good enough now, too. However, it is important to keep in mind that the market and economy are very different now. While a two-story building in downtown would likely pencil out if the upper story was dedicated to high-end residential space, the market is screaming for affordable living options. It is not possible to develop affordable housing in downtown Edmonds given the current height limit, which only allows two stories of development. Mr. Spee summarized that, although it is fashionable to bash development in Kirkland, it is unfair. He suggested the Board look at other neighboring jurisdictions that are similar to Edmonds such as Winslow on Bainbridge Island, which is a small town with a ferry dock. They allow a height limit of 30 feet for mixed-use development, and up to 45 feet if underground parking is provided. He offered to drive the Board Members on a tour of Winslow.

PLANNING BOARD REVIEW OF DOWNTOWN BD ZONES

Chair Lovell encouraged the Board to discuss the issues and proposals identified in the Staff Report and provide direction about how broad an approach they want to take at this point, and how they can work with staff to amend the zoning regulations to accomplish their identified goals. While full implementation of a form-based code will take a longer period of time, the Board can

time, the Board can consider short-term changes that would expedite development proposals in downtown Edmonds.

Mr. Chave explained that the topics for discussion have been broken into four general topics. The Staff Report provides background information and options for the Board to consider for each topic. Staff is seeking direction from the Board regarding the options they would like to explore further so that action language can be prepared for the Board's next discussion on March 23rd. Staff anticipates that a public hearing could be scheduled as early as April 13th. If necessary, he noted that the Board could hold a hearing on more than just one option to solicit feedback from the public before making a recommendation to the City Council. He reviewed each of the topics of discussion as follows:

Development Agreements

Mr. Chave said the City Council and Economic Development Commission (EDC) have discussed the possibility of using development agreements to provide flexibility to encourage certain types of uses in the downtown. He explained that development agreements can provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site in order to accommodate a desired use, to achieve desired levels of "green" development, encourage buildings that enhance the downtown streetscape, etc. He explained that development agreements are authorized in the Revised Code of Washington (RCW) and in City's Development Code (ECDC 20.08), but they are not directly authorized in any of the BD zones. He requested feedback from the Board on whether they support the development agreement concept. If so, do they want to identify specific criteria all development agreements would be required to meet at the onset? He noted that a development agreement would be a legislative process, which would include a public hearing before both the Planning Board and the City Council. The process would allow the Board and City Council to negotiate with a developer to obtain certain public benefits in exchange for allowing flexibility for certain code requirements.

Mr. Chave emphasized that, generally, development agreements cannot allow something that is not allowed by the underlying zoning. For example, if the height limit is 30 feet, the City would not be able to grant a 35-foot height limit as part of a development agreement, unless the code specifically states that this additional bonus could be applied via a development agreement. He said staff believes it makes sense to allow development agreements to vary at least some of the code standards. This could include flexibility for the height limit, or they could place a cap on the height limit at 30 feet. He suggested it might be appropriate to conduct a hearing on both options to solicit feedback from the public about whether they are interested in allowing the City Council to have this flexibility or if there should be an absolute height limit. Again, he emphasized that development agreements would be discretionary items, with hearings at both the Planning Board and City Council levels.

Board Member Cloutier said he supports the development agreement concept because it would give the City Council the means to respond quickly to development proposals. In addition, the public would have an opportunity to weigh in on development agreements proposal prior to their approval. Development agreements provide the City Council with more options to meet the City's economic development needs without opening the flood gates to unreasonable development proposals.

Board Member Clarke suggested that rather than having a specific height limit, a development agreement could allow development not to exceed three useable floors. This would allow flexibility for a developer to provide higher ceiling heights on the upper floors, vaulted ceilings, different window designs, etc. The development agreement could require a developer to provide a pitched rather than flat roof and to screen the HVAC equipment that is located on the roof in exchange for the additional height. This would encourage more creative and attractive architecture. Mr. Chave agreed the code language could be written in such a way to authorize this level of flexibility. In fact, the code could be amended to allow any of the standards to be varied via a development agreement. It would be the proponent's responsibility to convince the City Council and Planning Board that the changes are in the City's best interest. He explained that the development agreement goals could be specifically spelled out in the code language, or by default, development agreements could be evaluated relative to Comprehensive Plan goals and policies such as sustainability, economic development, etc. If the Board and City Council finds that varying the standards would result in a better project, a development agreement could be approved.

Board Member Clarke asked if the City could grant bonus options if a developer provides certain functions. Mr. Chave said this would make the development agreement process more complicated. He said he would bring back additional information to illustrate what a development agreement would look like if it is more open ended and what it would look like if the City identifies certain goals they want to achieve. He suggested they could advertise both options for the public hearing, or they could decide upon a single approach to pursue at the hearing.

Chair Lovell suggested the Board prepare a menu of goals they would like development agreements to meet. Mr. Chave suggested that language be added to the BD zones, outlining what standards could be varied via a development agreement. They could even go so far as to allow building heights that exceed the height limit of the underlying zone if a proposal meets the goals of the City. However, in order for the City to make these adjustments via a development agreement, the code language must specifically provide this level of flexibility. This could be done with a general statement that allows the City to vary any of the standards contained in the zone, or they could attach criteria that all development agreements would be required to meet. It would be up to the applicant to demonstrate how a proposal would further the City's goals, and the City Council has the ability to deny applications that are not in the public's interest. Chair Lovell suggested the statement be as general as possible, and that the criteria address issues such as sustainability, appropriateness for the character of the downtown, etc.

Board Member Stewart suggested the Board consider the following criteria for development agreements:

- Promote sustainable design and green building practices.
- Respect history of place and encourage respect for the history of the downtown.
- Provide public gathering spaces and easy access to non-motorized transportation.
- Designate a certain percentage of the development as affordable housing in exchange for a density bonus. Providing a variety of housing options will ensure the community remains vibrant with a good cross section of demographics.

Board Member Clarke said that in his experience, when cities attempt to socially engineer value systems into development agreements or zoning codes, developments typically fail. He recalled that he spoke out against the public space requirement for the mixed-use development at Firdale Village. He did not feel it was appropriate to require a 15,000 square foot development to provide a public space that would not likely be used. He said he recently did a mixed-use development on Bainbridge Island that required public space, which was developed but is not used. He noted that requiring that 10% of a development be dedicated for public space increases development costs with very little, if any, value to the community. He suggested that a better option would be to require developers to contribute to public art funds to provide art throughout the City for everyone to enjoy.

Board Member Clarke said he has done a lot of public subsidized multi-family developments that have been failures. He cautioned against requiring developers to create affordable housing. Although these components sound good, they do not typically work well. He suggested it is better to let developers figure out how to make projects that are economically viable without making affordable housing a mandate.

Board Member Clarke said he noticed that a development on Second Avenue has a plaque in front of the building commemorating the location of a historic building that was replaced by the existing condominium development in the 1970's. He cautioned against requiring a developer to maintain into perpetuity and build around a historic building. He expressed his belief that historic overlays diminish flexibility for building plans. He summarized that positive flexibility is the key to allowing market forces to react. He referred to a new development on Edmonds Way that is in the final stages of construction. While it is the newest building in the City, it is one of the most unimaginative. He expressed his belief that the code needs to be flexible enough to allow a variety of building materials, designs and facades to make developments unique and different.

Board Member Stewart said she can appreciate Board Member Clarke's comments about public space and said her comments were related more to open space and connections to buildings where people can share conversation and kids can play. Providing open space would not increase construction costs. She agreed, however, that requiring a developer to provide public space inside a building may not be appropriate. She said she would also like to encourage smaller, more durable construction. They need to look at development long term. Building materials come from the earth, and they are rapidly losing their resources. They need to

losing their resources. They need to reuse materials and older buildings rather than starting from scratch. She noted that some historic buildings are not attractive and should not necessarily be preserved in their present form. However, she hopes the Architectural Design Board will have some input into design so that new construction fits with the character of the surrounding historic buildings. She agreed to provide information on the Town of Winslow's approach for providing affordable housing in the hope that she can inspire the Board to consider affordable housing as a possible goal.

Vice Chair Reed said it is important to make sure the code revisions related to development agreements are consistent with the Comprehensive Plan. Chair Lovell suggested the Board could utilize the language found in the Comprehensive Plan, which is quite flexible and meaningful. It provides the necessary flexibility, yet spells out what they are looking for without getting too specific. He cautioned that if the requirements for a development agreement are too specific and restrictive, they could end up with another development like Firdale Village. He suggested that the development agreement provision should reference the specific goals and policies in the Comprehensive Plan, specifically those related to the downtown/waterfront area. Mr. Chave questioned whether it would be necessary to innumerate the goals in the new language since each development agreement proposal would be evaluated based on the goals and policies found in the Comprehensive Plan.

Vice Chair Reed asked how the proposed development agreement provision would interact with the fairly extensive strategic planning process that will begin in the near future. Mr. Chave explained that strategic planning is much broader than code revisions and talks about the relationship between the City's various priorities. He cautioned against calling a halt to all other code revisions waiting for the strategic plan to be finished. To answer Vice Chair Reed's inquiry, Mr. Clifton advised that a Request for Qualifications for a strategic planning consultant has been prepared, and a copy of the document was forwarded to each of the Board Members for comment. Vice Chair Reed asked if reviewing and updating the entire downtown zoning code is the only alternative to development agreements. Mr. Chave agreed that development agreements are the only option available without updating the entire BD zoning code. He explained that the State of Washington has offered development agreements as an alternative to contract rezones, which are no longer allowed. He noted that the Planning Board and City Council would have an opportunity to negotiate the terms of a development agreement with the applicant to address various City goals and policies. Contract rezones were either approved or denied, and there was no opportunity to negotiate with an applicant.

Mr. Clifton said that from the perspective of someone who has written and administered codes, development agreements have the potential to result in more creative development than prescriptive zoning. Development agreements are reviewed by the Planning Board and the public is invited to react. It involves a negotiation process between the City and the developer, with the City Council making the ultimate decision. Development agreements allow for much more public process than the City's current prescriptive zoning. It is important for the community to have the opportunity to discuss development proposals collectively. He summarized that he views development agreements as an advantage rather than a disadvantage.

Board Member Johnson asked what staff is proposing for development agreements that is different than what is already authorized. Mr. Clifton said the code must identify the standards that can be negotiated as part of a development agreement. Mr. Chave added that while the current code language allows development agreements to restrict development, it does not allow the City to modify a standard beyond what the code allows. The language must specifically state that certain standards can be modified via a development agreement.

Board Member Clarke referred to Option 2, which would exclude the BD5 zone (4th Avenue Arts Corridor) from the development agreement provision. Since this zone would be addressed as part of a separate study, he agreed it would be appropriate to exclude it from the proposed revision. The remainder of the Board concurred. Board Member Clarke also suggested the development agreement provision should allow flexibility to accommodate up to three stories of development.

The Board directed staff to bring back code language to add a provision to the downtown BD zones, except BD5, that authorizes development agreements that can vary all BD zone standards.

Retail versus General Commercial Uses in the Retail Core

Mr. Chave explained that the BD1 zone represents the City's downtown retail core and runs generally for one or two blocks in each direction from the fountain. Because the regulations do not prohibit non-retail commercial uses, banks and various

professional offices have located within the BD1 zone in recent years. He expressed concern that if the trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area. Staff is proposing an amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They are also recommending that drive-through business be prohibited. He recalled that the Board originally recommended that drive-through facilities not be permitted in the BD1 zone. However, the City Council decided it would be appropriate to allow them as a conditional use.

Board Member Clarke expressed concern that many of the ground floor windows at Old Mill Town are screened to provide privacy for the professional offices, which discourages pedestrians from circulating throughout this area. He suggested the City's goal should be to encourage more people to explore the downtown/waterfront area in all directions by creating more retail synergy within the corridor. He also suggested the City consider opportunities to encourage developers to provide public restrooms within the downtown area as part of their proposals.

Board Member Stewart said it is also important that the downtown retail core is welcoming to people with children. She suggested that uses that are family friendly should be allowed to occur in the retail core in order to bring a variety of people to the area. She summarized that while retail uses are important, they should not prohibit other kinds of uses that could bring the downtown alive.

The Board directed staff to prepare a draft code amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They also asked staff to remove the possibility of permitting drive-through businesses as a conditional approval.

Commercial Depth Requirements and Designated Street Fronts

Mr. Chave advised that the designated street fronts are mapped for the BD1 zones, but not for the other BD zones. At this time, the BD1 zone has a 30-foot commercial depth requirement, while elsewhere the requirement is 60 feet. Staff is recommending the provisions have a more consistent framework. For example, the mapping should expand to cover other BD zones, and the commercial depth requirement should not be greater in the BD zones outside of BD1. He reported that staff surveyed the existing commercial space in the BD1 zone and found that most is at least 60 feet deep. He recommended that the commercial depth requirement should be 45 feet in all BD zones. He referred the Board to a map showing the current designated street fronts for the BD1 zone. He also provide a map of potential street front designations for the remainder of the BD zones. He recommended the designated street fronts map be expanded to include all commercial zones except for the BD5 zone (4th Avenue Cultural Corridor).

Chair Lovell referred to an email the Board Members received from Council Member Petso regarding this item.

Chair Lovell asked if the street front map would identify the minimum commercial space requirement. Mr. Chave answered affirmatively. Chair Lovell asked if criteria is available to help the City determine the proper depth for commercial space in the BD zones. Mr. Chave noted that most of the commercial space in the downtown has a depth of 60 feet, but he acknowledged that some are smaller so the code must be flexible. Staff believes that a 30-foot depth requirement would be too shallow and 60 feet would be too deep. They are recommending a 45-foot depth requirement as a happy medium.

Board Member Cloutier asked if staff has raised this issue with the Downtown Edmonds Merchant's Association (DEMA) and the Chamber of Commerce. Mr. Chave said these groups would be included in the anticipated outreach program. Board Member Cloutier agreed with Mr. Chave that no designated street fronts should be identified for the 4th Avenue Cultural Corridor (BD5 zone).

Board Member Clarke observed that although Starbucks is currently celebrating 50 years in business, their location in Edmonds is too small and is constrained by the existing building size. He advised that the more shallow the depth of a commercial space, the more constrained it will be for future retail uses. He said he supports the idea of requiring something more than 30 feet, but allowing enough flexibility to have something less than 60 feet. This would allow for market fluctuation. He invited Mr. Spee, who owns several properties in the downtown, to comment regarding the proposed change.

Doug Spee, Woodway, said there is more to the equation than just the minimum depth requirement. Because some development extends all the way to the alley, there is often the assumption that the alley is a street and the designated street front extends around the corner into the alley. That means that commercial space would be required on the ground floor along the alley, which is typically where the parking, garbage enclosure, etc. are located. He said it appears that expanding the designated street front map to include other BD zones would address this issue. He said he does not have a specific number for the appropriate depth requirement. In his buildings, a 60-foot requirement is too much for some types of uses.

Mr. Chave explained that staff has been exploring form-based zoning models over the past few years, and the BD zones have started edging into this method of coding. He said it would be fairly simple to focus a little more on the streetscape and relation of uses to the public street. In order to accomplish this goal, the City must define streets differently, and that is the purpose of the designated street front map.

The Board discussed the option of not designating a minimum depth requirement. Mr. Chave cautioned that this approach could result in numerous projects with very minimal commercial space along the street front, particularly if the commercial component is not driving the project. This can result in undesirable commercial space that is not rentable, which can erode the downtown retail core over time. Setting an appropriate minimum depth requirement would allow the City to remain steady throughout changing market conditions so that a viable downtown core can be maintained.

Board Member Clarke referred to several three-story buildings in the downtown where commercial space was constructed below grade, and pedestrians much go down stairs in order to access the ground level. He suggested these situations are a function of the current height restrictions and the developer's desire to design for residential instead of commercial space. He noted there is no commercial space on 2nd Avenue from Main Street north except the post office. Requiring retail space in this location does not make sense. It is challenging to designate commercial areas and what kinds of commercial uses should be allowed and encouraged, and a form-based zoning approach would allow the City to consider the unique character of the environment. Mr. Chave advised that the 4th Avenue Cultural Corridor would probably be the first area in the downtown where true form-based zoning is implemented, but this would not occur until the latter part of the year.

The Board asked staff to prepare code language that identifies a minimum commercial depth requirement of 45 feet for the BD1, BD2 and BD4 zones. They also asked staff to expand the designated street front map to include all BD zones, except BD5.

Street Design and Step Backs

Mr. Chave reviewed that a 15-foot step back is required in the BD2, BD3 and BD4 zones. On some lots, this large step back requirement can preclude interior courtyards or other building features that are desirable, particularly on north-south streets where lots are shallow. He suggested there are a number of other options for addressing this issue such as providing for a smaller building step back if certain criteria (streetscape improvements, green building features, etc.) can be met. Another option is to enable the step back issue to be addressed case-by-case using the development agreement process. The Board could also recommend reducing or eliminating the step back requirement entirely. Mr. Chave expressed his belief that a 15-foot step back requirement is too much, and a 5-foot step back would be adequate. He agreed to provide photographs at the next Board meeting to illustrate how a 5-foot and 15-foot step back requirement would be implemented.

Chair Lovell observed that in the process of creating redevelopment plans for Harbor Square, Five Corners, and Westgate, this issue is being addressed more as an item of building façade articulation as opposed to specific step backs. He said it is important that a building's façade is articulated both in depth and building materials to break it up, but this does not necessarily require step backs. He recommended the issue be addressed on a case-by-case basis as part of a development agreement.

Board Member Stewart referred to the 2005 study completed by Mark Hinshaw, which suggests a number of architectural approaches to differentiate the first floor of a development from the upper floors in an attractive way. Mr. Chave said the step back approach was originally adopted by the City Council as a way to differentiate between 25 and 30-foot buildings. They settled on the step back approach as a compromise solution. However, he acknowledged there are other options that would accomplish the same goal and buildings can be attractively designed with no step back. He specifically referred to the Beeson and

and Chanterelle buildings, which provide good examples of other ways to address the issue.

Board Member Stewart suggested that rather than talk about height, the City could identify design goals that must be met as part of a development agreement. The City Council could then negotiate the final decision with the developer. They should focus on the function of a building rather than the specific height. Board Member Clarke agreed and suggested that most people have difficulty visioning height. Somehow the community has gotten stuck on a numerical figure to address the height issue rather than a visual understanding of what a development would look like. This approach must change if they want to promote a unique and attractive environment.

The Board directed staff to prepare draft code language that would enable the step back issue to be addressed on a case-by-case basis using the development agreement process.

Mr. Chave summarized that staff would prepare draft code language as directed by the Board. The draft proposal would be presented to the Board for additional review on March 23rd. It is anticipated a public hearing would be scheduled for April 13th.

THE BOARD TOOK A BREAK AT 8:35 P.M. THEY RECONVENED THE MEETING AT 8:45 P.M.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 18.05 AND 20.15 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (FILE NUMBER AMD-2010-0004)

Mr. Clugston reviewed that the Board has held multiple meetings on this topic since April 2010, and their work has led to the creation of completely revised draft regulation, which was distributed for Board review on November 10, 2010. The Board discussed various refinements of the draft regulation in detail at their January 12, 2011 meeting. In addition, the Architectural Design Board reviewed the document on February 16, 2011. Overall, they were satisfied with the proposed language, but they offered some additional clarification. Using input from both the Planning Board and the Architectural Design Board, staff worked with the City Attorney to further refine the draft (Attachment 3). He specifically highlighted the following changes:

1. The term "ground-mounted facilities" was changed to "monopole facilities" for clarity since other possible ground-mounted facilities like lattice towers and guyed towers are specifically prohibited.
2. Upon the recommendation of the City Attorney, the definitions would be included with the chapter as opposed to placing them in a different title.
3. Section 20.50.050.N (landscaping and screening) was updated to better reflect existing landscaping code (ECDC 20.13).
4. The Planning Board's recommended language for location and height of building-mounted wireless facilities was included in ECDC 20.50.090, and their recommended language for structure-mounted antennas was included in ECDC 20.50.100.
5. Table 20.50.080.2 was eliminated and monopole height and setbacks were aligned to Chapter 16 (zoning).

Mr. Clugston referred the Board to an email from Council Member Petso asking the Board to consider the fact that she has heard comments from neighbors about service vehicles parking on lawns and landscaped areas. He pointed out that ECDC 20.50.050.F states that any application must demonstrate there is sufficient space for temporary parking for regular maintenance of the proposed facility. Problems would be dealt with on a complaint basis. Vice Chair Reed asked if Council Member Petso's concern is a result of access problems or just bad manners. Mr. Clugston said it is probably the latter. However, he noted that in some situations, private residential property owners have located landscaping or lawn area within public rights-of-way.

Board Member Clarke asked if it would be possible to address the problem by providing signage to identify the parking space for service vehicles. Mr. Chave pointed out that parking is generally located within the right-of-way and they typically try to pull the vehicles as far off the road as possible. He acknowledged that this can impinge on landscaping that has been planted by private property owners in the rights-of-way. He suggested this is an operational issue and property owners may have to remind service

Main Street and 5th Avenue, but not in the rest of the BD zones. It ruins any chance to stack the floor plan of the two levels of residential unless all floors are held back from the podium edge. The problem here is that you simply don't have the height that would make a smaller footprint make sense.

The step back rule also is simplistic in that it encourages a clone of the same design, with many colors of the same wedding cake. The step back rule produces building designs that have no similarity whatsoever to the existing downtown core. The biggest proof that it is a poor choice for getting the extra five feet of height is the simple statistic of the number of new designs that have been proposed and constructed in the years since the rule was enacted; zero, nothing, not a single project. This three-year dead zone in Edmonds' history has had a ripple effect from an idle building department to pointless meetings by the functioning committees that are supposed to be considering design issues and making decisions. I ask the Board to start rethinking this rule, even tonight, and consider a tray of choices other than just the step back for developers to create projects in the BD zones that can include the critically needed five feet above the 25-foot limit. If you need a place to start, my project is ready now to be critiqued and discussed."

Ron Wambolt, Edmonds, thanked the Planning Board for the work they do. They do a lot of hard work, and sometimes not even the City Council appreciates their efforts. He referred his comments to the post office property, which he believes is an unprecedented opportunity to get attention focused on the entire area, particularly the south side of the block from 2nd to 3rd Avenues. He noted that the last development in this general area was in 1996, when the mixed-use building on the west side was constructed. Astonishingly, there has not been a single mixed-use project in any BD zones since they were created in 2006. The post office project needs to be done right in order to inspire other developers. The project would not have a sunken first floor, but would have a first floor with ceilings tall enough to accommodate people other than midgets. It would also be solidly constructed. However, the project would not be allowed sufficient height to accommodate three floors of apartments in the first phase of the project. This is a shame because that additional floor would only require four more feet of height allowance above code for a total of 34 feet. Four more feet would allow about 17 more apartments, and the sales tax from the construction would be at least $200,000. Property taxes from the project would be about $20,000 more each year.

Mr. Wambolt recalled that Mr. Spee has publicly stated that a third floor would allow him to fit the monthly rates for all apartments $200 lower than what the rates would be without a third floor. He reminded the Board that one of the City's goals is to foster more affordable housing, and this would be a very tangible step in the right direction. He expressed his belief that the current City Council would like to see three floors of apartments on this site. He strongly urged the Board to collaborate with staff to quickly get the codes changed in order to allow the project to proceed with three floors of apartments. Everyone recognizes the City needs economic development, and he encouraged the Board to be proactive and maximize this great opportunity.

REVIEW AND DISCUSSION ON POTENTIAL UPDATES TO BD ZONING PROVISIONS

Mr. Chave advised that staff recently met with the City Council's Development Services/Community Services Committee to identify several potential amendments that would improve the BD zones, including:

1. **Designated Street Front.** The BD1 zone has a map associated with it that clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area. For example the post office is on a site opposite a commercial area, so it makes sense to continue that, but multi-family and single-family development is located further down the block. It may not be appropriate to force commercial all along that block on the ground floor.

2. **Commercial Depth Requirement.** The commercial depth requirement in the BD1 zone is 30 feet on the ground floor. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the "right" number and should it be 30 feet?, and (2) shouldn't the requirement be consistent in, or possibly even higher, in the BD1 zone versus the other BD zones? For example, staff does not believe it makes sense to have a higher standard in the BD2 zone as opposed to the BD1 zone.

3. **4th Avenue Cultural Corridor.** The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor, linking downtown to the Edmonds Center for the Arts. The 4th Avenue Cultural Corridor Design Implementation and Funding Plan was adopted after the BD5 zone was created. If the City wants to get serious about implementing the study, they should review the zoning and make the appropriate changes to implement the plan. For example, they may want to consider adopting all or portions of the study into the code as design guidelines. This project may require more time than the first two items discussed above, so it may be reasonable to work on Items 1 and 2 before taking up the 4th Avenue Cultural Corridor review.

4. **Additional Items.** The issues raised earlier in the meeting by private citizens may be relevant issues to consider as they review the BD zones.

Board Member Reed noted that the City Council's Development Services/Cultural Services Committee also considered additional changes related to green building incentives, which were forwarded to the Citizen Economic Development Commission. Mr. Chave noted that this is a much broader topic that is not specific to the BD zones, and the Board will be part of the team that working on this issue.

Chair Lovell said that much of what is contained in the current zoning requirements is based on current development. It does not provide for a degree of flexibility or departure from the specific requirements such as first floor depth and building heights. He questioned if the Board should focus their discussion on the three items raised by staff and the issues raised earlier by the citizens and recommend "band aid" amendments, or should they review the entire BD zoning code to come up with something that makes more sense for the 21st Century.

Mr. Chave said that one goal of the University of Washington studies of Westgate and Five Corners is to come up with a new kind of template for form-based zoning. If it works in those areas, the City should logically be able to apply the same concept in other areas such as downtown. He explained that form-based zoning allows the City to address form, scale and appearance in a more holistic and less formulaic way. There would not be a specific height or setback requirement. Instead, the requirements would be tailored to a particular location or street. The City's current one-size-fits-all zoning does not accomplish this goal. However, he does not anticipate the Westgate and Five Corner Business studies would be completed until the end of the year. The Board could continue to study the options but hold off on their recommendation until the form-based zoning option is further along. The second option would be to review the proposed adjustments right now and forward a recommendation to the City Council and then continue their discussion regarding form-based zoning options next year. He suggested the Board seek feedback from the City Council at their upcoming joint meeting.

Mr. Chave again said he believes the form-based zoning that is created for Westgate and Five Corners could also be applicable to the downtown zones. He suggested that people are most concerned about design, street front, character and appearance. If these issues are adequately addressed, the specific height of a development is secondary.

Chair Lovell suggested staff provide an abbreviated narrative and a pictorial diagram to demonstrate the problems that have come up with the existing language and how staff is proposing to address the issues. Mr. Chave agreed that staff could provide more information regarding the three items outlined in the staff report. However, he emphasized that because of the down economy, there has been very little development in the BD zones since they were created. Therefore, staff does not know what works and what does not. He suggested the Board invite Mr. Spee to share his experience working with the existing code and the demands of perspective tenants. Chair Lovell noted that he and Board Members Johnson and Reed were present when Mr. Spee made his presentation to the Citizens Economic Development Commission.

Board Member Reed said he does not have a problem dealing with each of the three items referred to them by the Development Services/Community Services Committee. He suggested the Board form a subcommittee to review the 4th Avenue Cultural Corridor Design Implementation and Funding Plan and identify the types of changes that are needed for the BD5 zone. He expressed his belief that now is a good time to start this joint discussion with the City Council and Planning Board.

Board Member Clarke stressed the importance of considering all aspects of zoning and land use issues related to the downtown. He emphasized that he does not have any pre-formed ideas about what building heights in the City should be, but he gets a little weary of individuals who acquire property for redevelopment without clearly understanding the laws of economics. They often create a project proposal that is financially non-feasible unless they obtain greater building heights. He reviewed that in the 1980's three new buildings were constructed on the Edmonds waterfront, and each were three stories in height with restaurants on the top floor. Two of the restaurants were converted to office space because the restaurants were not viable. The third still has an operative restaurant. Two-story office buildings have been built on 5th Avenue South between the fountain and Walnut Street, and all were economically viable when they were constructed. Building heights had nothing to do with financial viability. Office buildings were constructed throughout the 1990's on the west side of 2nd Avenue from Main Street to Dayton Street. They consist of two-story construction with condominiums on the second floor and office space on the first floor, with below grade parking. The building at 110 Main Street also has parking on grade, with one floor of office and one floor of condominiums. All these developments were accomplished with a 25-foot height limit, and all were economically viable. They all sold well as condominiums and leased well as office buildings. He summarized his belief that the need to go three to four stories is not a requirement for financial viability if the site is purchased for the right price and construction prices are low.

Board Member Clarke expressed his belief that they should review zoning code flexibility in relationship to depths, need and placement of commercial space. He noted that the character of the area on 2nd Avenue north of Main Street is different than Main Street, and it does not make sense to require commercial development in this area. He summarized that the real estate market ebbs and flows in cycles, and they cannot blame building heights on real estate cycles. They are experiencing the worst real estate cycle since the depression. They need to recognize that things are bad. There is no panacea of developing four, five or six-story buildings because they will all sit vacant. He suggested they drive through downtown Kirkland and note how the ground floor commercial space in the mixed-use projects is sitting vacant because tenants cannot afford to pay rent. He noted that none of the buildings in Mill Creek are greater than two stories except one mixed-use building that has condominiums at the top. Even the Swedish at Mill Creek building is not four stories in height. He said he does not believe that four-story buildings are necessary to be economically viable. He cautioned against the idea of increasing the City's tax base becoming the basis for doing real estate development. Instead, they should blend land-use economics, land-use laws and current zoning concepts to make something that works in the marketplace and that is attractive. He suggested they get past the issue of building height and look at what makes sense. He felt they should move forward with a discussion of the issues raised in the staff report.

Chair Lovell said he presented the Planning Board's report to the City Council at their retreat on February 4th. It was received without any specific comments. He suggested that Mayor Cooper reestablish the regular meetings he used to have with the Board Chair and Vice Chair. The Mayor agreed this would be helpful. He said he also addressed the matter of short circuited communication between the Planning Board and City Council. He pointed out to the City Council that all of the various plans and ideas that are currently being considered related to land use will eventually come before the Planning Board for a public hearing and a recommendation to the City Council. He suggested that the Board and City Council should meet jointly and perhaps establish a task force to help expedite the process by addressing some of the sore points so the plans can move forward.

Again, Mr. Chave suggested the Board start conversations related to form-based zoning and what they want to achieve so that when a template is in place later in the year the information can be translated into the template.

Board Member Reed questioned how the downtown zoning discussion originated. Mr. Chave said the BD zones were created to implement the updated Downtown Waterfront Plan Element of the Comprehensive Plan. He recalled that the step back requirement was intended as a compromise between those that wanted a 25-foot height limit and those who felt the height limit should be 30 feet. Because there has been very little development, staff does not have a clear understanding of whether the concept is workable or not. This would be a good time for the Board to review the concept again and determine if it is something they want to retain or if they want something a little different.

Board Member Cloutier expressed his belief that implementing form-based zoning and addressing the issues raised in the staff report are not mutually exclusive approaches. The decisions that are made related to the issues raised by staff could become part of whatever form-based zoning code is implemented in the future. He suggested the Board begin the process of addressing the

addressing the issues outlined by staff, but also start conservations about the bigger approach for implementing form-based zoning that holistically addresses all the BD zones.

Board Member Clarke commented that real estate exists for human activity. Sometimes they forget about the elements they would like to have in the City. For example, a hotel on the post office site could be a great amenity for the City. This type of use could require a greater building height in order to make it a viable structure. They need to look at the various land uses as part of a global picture for the downtown and ask the question of what they are trying to create, and what kind of buildings would need to be designed to accommodate these human activities. He felt this would give the community a broader incentive to make changes so redevelopment could be more attractive, livable and sustainable in the future. For example, they need to look at how to reuse existing buildings, create parking that works, etc.

Chair Lovell questioned if a professional consultant would be required to help the Board through the process. Again, Mr. Chave suggested the Board have a discussion with Mr. Spee and his professionals to find out what they have been doing. He said he is not sure it would be necessary to hire a consultant to work with the Board at this stage.

Chair Lovell referred to the Downtown Waterfront Plan that was adopted in 1994 and is available via the City's website. Mr. Chave said this plan was updated in 2005. Chair Lovell pointed out that many of the recommendations in the plan have already been done. The document can be used as a reference and he recommended the Board Members all review it. Vice Chair Reed noted that much of the language in the Comprehensive Plan was taken from the Downtown Waterfront Plan.

The Board agreed to discuss potential updates to the BD zoning provisions at a joint meeting with the City Council. Chair Lovell agreed to contact the City Council President to schedule the joint meeting. Chair Lovell and Vice Chair Reed also agreed to meet with the City Council President to discuss the joint meeting agenda. Chair Lovell indicated he would contact Mr. Boyer to obtain additional information about the changes proposed by Mr. Spee.

Board Member Clarke pointed out that Leavenworth has specific design standards for their city. Mr. Chave said they have what is called a design theme. Board Member Clarke noted that other communities use design themes, as well. He asked if this concept could enter into the discussion about the BD zones. Mr. Chave expressed his belief that the community has never gotten past the height discussions to talk about actual design. He suggested they flip the discussion to talk about design first, and height should follow as a result. He acknowledged that this would not be an easy task.

VACANT PLANNING BOARD POSITIONS

Chair Lovell reported that Mayor Cooper has received four applications for the vacant Planning Board positions. He agreed to contact the Mayor to find out more about the process and timeline for candidate selection.

REVIEW OF EXTENDED AGENDA

There was no discussion related to the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell said that in his presentation to the City Council he reminded them that the Board's charge is to work in concert with the Citizens Economic Development Commission to create a more sustainable Edmonds for the future, environmentally, economically and livability wise. As planners and participants in the process, they must get beyond the idea of just building LEED buildings. There are many other aspects of sustainability that can be implemented.

Chair Lovell agreed to contact the Chair of the Citizens Economic Development Commission and Mr. Clifton, Community Services/Economic Development Director to discuss how to proceed with their joint economic development report to the City Council.

Item #__6a_

Edmonds Planning Board Agenda Memo

Meeting Date:	June 8, 2011
Agenda Subject:	Public Hearing on draft amendments to downtown BD zones.
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

The Planning Board had discussions on potential amendments to the downtown BD zones during its meetings on March 9th, March 23rd , April 13th, and April 27th of this year. The draft amendment language prepared for the public hearing show what the BD zoning chapter would look like if the following features were included:

1. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone. Another option being considered by the Planning Board is to be even more restrictive, i.e. prohibiting office, professional office, *and service uses* in the 'designated street front' of the BD1 zone. Only retail and restaurant uses would be allowed along the street front.

2. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater

standard (i.e. 60 feet) outside the retail core. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.

3. Step-back requirements. The issue here is that it appears that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce. This in turn ends up prohibiting a building from actually being built within the established downtown height limits. In the sample draft provided for the hearing, step-backs are reduced from 15 feet to 5 feet. As another option, the Board is also considering removing the requirement entirely. Currently, there is no step-back requirement in the BD1 zone, but a 15-foot step-back is required in other BD zones.

4. Development Agreements. Development agreements are authorized in the current draft code amendment language (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. The Planning Board has been discussing whether these are the right criteria, and whether development agreements should be available in all BD zones. For example, the Board has discussed not allowing these types of development agreements in the BD5 zone (the Fourth Avenue Arts Corridor).

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

EXHIBIT 5

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

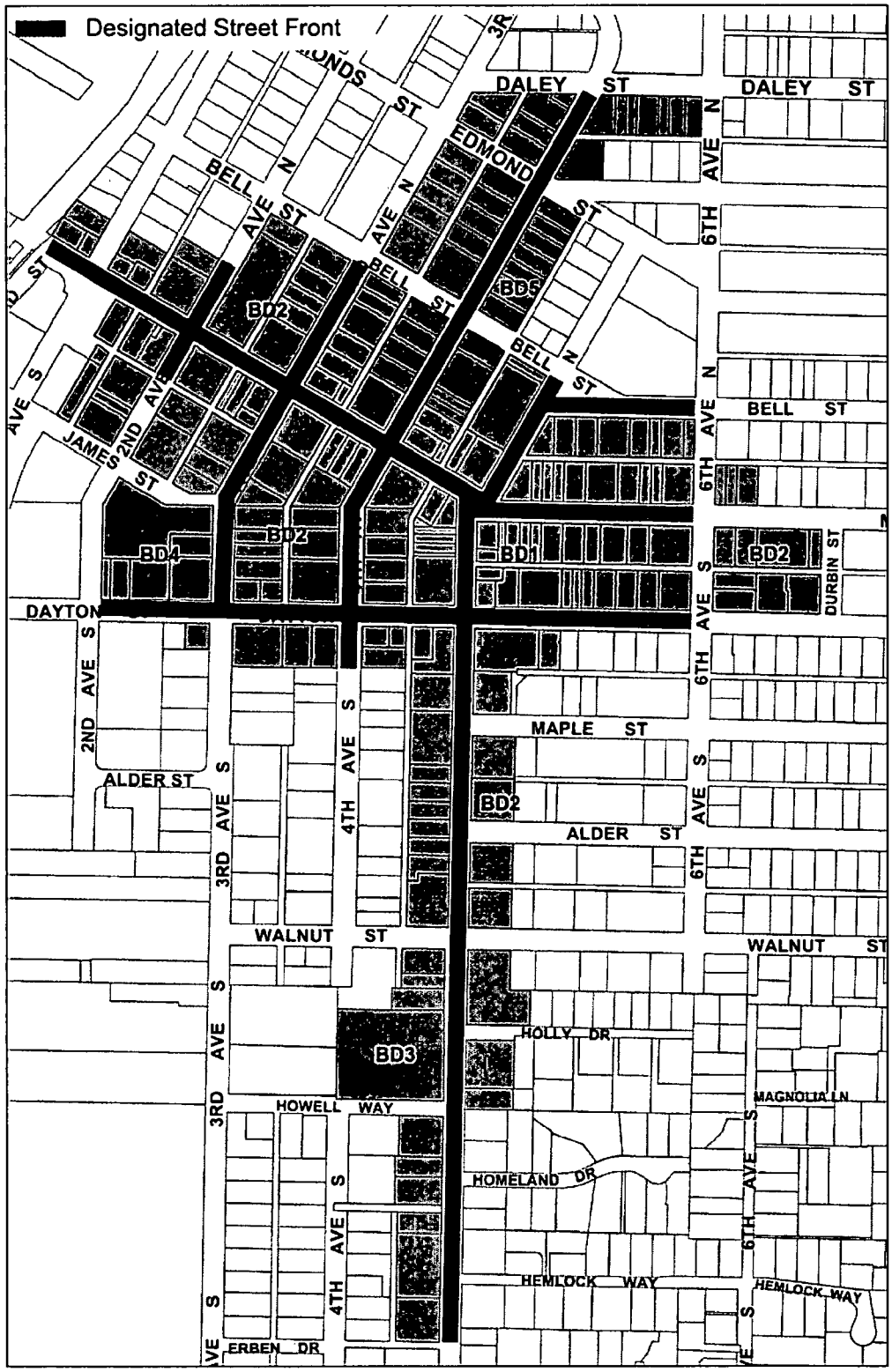
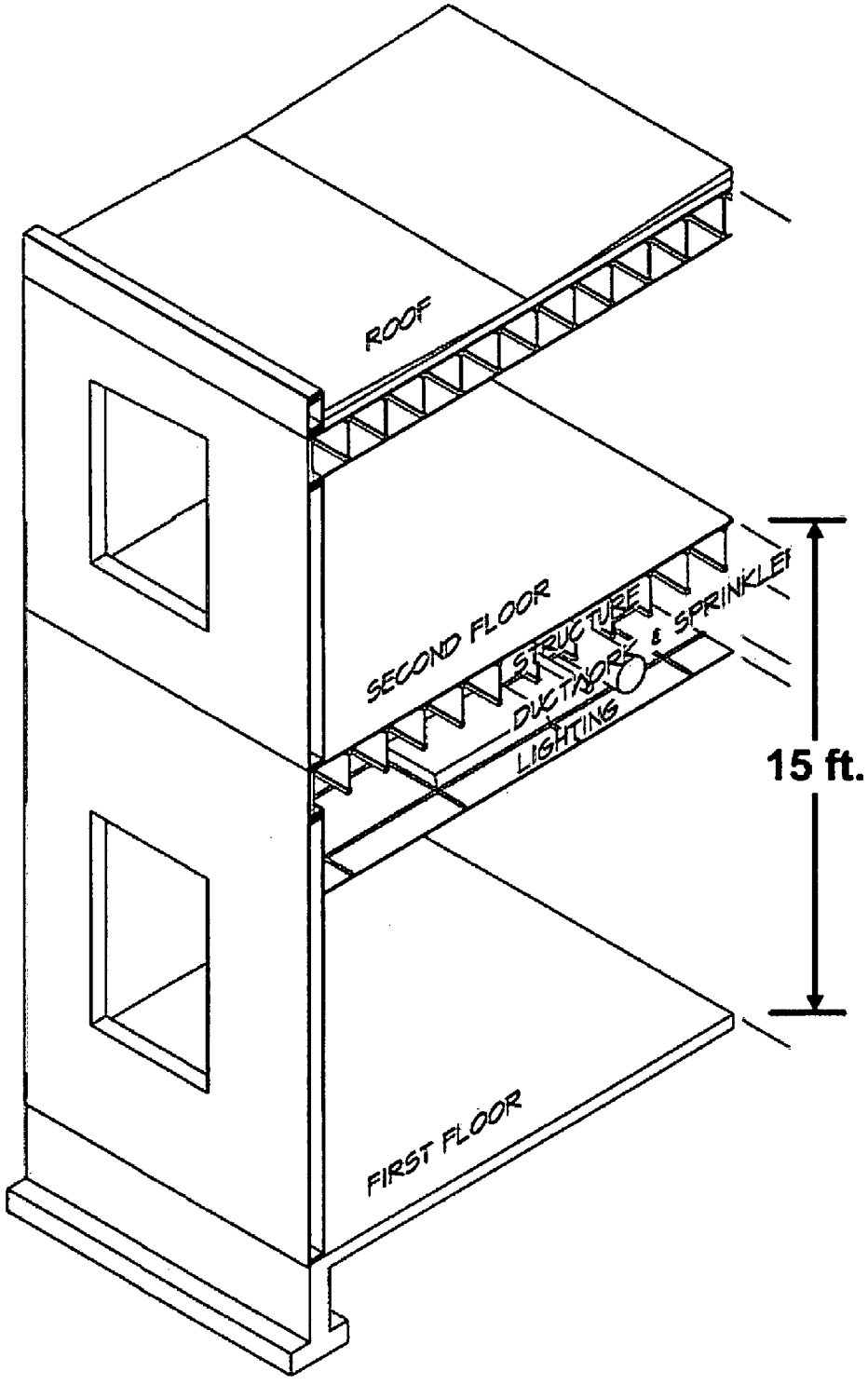


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

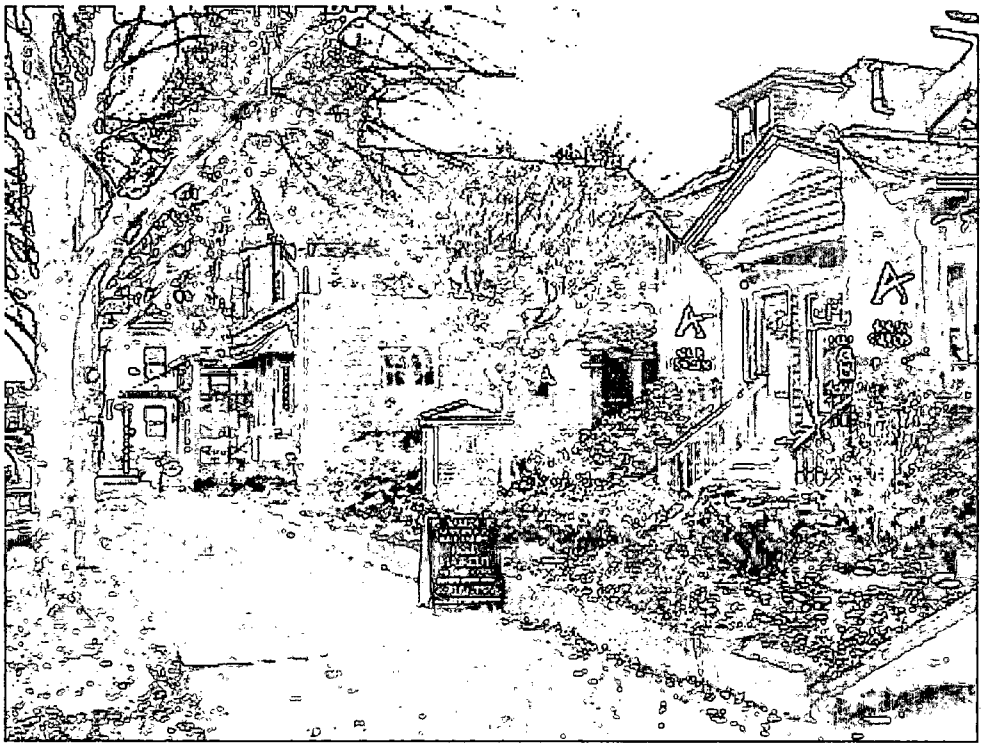
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~ 5 feet of any street front. Within the ~~15~~5-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a ~~15~~5-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

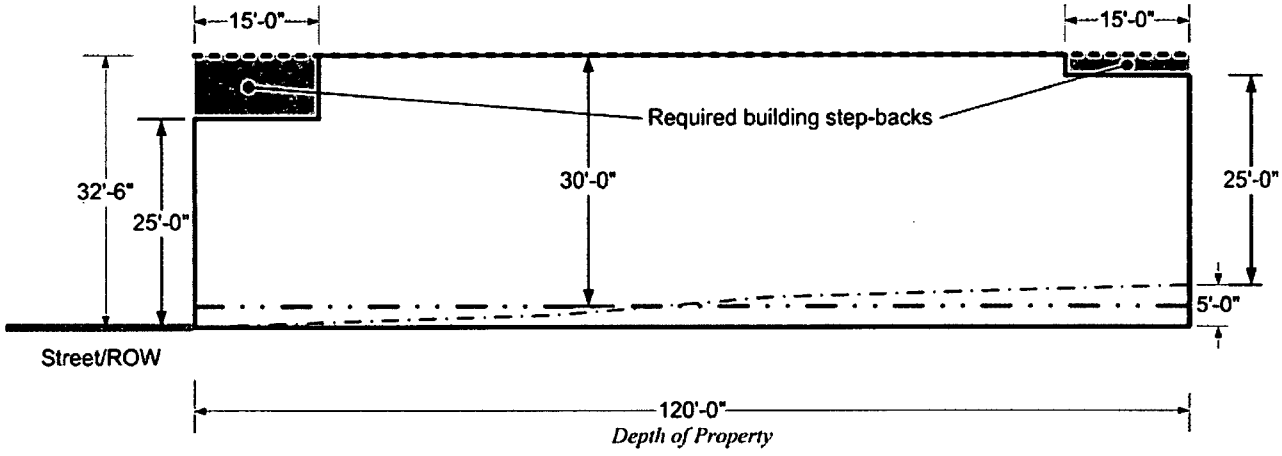
ii. A ~~15~~5-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a ~~15~~5-foot step-back is required on more than one street front, there is no ~~15~~5-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~10~~3-foot building step-back to meet the ~~15~~5-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

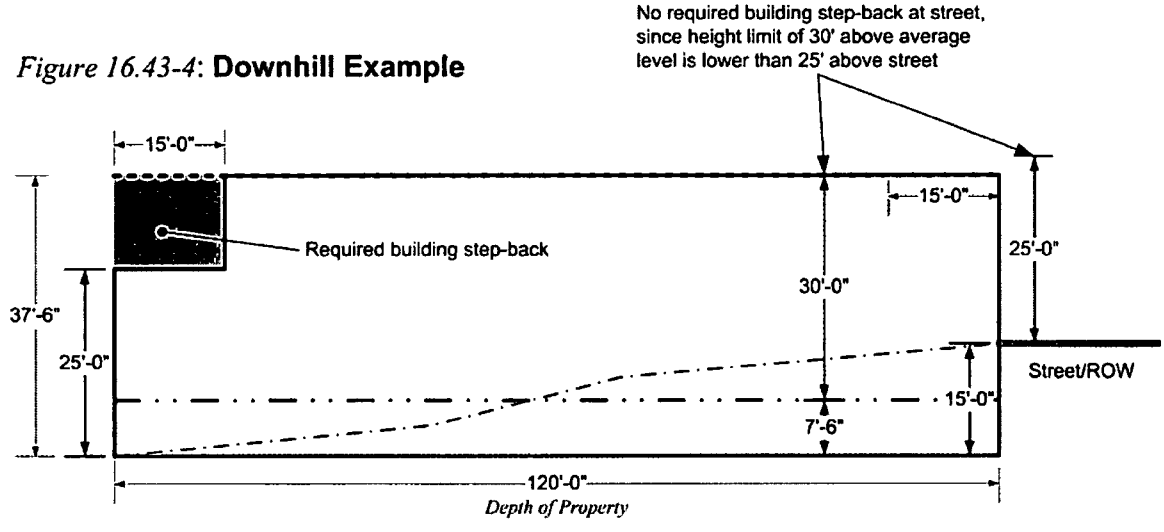
Note: the diagrams on this page must be changed to match any changes to required the step-back (e.g. 0 or 5 ft)

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

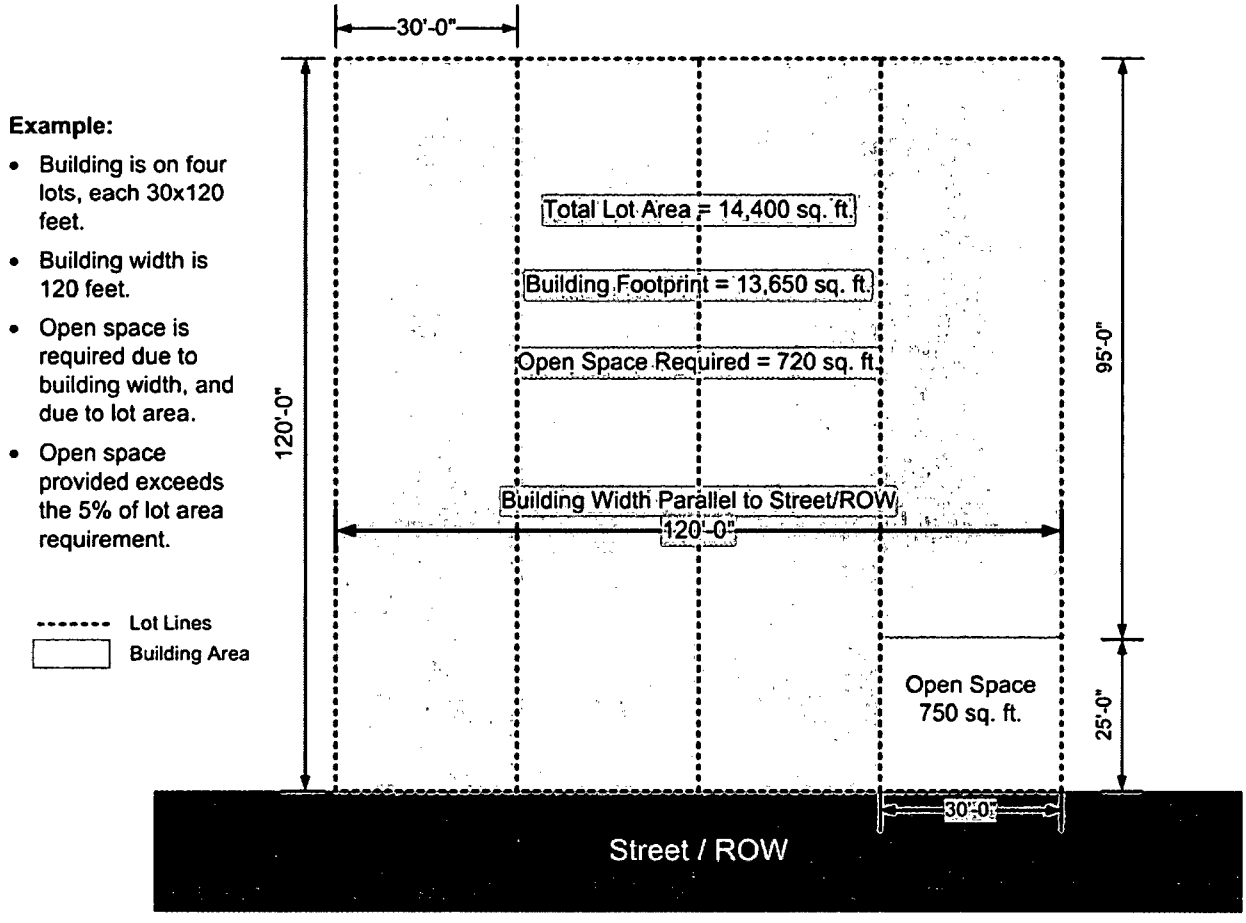
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040.

{The following Alternative to "B" is also being considered}

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35 feet or three stories, whichever is greater.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

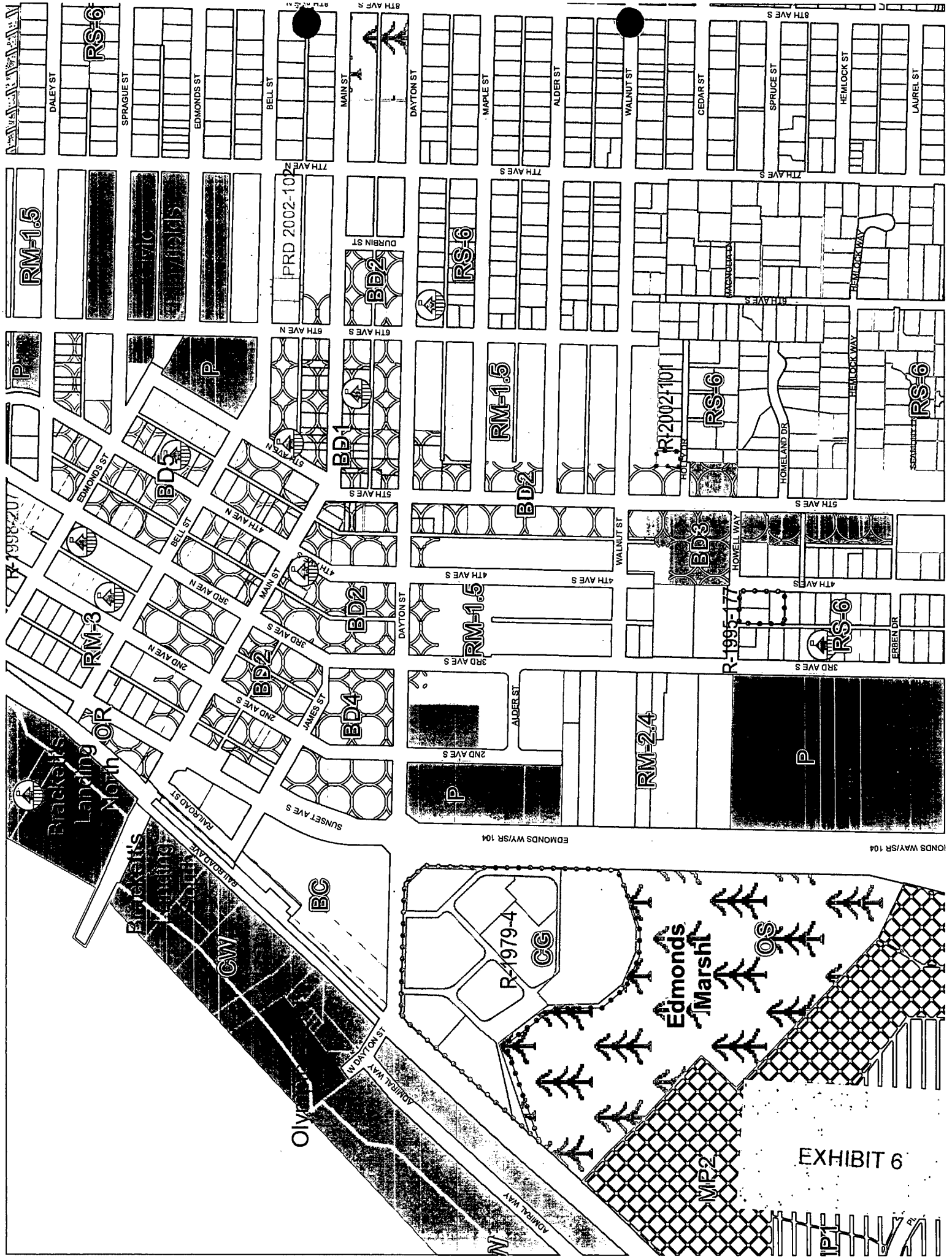
a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.



RM-1.5
RS-6
PRD 2002-102
BD2
BD1
BD5
BD3
BD4
RM-3
RM-2.4
R-1998-207
R-2002-101
R-1995-177
R-1979-4
CG
OS
MP2
BC
CW
OR
P
Brackett's Landing North
Brackett's Landing South
Edmonds Marsh
DALEY ST
SPRAGUE ST
EDMONDS ST
BELL ST
MAIN ST
DAYTON ST
MAPLE ST
ALDER ST
WALNUT ST
CEDAR ST
SPRUCE ST
HEMLOCK ST
LAUREL ST
8TH AVE S
7TH AVE N
7TH AVE S
6TH AVE N
6TH AVE S
5TH AVE N
5TH AVE S
4TH AVE N
4TH AVE S
3RD AVE N
3RD AVE S
2ND AVE N
2ND AVE S
JAMES ST
SUNSET AVE S
RAILROAD ST
RAILROAD AVE
DURBIN ST
HOMELAND DR
HOWELL WAY
ERBEN DR
MAGNOLIA LN
HEMLOCK WAY
W DAYTON ST
ADMIRAL WAY
EDMONDS WY/SR 104

EXHIBIT 6

DRAFT MINUTES

Community Service/Development Services Committee Meeting
August 11, 2010

Elected Officials Present:	**Staff Present:**
Council Member Strom Peterson, Chair	Rob Chave, Planning Manager
Council Member Petso	Brian McIntosh, Parks Director
	Rob English, City Engineer
	Stephen Clifton, CS/Econ Dev Director
	Phil Williams, Public Works Director

The committee convened at 6:17 p.m.

A. Continued discussion regarding a proposed "Tree Board."

Barbara Tipton, Rich Senderoff, and Ann Heckman participated in the discussion, explaining that the benefits and purpose of establishing a tree board are outlined in the draft ordinance. A major purpose is to move the city toward obtaining the Tree City USA designation, since having a tree board is a necessary requirement for obtaining that status. The ordinance does not introduce any new regulations or requirements beyond what the city is already doing, but the designation would enable the city to seek funding to help in researching and promoting the benefits of trees in the community. The tree board could also serve as a resource the city could draw on.

The Committee also briefly discussed existing penalties for tree cutting, and agreed to discuss this subject further at the September meeting.

ACTION: The Committee agreed to forward the draft ordinance to the City Attorney to put in final form for consideration for adoption by the full Council.

B. Removing leashed dog restrictions in Hutt Park and the asphalt areas of Brackett's Landing north and south of the ferry terminal.

Brian McIntosh explained that the proposal to extend provisions to allow dogs to be on-leash in Hutt Park came about at the April 20, 2010 public hearing in regard to a similar discussion for five other park areas in the City. Three of those parks were recommended to become on-leash (with restrictions) and Council decided not to extend that recommendation to Brackett's Landing North & South. As Hutt Park was not part of the public hearing, it was decided to take this to Council Committee as the next step.

Council President Bernheim tonight spoke in favor of extending the on-leash areas to both Brackett's Landing North & South Parks adjacent to the ferry terminal. Consensus of the Committee was to move forward with the proposal for Hutt Park but deny the request to extend on-leash provisions to the Brackett's Landing parks.

ACTION: As this action would result in a code change, the Committee agreed that it should be forwarded to full Council as a public hearing at a future date.

EXHIBIT 7

C. Discussion on possible 'green' initiatives and zoning clarifications for downtown business zones.

Rob Chave introduced the discussion by explaining that there are several items staff wishes to initiate to clean up in the existing downtown BD zones, such as the required depth of commercial uses, the zoning requirements along the 4th Avenue Arts Corridor, and clarifying where the commercial street frontages are outside of the BD1 zone. In addition, Stephen Clifton reported that staff has been fielding inquiries from major private interests on zoning requirements related to downtown; these interests range from individual property owners to developers of hotels and other projects. In all cases, concern has been expressed about working within existing code requirements. In light of the city's adoption of its sustainability element, staff considers it a good time to see whether Council would be receptive to including incentives in the code that would promote features such as green building projects (LEED Gold being an example), expanded open space and sidewalk areas, or other amenities that would improve downtown streetscape and design. Additional height was noted as being something developers have asked about, and that small, carefully situated height bonuses implemented as part of a project-specific negotiated development agreement approved by Council, could be something that staff and the Council could develop within the code.

Council Member Peterson noted that this could be something that fits well with the city's economic development goals, as well as showing leadership in sustainability and green development. Council Member Petso expressed support for including green development standards within the code as a basic requirement, but said she did not support trading environmental benefits for any increases in height or other incentives.

The Committee discussed the approach of asking the full Council to discuss the issue, or allow the Economic Development Commission to work with the Climate Committee and/or Planning Board to develop some ideas that could be brought back to the Committee for further discussion.

ACTION: The Committee agreed to forward the staff recommended minor BD zone updates (review of the 4th Avenue Arts Corridor zoning and street frontage mapping) to the Planning Board for review. The Committee also forwarded the commercial depth requirements to the Planning Board, asking the Board to review the existing depth for the BD1 zone along with the other BD zones; the Committee expressed doubt that the existing 30-foot depth in the BD1 zone is adequate to encourage sustainable commercial use.

ACTION: The Committee agreed to forward the issue of code incentives and/or requirements for sustainable development downtown to the EDC and Climate Committee to develop further, with ideas brought back to the Committee for further review and discussion.

D. Proposed 8th Ave South pathway south of Alder Street.

Rob English (City Engineer) presented Mr. Adams' proposal to build a pathway between 802 and 724 Alder St. in the unimproved 8th Ave right of way. The pathway would begin at Alder St and continue to the existing path on the south half of the 8th Ave right of way between Alder and Walnut Streets. Mr. Adams has offered to hire and pay a contractor to construct the path. The conceptual drawing submitted by Mr. Adams was shown to the committee.

The history on previous City Council action related to the possible vacation of 8th Ave and the pathway between Alder and Walnut Streets was discussed. In November 2005, the City Council decided not to pursue the vacation of 8th Ave and in February 2006, the City Council directed staff to build only the south half of the pathway between Alder and Walnut Streets.

The Committee recognized and asked for comments from Mr. and Mrs. Martin who own 724 Alder St. The Martins explained their observations of how the path is used by citizens and how they believe a new pathway is not necessary. They also expressed that Mr. Adams is one of four property owners adjacent to the unopened 8th Ave right of way between Alder and Walnut Streets and he is the only owner in favor of constructing the proposed pathway.

ACTION: The Committee voted to not proceed with Mr. Adams' request to construct the proposed pathway.

specifically audit this project. Mayor Cooper advised Mr. Taraday, the City Clerk and he will provide responses to Councilmember Bernheim's questions.

Councilmember Fraley-Monillas commented she was speechless. She believes this will be looked at in a thorough manner. She looked forward to determining how to proceed in the future and appreciated Mr. Williams' input regarding a policy to avoid this in the future. She wondered if the Council would have stopped the project if they knew the overruns were this high; remarking the Council should have been given the opportunity to make that decision.

Councilmember Wilson commented the Auditor is not the appropriate arbiter of whether something is legal or illegal. Before the next Council meeting he suggested a definitive answer be provided by someone outside the City, whether that was an investigation by the Office of the Attorney General or the King County Prosecuting Attorney's Office or some other entity. He summarized it was not appropriate for the Council or Mayor to pass judgment regarding what was legal or illegal.

Councilmember Plunkett suggested scheduling an Executive Session with regard to what is legal and illegal, whether to pursue an investigation, etc. Mr. Taraday answered if the Council was contemplating whether the City has a cause of action that would be appropriately discussed in Executive Session as would be the defense regarding the request for equitable adjustment. Councilmember Plunkett commented Mr. Williams, Mr. Taraday and Mayor Cooper made every effort to make the information public as soon as they received it. The Council now needs to discuss how to proceed in Executive Session.

Council President Peterson scheduled an Executive Session on September 6, 2011 at 6:00 p.m.

Mayor Cooper advised staff will answer the questions asked by the Council and schedule review of a purchasing policy on a future agenda.

(Councilmember Wilson did not participate in the following items.)

7. POTENTIAL AMENDMENTS TO DOWNTOWN BD ZONES.

Planning Manager Rob Chave advised the Community Services/Development Service Committee discussed this at their recent meeting and forwarded three of the Planning Board recommendations to the Council for further consideration. Development agreements are not part of this agenda item and will be scheduled for a future Council work session.

Council President Peterson clarified tonight's discussion did not include development agreements. The City Attorney will review the issue of development agreements and make further recommendations. Mr. Chave advised the City Attorney will provide background on development agreements at a future work session. Council President Peterson advised he has been working with Mr. Taraday to schedule a work session on land use issues.

Councilmember Bernheim provided a PowerPoint presentation. He expressed support for the 45-foot depth for the storefronts and not allowing offices on the ground floor in the retail core. He did not support removing the step backs in the BD zone, at least at this point; and did not support allowing buildings as tall as 35 feet along the main retail corridors, Fifth Avenue and Main Street, noting he had seen no research or evidence proving these are good ideas. He provided photographs supporting his research that step backs are highly desirable and are necessary to preserve human scale, noting step backs are required in Kirkland and Friday Harbor. As support for his opposition to 35-foot buildings, he provided photographs of 1-2 story buildings along main shopping streets in Kirkland and Edmonds. He provided several photographs of buildings he liked.

Councilmember Bernheim said he would not approve an increase in height limits on the main retail shopping streets just to keep a post office or build a boutique hotel. He envisioned the sky, the air above, the view, the pedestrian scale, trees taller than buildings as the City's "seed corn," the City's heritage and the tourism golden egg and he would not sell it for the promise that residents could "save a buck on property taxes." He suggested the following ideas be considered before approving a permanent height increase:

- Limit the width of buildings on the street front (to break up buildings into smaller pieces)
- Measure height from the main street instead of the center of the lot (so the height of the building slopes with the street)
- Develop the alleys (to provide more storefront)
- Limit the volume of the building to, e.g., 250% of the lot size (to give builder flexibility, but control maximum building mass)
- Underground utility wires
- Replace some on-street parking with a pedestrian pathway

Councilmember Bernheim proposed the following:

1. Anywhere downtown, amend the Code to allow an extra 3 feet for solar panels (the City already allows unlimited extra height for church steeples, 3 feet for elevator penthouses and chimneys, 18" for vent pipes, and 30" for stand pipes. ECDC 21.40.030).
2. Maximum building height for lots in any BD zone should be between two and four stories
   - Stories above the second story should be set back 45 feet along Main Street and Fifth Avenue to match the recommended depth of the retail space.
   - All development in the BD zone above two stories requires ADB review after new guidelines are adopted.
   - Two stories along the main retail streets will protect human scale and pedestrian orientation.
   - Four stories everywhere in the BD zone with ADB approval except the valuable shopping streets.
3. Eliminate three-hour free parking
   - In BD-1 zone, 2 hours free, pay for anything over that, up to 4 hours.
   - In other downtown zones, to create commuter, transit-oriented parking, 2 hours free, pay for anything over that, up to 14 hours.

Councilmember Bernheim suggested holding a town hall meeting where residents can be heard, and can work together to find common ground. He summarized economic development does not require changing the zoning code to allow taller buildings. Building heights can be raised but only if residents support that change in the community character. To promote economic development, zoning codes should be predictable and fair; there are many more solutions than raising building heights along main historical town streets.

Councilmember Petso commented earlier this week she sent an email to some Councilmembers, Mr. Chave, Mr. Taraday, Mr. Clifton and Mayor Cooper conveying her analysis that the building height limit was 25 feet but the proposed amendments to Section C2 and C3 would change the height limit to 30 feet. Previously those sections allowed 30 feet with step backs for pitched roofs and the amendments appeared to allow 30 foot boxes. Mr. Chave answered 25 feet is the basic height limit in the BD zones and there are different ways to achieve 30 feet. For example in the BD1 zone, a 30-foot height can be achieved if the building has a 15-foot ground floor. In other BD zones a 30-foot height can be achieved with a step back and a 12-foot ground floor. The Planning Board recommendation eliminates the step back requirement but retains the 12-foot ground floor requirement.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ADOPT THE PLANNING BOARD RECOMMENDATION TO CHANGE THE 60-FOOT AND 30-FOOT DEPTH TO A 45 FOOT COMMERCIAL DEPTH IN THE BD ZONES. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO ADOPT THE PLANNING BOARD RECOMMENDATION TO EXCLUDE OFFICE USES FROM THE STORE FRONTS IN THE BD1 ZONE.

Councilmember Plunkett relayed he would be unable to support this amendment, envisioning a property owner may not have a tenant without an office use. He preferred to allow the marketplace to determine whether an office such as a tax accountant locates in the BD1 zone based on their success.

Councilmember Fraley-Monillas was also concerned that a space would remain vacant if a building owner was unable to rent to a retail use. She did not support the motion.

Council President Peterson commented service businesses currently located in the BD1 zone would be grandfathered. He pointed out this is not radical thinking; there are retail districts around the world and they exist for a reason. As a retailer he understood that although some service businesses attract customers, a consistent retail base is needed in the retail core. Shoppers in a retail area encountering spaces where curtains are drawn because it is a dental office will often turn around and proceed no further. He emphasized this is proposed for a very limited area of downtown, it is the right thing to do for the greater good of the retail core and it is endorsed by business leaders in the community.

Councilmember Fraley-Monillas commented a dental office cannot be visible to the street due to HIPPA requirements. She envisioned uses such as interior designers, insurance, etc. who bring money to Edmonds. She was not convinced that Edmonds should not allow those businesses as prominently as retail stores. She favored a mixture of businesses in the City. She observed grandfathering meant that existing businesses could remain and asked whether the grandfather clause would allow another office after an office tenant moved out. Mr. Chave answered a similar use could locate in the space within 6 months. He relayed there have been instances where the building owners do not always seek a retail use first and rent to whomever shows up which over time can erode the retail core. The Planning Board's recommendation was only for the BD1, a very small area and only in the first 45 feet of the ground floor. In the BD1 zone offices can locate above or behind a retail uses.

UPON ROLL CALL, MOTION FAILED (2-3); COUNCILMEMBER BERNHEIM AND COUNCIL PRESIDENT PETERSON VOTING YES; AND COUNCILMEMBERS PETSO, FRALEY-MONILLAS AND PLUNKETT VOTING NO.

8. COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS

Councilmember Petso reported on the Public Facilities District Board meeting; these are generally good and exciting times for the PFD. Although items are not usually presented to the Council without review by a Council committee, Councilmember Petso explained the PFD is working on term limits for their boards and they plan to present their proposal to Council on a Consent Agenda.

Councilmember Petso reported the Regional Fire Authority (RFA) Finance Committee is nearly to the point where policy decisions can begin to be made on individual items, from staffing levels to hydrant maintenance, within the RFA. As it will be difficult to get Council enough information in advance to seek policy direction, she planned to tentatively agree to policies to get a preliminary model in place. She will avoid agreeing on more than a tentative basis until there is an opportunity for Council discussion.

Councilmember Bernheim reported he was invited by the Muslim Association of Puget Sound to their beautiful new mosque in Redmond to break the fast.

AM-4159 **Item #: 7.**

City Council Meeting

Date: 08/23/2011

Time:	45 Minutes		
Submitted By:	Rob Chave		
Department:	Planning		
Review Committee:	Community/Development Services	**Committee Action:**	Recommend Review by Full Council
Type:	Action		

Information

Subject Title

Potential amendments to downtown BD zones.

Recommendation from Mayor and Staff

Adopt the recommendation of the Planning Board (Exhibit 9).

Note that this recommendation *does not include* the recommendations regarding development agreements, which will be considered by the Council as a separate issue on a future agenda.

Previous Council Action

The City Council held a public hearing on this issue on July 26, 2011, and referred the matter to the Community Services/Development Services Committee for further review and discussion. After discussion, the Committee forwarded three of four issues to the full Council for further deliberation and potential action. Minutes from both of these meetings are included in Exhibit 8.

Narrative

(Note that Exhibits 1-7 are the same as those included in the July 26th public hearing. Exhibits 8 and 9 are new.)

After a number of months of discussion and work, the Planning Board held a public hearing on June 8, 2011, on proposed amendments to ECDC 16.43, code requirements pertaining to the downtown BD zones. The Planning Board's recommended amendments resulting from that public hearing are contained in Exhibit 1, which shows a markup version displaying changes from the existing code. A staff summary of the proposed changes is contained in Exhibit 2, and the Planning Board minutes are in Exhibit 3.

An earlier staff memo describing some of the issues involved is contained in Exhibit 4, with the hearing draft of the amendments that was considered by the Planning Board contained in Exhibit 5. A map of the existing downtown BD zones can be found in Exhibit 6.

The City Council held a public hearing on July 26, 2011, and referred the amendments to Council Committee for further discussion. The CS/DS Committee discussed the matter on August 9, 2011, and after discussion, forwarded the amendments to the full Council for further deliberation and potential action. The one exception are the amendments related to development agreements, which the Committee recommended by taken up by the full Council as a separate matter, the Committee believing that additional discussion on that subject should take place with the input of staff and the City Attorney in a work session format.

Exhibit 9 contains the amendments recommended by the Planning Board, excluding the

recommendations related to development agreements -- these have been stricken from this draft.

Attachments

Exhibit 1: PB draft code amendments
Exhibit 2: Staff summary of PB recommendations
Exhibit 3: Planning Board minutes
Exhibit 4: Staff memo from 6/8/2011 PB hearing
Exhibit 5: Draft amendments from 6/8/2011 PB hearing
Exhibit 6: Map of BD zones
Exhibit 7: CSDS minutes of 8/11/2010
Exhibit 8: 2011 City Council minutes
Exhibit 9: Draft amendments excluding development agreements

Form Review

Inbox	Reviewed By	Date
City Clerk	Sandy Chase	08/18/2011 10:39 AM
Mayor	Mike Cooper	08/18/2011 04:27 PM
Final Approval	Sandy Chase	08/18/2011 04:30 PM
Form Started By: Rob Chave		Started On: 08/18/2011
Final Approval Date: 08/18/2011		

MINUTES

Community Services/Development Services Committee Meeting
August 9, 2011

Elected Officials Present:	Staff Present:
Council Member Adrienne Fraley-Monillas, Chair	Phil Williams, Public Works Director
Council Member Michael Plunkett	Rob English, City Engineer
	Rob Chave, Planning Managaer
	Jeff Taraday, City Attorney
	Stephen Clifton, Community Services and Economic Development Director

The committee convened at 6:00 p.m.

A. Report on final construction costs for West Dayton Emergency Storm Repair Project and acceptance of project.

Mr. English reviewed the scope and limits of the emergency repair and how agenda items A and B are related since both projects were on the storm pipeline in Dayton Street between the BNSF railroad and Admiral Way. The emergency repair was completed by Interwest Construction and the final costs including staff time and testing was $75,858.

ACTION: Moved to Consent Agenda for Approval.

B. Report on Small Works Roster Solicitation for the Dayton St. CIPP Storm Pipe Rehabilitation Project and award contract to Michels Corporation in the amount of $64,020.00.

The scope of the project was reviewed and an explanation was provided on the cured in place pipe (CIPP) method that will be used to repair 215 feet of existing 24-inch stormline in Dayton Street.

ACTION: Moved to Consent Agenda for Approval.

C. Ordinance Amending the Edmonds City Code, Adding 4-Hour Parking Limitations to Brackett's Landing North Parking Lot.

The Parking Committee recommends a proposed ordinance to add a four hour parking restriction for Brackett's Landing north parking lot in Section 8.64.065 of the Edmonds City Code. The parking lot currently has a posted four hour parking limitation and this change will allow the Police Department to enforce the restriction.

ACTION: Moved to Consent Agenda for Approval.

Ex. 8

D. Authorization for Mayor to sign Interlocal Agreement with Community Transit for Commute Trip Reduction 2011-2015.

The proposed Interlocal Agreement with Community Transit would continue the Commute Trip Reduction (CTR) Program in Edmonds. The purpose of the CTR program is to reduce the Vehicle Miles Traveled and Single Occupant Vehicle commute trips and reduce vehicle related air pollution, traffic congestion and energy use.

ACTION: Moved to Consent Agenda for Approval.

E. Authorization for Mayor to sign Interlocal Agreement with the City of Lynnwood to install waterline as part of Lynnwood's 76th Ave W Sewer Improvement Project

The City of Lynnwood is designing a new sewer main for 76th Ave W to increase the capacity of their sewer sytem. The City of Edmonds has identified a watermain replacement project that falls within Lynnwood's project limits. This agreement will provide for the coordination and combination of both projects into one to reduce costs and minimize the disruption to residents during construction. Mr. English reviewed a minor change to Section 6, "Payment Schedule" that reduced Lynnwood's 8.5% administration charge to 2% during the project's design phase.

ACTION: Moved to Consent Agenda for Approval.

F. Potential amendment to downtown BD zones.

The Committee initiated the discussion by identifying the development agreements provisions as the most complex and potentially controversial aspect of the amendments. Staff concurred, and agreed that the Council could elect to act on the other three items (designated street fronts and 45-foot commercial depth, uses in the BD1 zone, and step-back requirements). The Committee reviewed each of the three items in turn, with staff summarizing the Planning Board/EDC recommendations. The 45-foot commercial depth would help standardize the requirements among the BD zones. In regard to BD1 uses, it was pointed out that the Planning Board and EDC desired to do more work to review and refine the definition of service uses, but approving the current amendments to not allow office uses in critical storefront spaces would be a desirable first step. The concern over step-back requirements was that it was counter-productive in obtaining desirable building designs, particularly given historical downtown commercial building forms.

City Attorney Jeff Taraday participated in the discussion of development agreements. He pointed out that the mechanism was authorized by state law and was already in the city's code. Most observers believe that the state legislature's intent was to replace contract rezones with the development agreement option, but this wasn't made explicitly clear. Regardless, how development agreements are configured within the code can determine how open-ended or 'tight' the provisions are, and will ultimately determine how they are used to further the city's expressed goals. He noted that staff believes more work needs to be done to provide guidance and clearer standards within the provisions so that the city can be assured that "we get what we want." The Committee discussed forwarding the development agreement to the Council to schedule for a full Council work session, to be accompanied by a background memorandum from the City Attorney. This discussion did not have to be on the same night as the other BD zone amendments; it could be scheduled separately by the Council President when the City

Attorney was ready. Councilmember Plunkett noted his opposition to any provision that would provide a way to increase building heights.

Councilmember Plunkett stated that he wanted the record to show he continues to believe the taller building clause in the proposed development agreement for downtown should be removed. Councilmember Fraley-Monillas agreed.

ACTION:

1. The committee agreed to forward the first 3 amendments to the Council for further action, without a recommendation from the committee.
2. The committee agreed that the development agreement provisions should be scheduled by the Council President for further discussion by the full council, when the City Attorney's information is ready.

G. Public Comments

Natalie Shippen, Edmonds, spoke in favor of retaining existing height limits and in opposition to proposed Planning Board recommended development agreement.

Ron Wambolt, Edmonds, suggested making sure the Planning Board recommended development agreement be very specific.

Mr. Adams of Seattle spoke in favor of Planning Board recommended development agreements.

The meeting adjourned at approximately 7:15 p.m.

F. **AUTHORIZATION TO ADVERTISE RFQ FOR ARTISTS TO CREATE INTERPRETIVE ELEMENTS FOR THE DOWNTOWN EDMONDS CULTURAL HERITAGE TOUR PROJECT**

G. **APPOINTMENT OF MARLA MILLER TO THE EDMONDS PUBLIC FACILITIES DISTRICT BOARD.**

ITEM B: **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 19, 2011**

Councilmember Bernheim requested the following changes to the minutes:

- Page 17, last paragraph, delete the sentence, "He suggested including bike racks and an electric car plug."
- Page 23, second paragraph from the bottom, change "admirably" to "adequately."

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO APPROVE ITEM B AS AMENDED.

Council President Peterson advised he would abstain from the vote as he was absent from the meeting.

Councilmember Wilson observed it was the Council's normal process to refer the minutes to the Clerk for verification. Councilmember Bernheim responded he was trying to save the Clerk time. Councilmember Wilson recalled Councilmember Bernheim did say he wanted bike racks in the park but would not hold up his vote to get them. Councilmember Bernheim read the comments he made at the July 19 meeting from a transcript.

MOTION CARRIED (5-1-1), COUNCILMEMBER WILSON VOTING NO AND COUNCIL PRESIDENT PETERSON ABSTAINING.

3. **PUBLIC HEARING ON THE PLANNING BOARD RECOMMENDATION REGARDING POTENTIAL AMENDMENTS TO DOWNTOWN BD ZONES. THE AMENDMENTS FOCUS ON USES PERMITTED IN DESIGNATED STREET FRONTS IN BD ZONES, COMMERCIAL DEPTH REQUIREMENTS, REDUCING MANDATORY STEP-BACKS, AND PROVIDING FOR DEVELOPMENT AGREEMENTS TO ACHIEVE SPECIFIED CITY GOALS**

Planning Manager Rob Chave reviewed the Planning Board's recommendations:

1. **Designated street front and commercial depth requirements.** The current commercial depth requirement is 30 feet in the BD1 downtown retail core and 60 feet elsewhere in the downtown zones. The Planning Board felt the existing commercial depth requirements were contrary to the City's goals for the retail core and felt a consistent definition of designated street front and street depth was appropriate throughout the downtown area. The Planning Board recommended a consistent 45-foot depth. Staff's walkthrough of commercial spaces downtown a few years ago found nearly all commercial spaces, in the BD1 zone in particular, were approximately 60 feet in depth. Existing uses will be allowed to continue, the amended depth will only apply to new development.
2. **Uses in the BD1 (Retail Core) zone**. There are currently no restrictions as long as the use is commercial. In the City's economic development goals and the downtown Comprehensive Plan, pedestrian activity and retail activity in particular is a core goal for the downtown BD1 area. The Planning Board recommended not allowing offices or professional offices within the 45-foot designated street front in the BD1 zone. Uses within the first 45 feet uses must be retail or service-related businesses. The Planning Board felt offices and professional offices do not rely on walk-in customers and some offices in the BD1 close off their visible windows to the public via

blinds, etc. Mr. Chave reminded the BD1 zone is a very small area, the two blocks radiating out from the center fountain. Retail and service oriented business would be allowed to locate within the first 45 feet; any commercial use including offices can locate behind the first 45 feet or in the upper story.

3. **Step-back requirements**. There is currently no step-back requirement in the BD1 zone. The other downtown BD1 zones require a 15-foot step-back above 25 feet. The Planning Board felt building design could be addressed by the existing design guidance that refers to presence of building on the street, differentiating lower portions from upper portions. Historic buildings downtown such as Beeson Building or Chanterelles derive their character not from a step-back but decoration, ornamentation, etc. which the Planning Board felt provided more building design enhancement than a step-back.
4. **Development Agreements**. Developers would be allowed to build according to normal development pattern in accordance with the current zoning or could propose a development agreement. Development agreements have a thorough public hearing process at both the Planning Board and the City Council and the final decision is made by the City Council. Under the Planning Board's recommendation, development agreements would achieve certain specified goals. A developer would need to achieve two of the following three goals:
   1) Attain at least a LEED Gold or equivalent level of green building certification
   2) The development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists)
   3) The development includes enhanced public space and amenities.

Mr. Chave explained the goal of tonight's hearing was to identify what the Council wants to include in an updated code. The language could be amended such as strengthening or providing further clarity on some of the development agreement criteria. A number of the code provisions were adopted in 2006, about the time of the economic downturn. Therefore, the City has virtually no experience with the code provisions. The Planning Board, Economic Development Commission (EDC) and staff feel a down economy is an appropriate time to make improvements to the code where appropriate.

The EDC had a lengthy discussion regarding development agreements as they relate to the City's economic development goals. The EDC discussed and endorsed the Planning Board's recommendations at their recent meeting. The EDC expressed interest in further defining service uses, which service uses were appropriate in a retail core.

Councilmember Bernheim asked whether there was any sense of urgency or request that the City Council make a decision tonight following the public hearing rather than listening to points of view and making a decision in the next weeks or months before the end of the year. Mr. Chave answered it is a legislative matter so there is no particular deadline. The Planning Board and EDC felt these were important issues and hoped the Council would address them as quickly as possible. Councilmember Bernheim asked whether there was a need for the Council to make a decision tonight. Mr. Chave answered the public testimony may indicate a need that he is not aware of; there is no specific deadline.

Councilmember Petso referred to minutes in the Council packet that indicate the CS/DS Committee wanted to refer the environmental sustainability considerations to the Mayor's Climate Protection Committee and asked whether that had been done. Mr. Chave answered that is a separate issue, including broader incentives in the codes. The environmental aspect tonight is only related to development agreements.

Councilmember Petso asked whether there had been discussion regarding something other than LEED for the environmental incentive. Mr. Chave answered the Planning Board's discussion primarily focused on LEED although they did discuss other standards. The problem is there are few other good environmental

standards; LEED is the best established standard at this time. The words "or equivalent" were included because other standards or ways of measuring environmental benefits may develop over time such as the Master Builders green building initiatives. If a developer could show their proposal had equivalent environmental benefits, it would be acceptable. He summarized it was not expected that a developer would complete the LEED certification process.

Councilmember Fraley-Monillas asked what type of businesses would be prohibited in the BD1 zone. Mr. Chave answered general office such as a corporate or business office or a professional office such as a doctor's office would not be allowed in the designated street front. Both could occur behind the designated street front, in the story above or in one of the surrounding commercial zones. Conversely any retail or service use would be allowed.

Councilmember Buckshnis thanked staff, the EDC and the Planning Board for their work. As Council liaison to the EDC, she is aware of the discussions that occurred at their meeting and the Planning Board minutes demonstrate a very thoughtful process. She referred to page 9 of the Planning Board June 8 minutes, where Board Member Cloutier moved that the motion be amended to delete the words "or three stories, whichever is greater" from Item B.1. The motion was seconded by Board Member Johnson. The minutes do not reflect a vote on the amendment. Mr. Chave recalled it was approved.

Councilmember Plunkett observed the proposed development agreement would increase height to 35 feet. In Mr. Spee's case, per the Planning Board minutes, he is planning that some portion of his lot will have a 4-story building. Councilmember Plunkett asked whether removing 35 feet from the development agreement and retaining the height in the existing code would eviscerate the value of the development agreement. He asked whether development agreements were predicated on an increase in height up to 35 feet and in some cases, depending on the lot, up to 4 stories. Mr. Chave answered the language in the development agreement states the development standards in general can be varied. The language regarding 35 feet is a limitation. Even if a developer wants to vary other regulations in the code, the height cannot exceed 35 feet. If the Council did not want to allow height above the existing feet, the language would need to be changed to not more than 30 feet. Whether it eviscerated the value of a development agreement was in the eyes of the beholder.

Councilmember Plunkett asked whether there was value in a development agreement if the Council did not approve allowing an increase in height. Mr. Chave answered there could still be some value because other regulations could be altered via a development agreement. Some of the discussion by the EDC and Planning Board was regarding uses that they wanted to occur downtown such as a boutique hotel. Companies who develop that use considered the City's zoning and indicated it would not be feasible under the existing 30-foot height limit and would require a few additional feet in height. The discussion by the Planning Board and EDC specifically referenced that input. Depending on the situation, particularly where a higher building would not impact the existing street scape and the use would potentially be a huge economic benefit particularly for tourism, the Planning Board and EDC felt strongly the opportunity for increased height was appropriate. Councilmember Plunkett pointed out the Council had been told previously that a certain building could not be built but it was later constructed when required to build to code.

Councilmember Buckshnis asked whether a development agreement could be used with a variance. Mr. Chave answered the City's variance criteria are very tight and absent something unique to the site, the variance criteria could not be satisfied. For example, he could not imagine a circumstance where additional height would be granted via a variance for a boutique hotel. Councilmember Buckshnis pointed out the land slopes. Mr. Chave explained there are slopes throughout the downtown and it would be difficult to argue that because a particular property slopes, granting additional height would be so unique

that another site should not also receive a variance for slope. He summarized granting a variance on one site opened up to variances all over the City.

Councilmember Petso referred to the identifying street fronts (page 111 of the packet) where there is one parcel on 2nd Avenue extending north from Main Street that has the blue line designating the street front on only a portion of the parcel. Mr. Chave explained when the lines were drawn, consideration was given to commercial streets and the designated street front were identified in areas where there are commercial uses on both sides or there is a long history of commercial use in the vicinity. The EDC and ultimately Planning Board may reconsider the area south of 5th beyond Howell Way. In the core area the intent was to avoid extending the designated street front along areas where there are significant residential uses or wrapping around corners where there is commercial only on one side.

Councilmember Petso asked when this particular property at the corner of 2nd and Main develops, will it be required to have a designated street front all the way along 2nd, part of the way along 2nd or none of the way on 2nd. Mr. Chave advised in areas where there is not a designated street front, the requirement for a 45 foot depth does not apply and any of the uses allowed by the zone would be permitted.

Councilmember Petso observed this was supposed to be legislative but the discussion appears to relate strongly to a particular project that has yet to be submitted. City Attorney Jeff Taraday explained this discussion is in regard to all the BD zones and the map on page 111 encompasses several blocks. To the extent any particular lot was discussed in the context of a hypothetical development, he supposed that could assist the Council in understanding the effect of the proposed changes as long as it was understood any discussion regarding a site specific application of the proposal was purely hypothetical. There is no quasi judicial land use application before the Council tonight.

On a property where hypothetically the blue line stopped in the middle of a parcel, Councilmember Petso asked whether the parcel has a designated street front or only has a designated street front as far as the blue line extends. Mr. Chave answered the designated street front only extends as far as the blue line. If it splits a parcel, only the portion of the parcel where the blue line is has a designated street front. The designated street fronts are tied to street sections rather than property lines.

Councilmember Plunkett advised he heard a conversation that led him to believe this development agreement was pretty much centered around one potential developer. He was at a Historic Preservation Commission meeting when a representative for the developer of the post office made comments, believing he was speaking to the Planning Board. The representative stated all he needed to do was get the Council to change the code and they could construct a nice building with a number of nice attributes. Councilmember Plunkett asked if this matter was still legislative when he heard something like that because he assumed this particular developer would ultimately submit an application. Mr. Taraday answered this is a legislative matter and while there may be developers/property owners in the community who lobby the City Council to adopt/not adopt the proposed amendments, they are free to do so in the context of approaching their elected officials about a legislative matter. Access to Councilmembers will change as soon as a development application is submitted; to his knowledge there is no application on file yet, therefore, the Council is truly in the legislative realm. Councilmember Plunkett clarified a developer could lobby a Councilmember as much as they wanted even if they would profit from the change. Mr. Taraday answered absolutely.

Student Representative Gibson asked whether it would be fairer to everyone else if the blue line extended through the entire property rather than stopping halfway through the property. Mr. Chave answered the concept behind the designated street front is to identify portions of downtown where there is the strongest commercial activity. There are certain main pedestrian arterials, along Main, down 5th, and somewhat on Dayton, that tend to be the main corridors. However, outside those main corridors, the question arises if

commercial is required, how far off the corridor commercial will it be viable. Especially in areas where one side of the street is residential, requiring commercial on the opposite side lessens its viability. When people walk down a commercial street, they like to see activity on both sides. He summarized determining how far the requirement for commercial activity should extend is a judgment call, the reason this is a legislative matter.

Councilmember Fraley-Monillas asked who designated the street fronts. Mr. Chave answered the concept was first raised when the BD zones were adopted in 2006 and established only for the BD1 zone. The Planning Board ultimately recommended expanding that concept to the other BD zones.

Councilmember Fraley-Monillas pointed out the designated street front on 4th Avenue extends to Daley Street although it is residential past Bell Street, yet on 2nd Avenue it is cut off a block short of James and mid-block south of Bell. Mr. Chave answered beyond Dayton there is a consistent block on the south side of 4th versus 3rd where there is only one large building on the east side and only a small corner on the west side. He reiterated it is a judgment call; the Council could revise the locations of the designated street fronts.

Councilmember Wilson inquired about the definition of service uses. Mr. Chave acknowledged there was no definition for service uses. The EDC and Planning Board felt it worthwhile to forward the proposed amendments to the Council but want to review and further define services uses to determine whether some are more retail oriented.

Councilmember Bernheim asked whether it was true that the height in the BD1 zone is 25 feet with a minimum 12-foot first floor ceiling height but the building height can be 30 feet if the developer includes a 15-foot first floor ceiling height. Mr. Chave answered there must be a 15-foot first floor ceiling height and the maximum height is 30 feet. Councilmember Bernheim clarified in the BD1 zone a 15-foot first floor ceiling was required. Mr. Chave agreed.

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

Karen Wiggins, Edmonds, owner of a commercial building and former contractor, commented all the BD1 zone changes are beneficial. She expressed concern with the development agreement, opining that development agreements were legislated to avoid cities being accused of spot zoning. In this case the development agreement is for a specific building and lists the things that a property owner wants to do with the building. The development agreement also allows a building to extend above the height limit. She recalled the City's Comprehensive Plan refers to 3-story buildings, not 4 stories. She concluded a development agreement was a fancy way to get around spot zoning.

Doug Spee, Edmonds, a property owner in the downtown BD2 zone, acknowledged his interest may be more personal than other speakers. He expressed support for the proposed amendment with regard to the designated street front; extending the designated street front down Main Street to ensure a consistent look down Main and up the side streets that cross Main but still allow flexibility on the outer portions of the zoning that in some cases face a mixed residential zone. In his experience, renting commercial space on the edges of the commercial zone is virtually impossible; he has had a vacancy for four years. With regard to step-backs, he commented removing the step-back provision is long overdue. Although passage of that change five years ago was intended to reduce the perceived size of a new building as viewed from the street or sidewalk, it eliminates any possible duplication of layout for residential levels of a small mixed use building and it is architecturally unattractive unless above a fourth floor or higher. The code has adequate provisions without the step-back requirement to ensure esthetically pleasing and appropriate development downtown.

With regard to development agreements, Mr. Spee pointed out a huge component of design downtown relates to the location of the site within the specific BD zone. Although the planner may have ideas, they must simply quote the code, play no part in the design even though a site may be perfectly situated for public open space, have overhead power lines could be undergrounded, or be perfectly situated for a certain use that deserved some concession to make it possible. The City's unbending code language hurts the ability of a designer to take advantage of a site's unique characteristics and prevents a flow of discussion between the developer and the planner which could result in a win-win project. Any development agreement requires public hearings and Council approval, thus eliminating the concern it would get out of control. He encouraged the City Council to approve the Planning Board's recommendations as proposed.

Don Hall, Edmonds, retail store owner and member of the EDC, urged the Council to pass the four proposed changes to the BD zone code, envisioning they will lead to better development, economic growth and go a long way toward bringing new business to Edmonds. Development agreements are the key to economic vitalization downtown. A hotel and apartments will add to the number of people that need the goods and services offered by downtown merchants. The use of development agreements would achieve the goal of silver and gold LEED building and require public amenities such as public restrooms, gathering spaces, and public art. He urged the Council to view the code change as a way to kick start the desperately needed economic revitalization downtown.

John Reed, Edmonds, Planning Board Member, advised he was out of town when the Planning Board held the public hearing on the proposed modifications to the BD zones, ECDC 16.43. He expressed support for economic development and as a member of the Planning Board, supported recent changes to zoning at Firdale Village which among other things included significant height increases. He also supported the creation of the Edmonds Way Corridor zones and applauded the work of the EDC over the last 18 months. Regarding the proposed changes, he supported eliminating the step-back requirement but encouraged their use as an attractive design feature. He supported the changes to the primary and secondary uses in the BD zones and had recommended the BD1 zone be changed to full retail/restaurant and other commercial uses excluded although the Planning Board did not make that change. He supported changing the commercial depth on designated street fronts to a consistent 45 feet rather than the existing 30 and 60-foot depths. He expressed concern with 16.43.050, development agreements and its interaction with the development agreement section of ECDC 20.08. Section 16.43.050 allows all BD zone provisions except design provisions to be eligible for modification by a developer meeting only two criteria, some of which are loosely defined such as no square footage or percentage requirements and therefore could be minimal.

Mr. Reed relayed ECDC 20.08 has two provisions that may be cause for concern; final plans and drawings are not required, conceptual drawings and general design criteria must be specified. These often change during design development as a project evolves. He questioned whether those changes would be transparent and public knowledge and whether follow-up hearings at the Planning Board and Council would be required. ECDC 20.08 also refers to consistency with the Comprehensive Plan and existing code. He questioned whether the freedom to modify nearly all the major provisions of the BD zone code was consistent with this requirement. The 35-foot maximum height included a maximum of 3-story statement when considered by the Planning Board. That statement has been removed and he echoed the question whether that change was actually approved by the Planning Board. Some sloped lots would qualify for 4 stories which can be built if 35 feet is allowed without a story limitation. He believed 4 stories was 1 too many downtown and asked that the Council revise the statement to either limit development to 30 feet or 3 stories. He relayed his concern that the open ended nature of 16.43.050 may lead to litigation if/when an agreement meeting the basic but loosely defined criteria is denied by the Planning Board and City Council.

Ron Wambolt, Edmonds, urged the Council to support the Planning Board's recommendations, envisioning that the ability to use development agreements would stimulate economic development downtown. He pointed out there had been no new development downtown since the BD zoning was implemented in early 2006. Although the economy may be partially to blame, another cause is the rigid BD development standards. The only flexibility currently allowed in the BD zones is via a variance which requires a developer meet six criteria. Although the variance concept is well intended, meeting all six criteria generally prevents the granting of a variance. The development agreement provision will open new opportunity for controlled flexibility; developers will have more flexibility but the flexibility is controlled by the City Council. A development agreement allows for a win-win situation; the developer must give something to get something in return. With regard to the 35-foot maximum height, retaining the existing 30-foot height limit as Councilmember Plunkett suggested would eviscerate the value of a development agreement because although a building can be developed in 30 feet, it would prevent a third floor of apartments and the generation of sales tax and ongoing property taxes from those 17 apartments. As Mr. Spee has previously indicated, the additional floor of apartments would allow him to lower rents by $200/month. The tenants in his existing apartments in the Spee Building will attest he has not raised rents in ten years. He urged the Council to approve the amendments without delay so that much needed economic development can occur. Economic development is a real need, without economic development and as long as inflation exceeds 1%, annual levy lid lifts will be necessary.

Joan Bloom, Edmonds, referred to the Planning Board minutes in which Mr. Chave stated a development agreement is similar to the contract rezone concept that the City no longer uses. She asked why contract rezones are no longer being used by the City, how development agreement are superior to a contract rezone, and whether the flexibility provided by a development agreement would open the City to lawsuits if one developer is granted something for a specific site and another developer does not get what they want.

Ruth Arista, Edmonds, advised the extension of the designated street front on 4th Avenue to Daley was related to that being part of the Arts Corridor to the Edmonds Center for the Arts. As a business owner in three locations in downtown Edmonds, on the corner of 5th & Main, next to that corner on 5th Avenue, and currently further south on 5th Avenue, she supported the proposed designated street front map. She described a shopper at the corner of 5th & Dayton on Saturday where there are two banks and an empty store front turning around and heading back to the intersection of 5th & Main. The designated street front proposal is very important to businesses located further down the street. Store fronts with good eye candy keep people walking and going into one store after another. Some offices do a great job decorating their windows, and although the banks provide a terrific service, people are not drawn to a bank. The blue line identifying designated street front stops in the middle of the parcel because a retail business located on the corner of 2nd & Bell was unlikely to get much foot traffic. She expressed her support for the proposed changes.

Rebecca Wolfe, Edmonds, member of the EDC and the tourism subcommittee, explained whenever the subcommittee thinks of something wonderful for Edmonds, the need for more hotels arises. The proposed project for a boutique hotel on 2nd & Main is very exciting. She recalled from their presentation that the elevation between Main and Bell makes development tricky without an increase in the height. She agreed with all the previous speakers who supported the proposed changes.

Roger Hertrich, Edmonds, referred to the criteria for a development agreement related to a green building, recalling a grocery store that installed an ugly water tank in an effort to be green. He hoped that would not be allowed in the future to meet the criteria for a green building. He questioned how long a uses that allowed a developer to use a development agreement would be required to remain and how that use could be guaranteed long term. Public restrooms are an expensive amenity and likely not practical for a developer to provide. His goal was protecting Edmonds' small town atmosphere and protecting existing

views downtown. He questioned how a green building protected views. With regard to increasing the maximum height, he recommended further consideration such as whether the requirements are appropriate. Only three people spoke at the Planning Board; another public hearing was likely to generate more public participation. He urged the Council not to make a final decision tonight and to consider this the beginning of the discussion.

Rich Senderoff, Edmonds, explained as a member of the EDC he supported the recommended changes to the BD zone. There was a great deal of discussion by the EDC regarding service uses in the retail core and the EDC recommended further vetting of service uses. He explained a service is an exchange of money for a product or service such as a hair salon. That definition is consistent with recommendations for the BD1 zone in the Comprehensive Plan. He recalled comments that prohibiting a drive-through would discourage banks from locating in the BD zone. When someone is told they cannot do something, it is easy to get around that; when someone is told what is expected, it is harder to get around. He recommended the "such as" clause in the development agreement amendment needed further specificity. With regard to requiring two of the three criteria for a development agreement to be met, he recommended requiring the use criteria be met and then one of the other criteria. He summarized development agreements were a way for the community and the Council to help shape the downtown area.

Al Rutledge, Edmonds, pointed out 2500-3000 additional residents will locate in Edmonds in the future. He recommended including a criteria for the use of a development agreement that relates to a transportation system that will bring people downtown to shop.

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

Councilmember Bernheim commented he was positive about the changes, but due to the hour and the urgency of the levy discussion, he proposed bringing this matter back for a special workshop. He has questions about raising the height limit to 35 feet and raising the standard height limit to 30 feet but it was unlikely the Council would work through those issues tonight.

> **COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO RESCHEDULE THIS FOR AS SOON AS POSSIBLE. MOTION CARRIED (5-2), COUNCILMEMBER WILSON AND COUNCIL PRESIDENT PETERSON VOTING NO.**

Council President Peterson recalled there was some concern the issues were not discussed by the Mayor's Climate Protection Committee. He suggested discussing it at their August 4 meeting. In response to comments that this was to be reviewed again by the CS/DS Committee before forwarding it to full Council, he suggested the CS/DS Committee discuss it at their August 9 meeting and this item be scheduled on the August 23 Council agenda.

Councilmember Wilson advised he would relay his questions under Council comments. Mayor Cooper encouraged Councilmembers to submit any questions/comments prior to the August 23 meeting.

4. AUDIENCE COMMENTS (

Al Rutledge, Edmonds, referred to an interview of Human Resources Director Debbie Humann in the *Everett Herald.* Next, he reported on the legislative redistricting; the last meeting is in Seattle on August 9. Public hearings will be held in Seattle, Spokane, Vancouver and Olympia after the final decision is made in November. In 2000 a public hearing was not held after the final decision. Further information is available at 360-786-0046. With regard to the levy, he recommended forming a 100-150 member advisory committee. He suggested a levy include funds to purchase Al Dykes' property and that it developed with a use that was beneficial to citizens.

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

Ex. 9

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banking and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

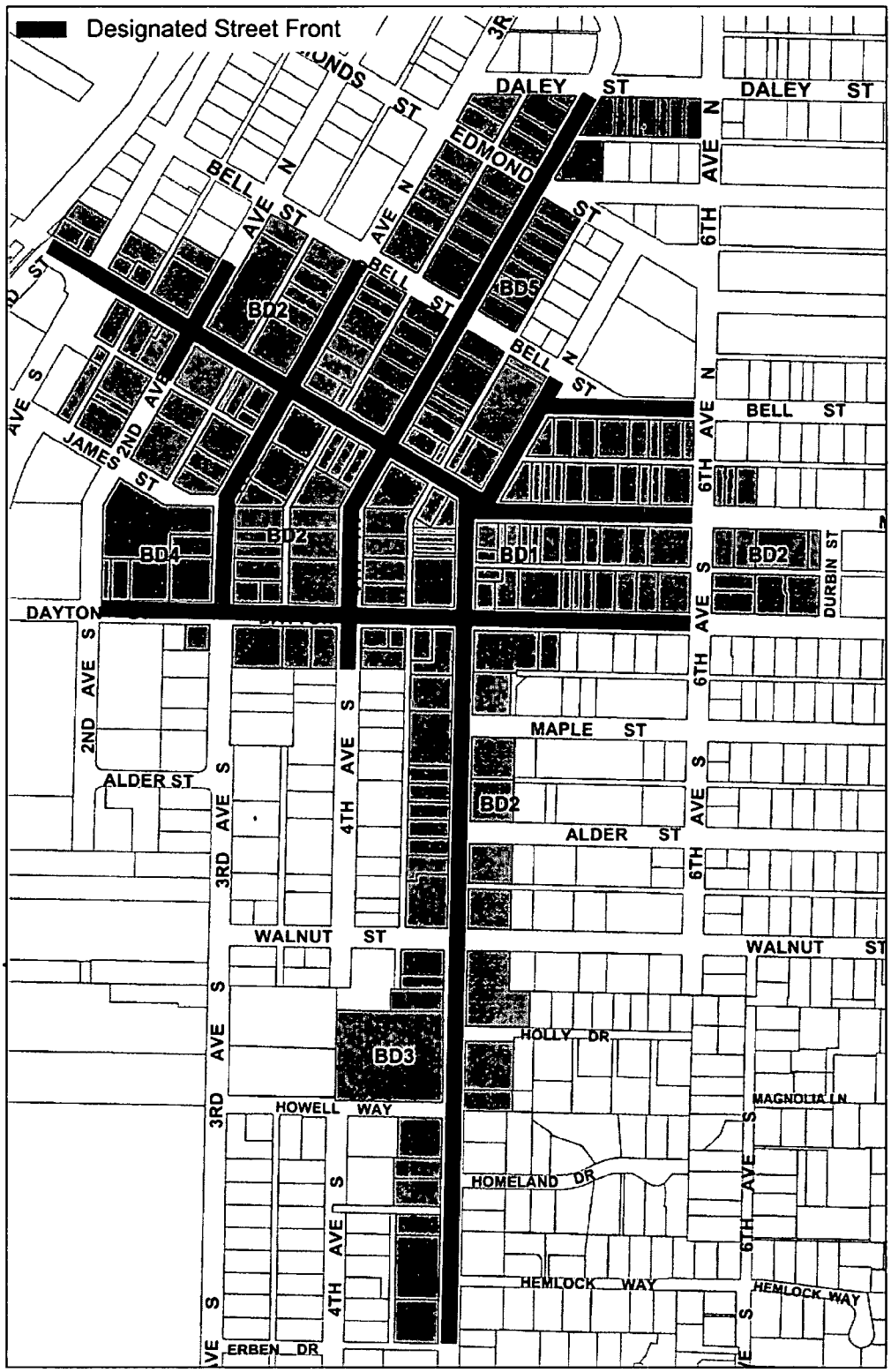
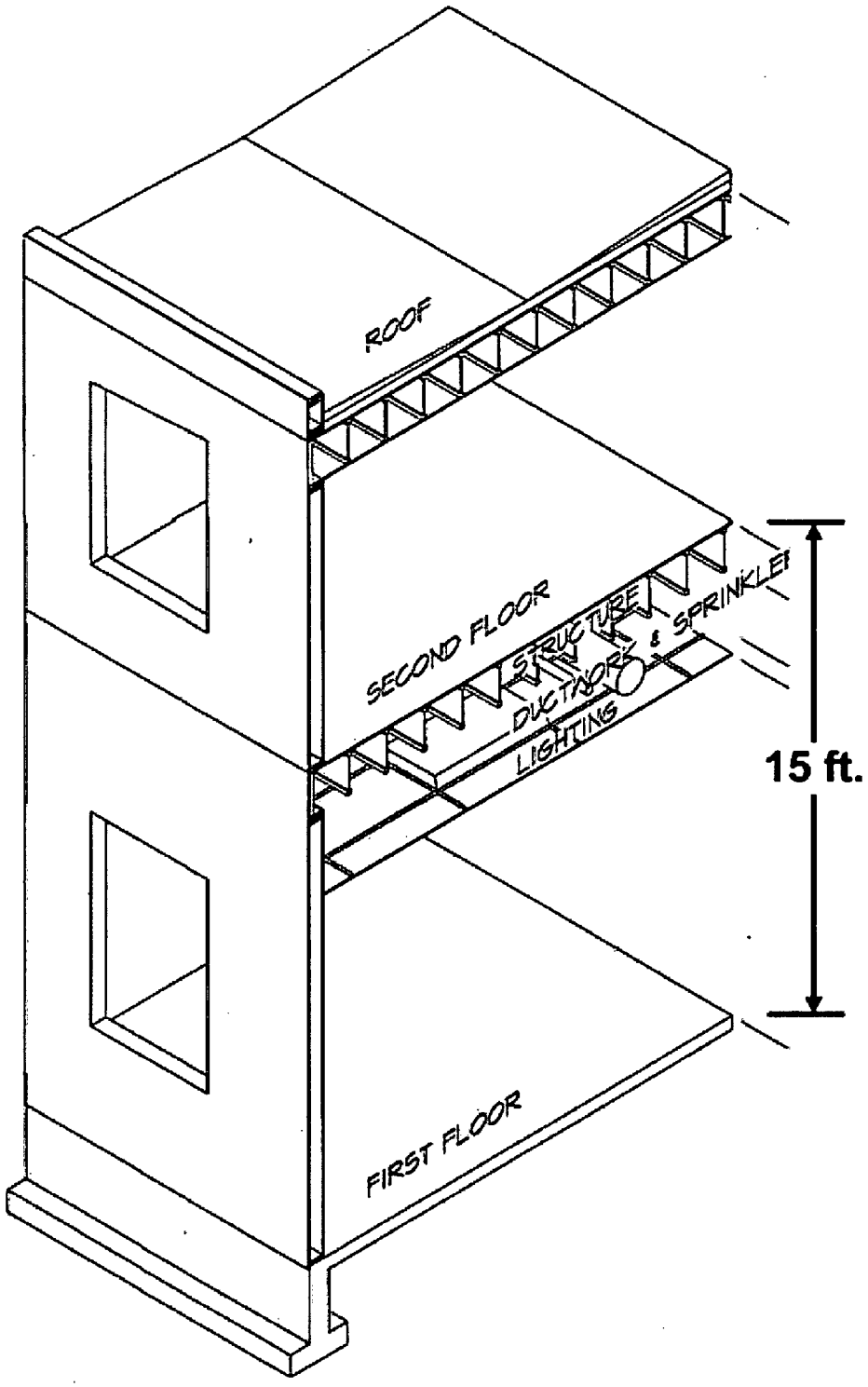


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right of way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

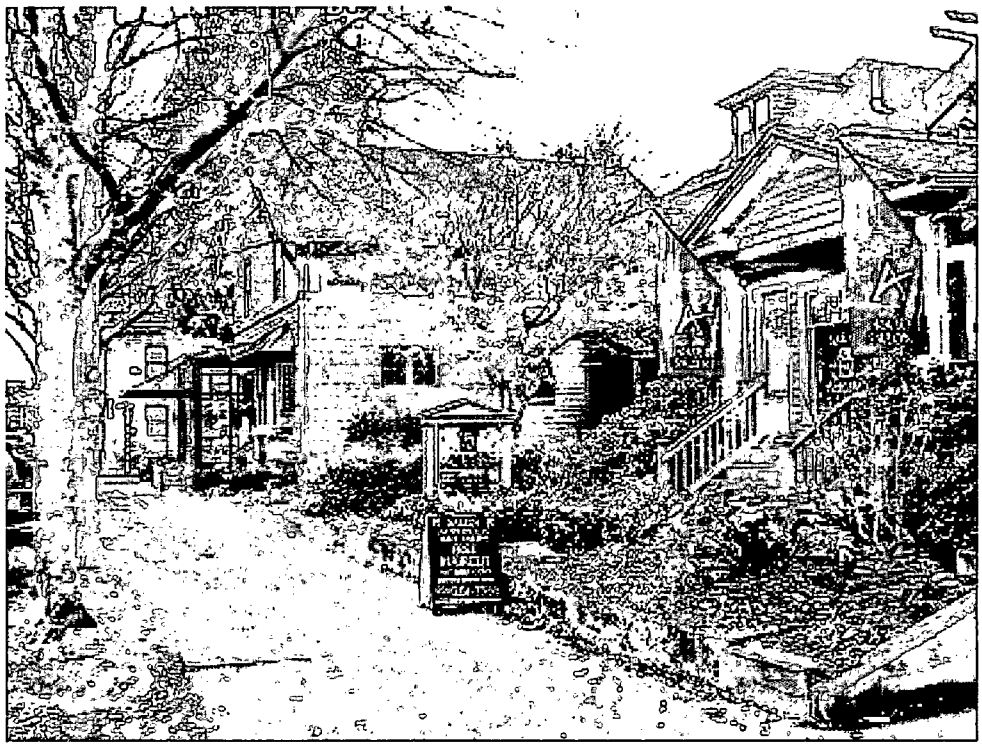
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Within the BD1, BD2, BD3, or BD4 zones, an additional five feet of building height – increasing the overall building height to a maximum of 30 feet – may be obtained if the building meets the ground floor requirements for the zone as enumerated in ECDC 16.43.030(B). ~~Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).~~

~~a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:~~

~~i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.~~

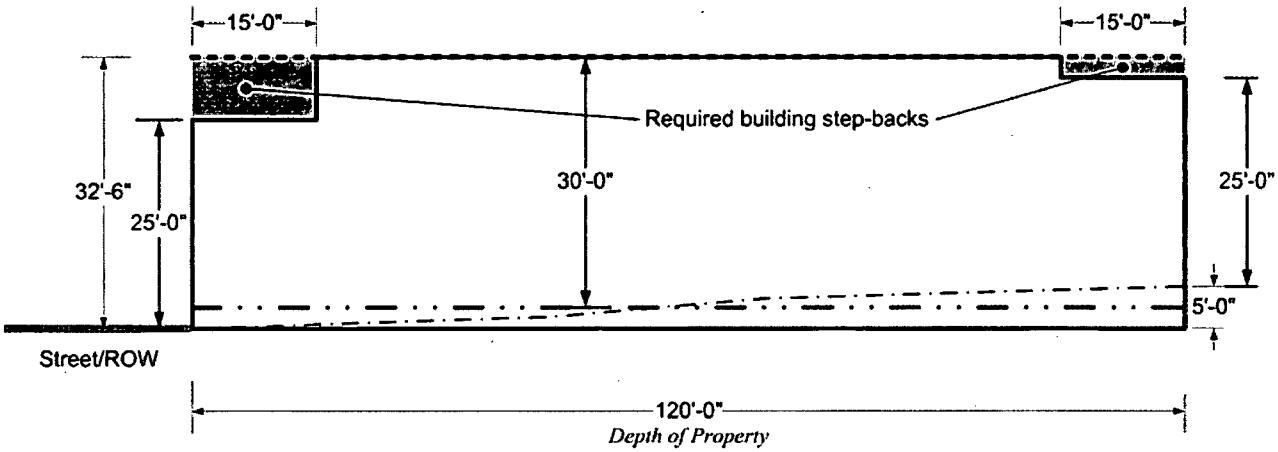
~~ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.~~

~~iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a five-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.~~

~~b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.~~

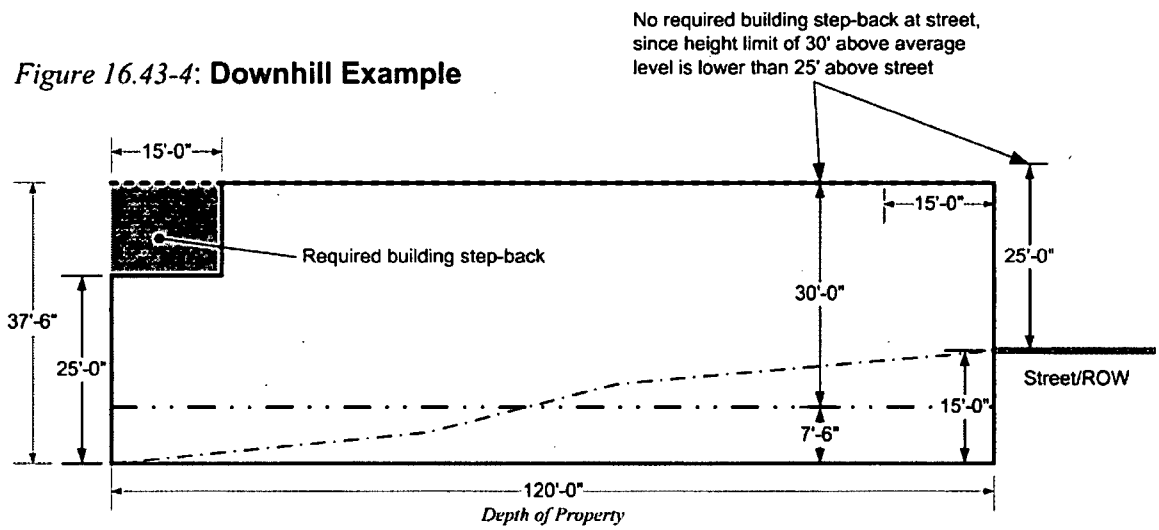
Note: the diagrams on this page are deleted in the Planning Board recommendation.

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, the building shall meet the same requirements ~~step-backs shall be required the same as for the BD2 zone, as described~~ detailed in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

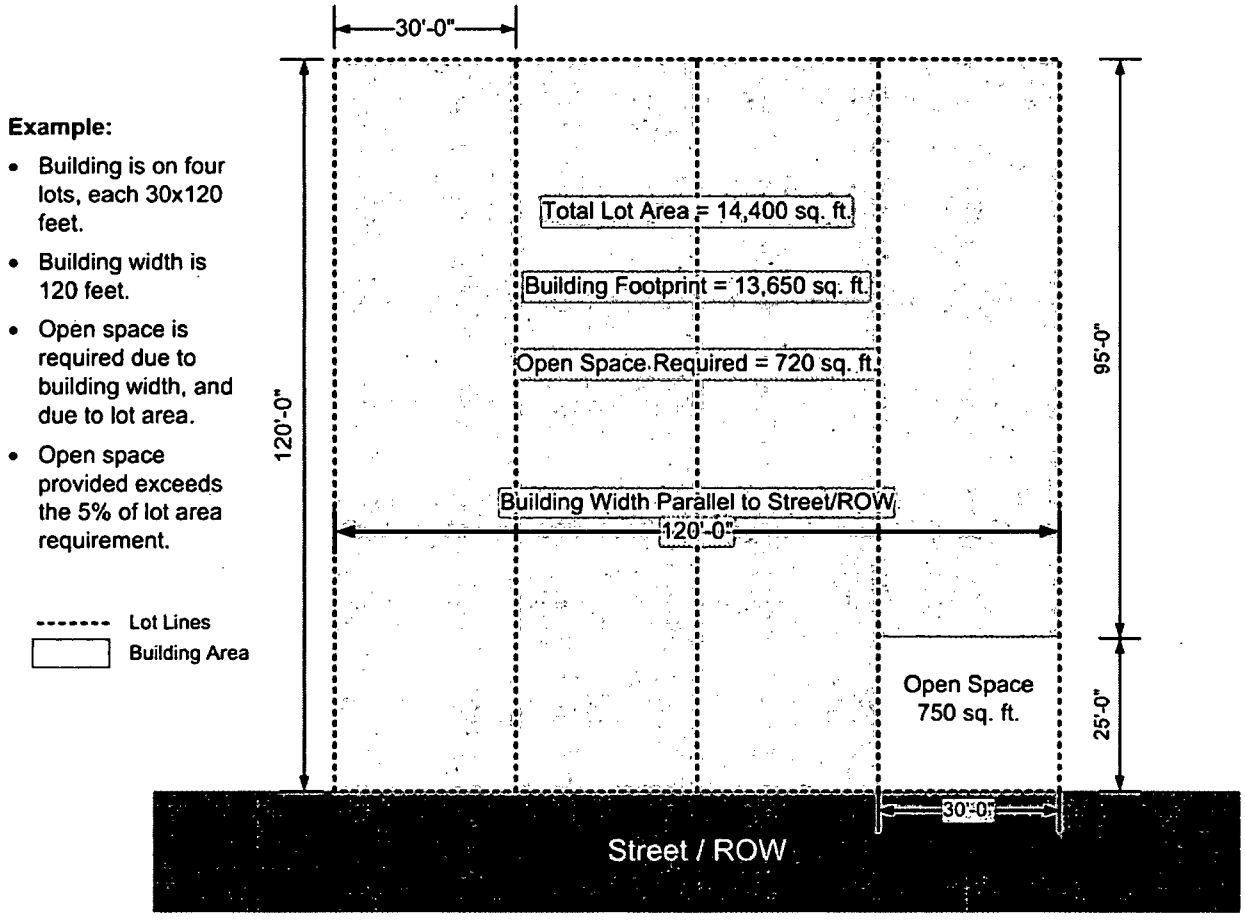
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

F. **AUTHORIZATION TO ADVERTISE RFQ FOR ARTISTS TO CREATE INTERPRETIVE ELEMENTS FOR THE DOWNTOWN EDMONDS CULTURAL HERITAGE TOUR PROJECT**

G. **APPOINTMENT OF MARLA MILLER TO THE EDMONDS PUBLIC FACILITIES DISTRICT BOARD.**

ITEM B: **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 19, 2011**

Councilmember Bernheim requested the following changes to the minutes:

- Page 17, last paragraph, delete the sentence, "He suggested including bike racks and an electric car plug."
- Page 23, second paragraph from the bottom, change "admirably" to "adequately."

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO APPROVE ITEM B AS AMENDED.

Council President Peterson advised he would abstain from the vote as he was absent from the meeting.

Councilmember Wilson observed it was the Council's normal process to refer the minutes to the Clerk for verification. Councilmember Bernheim responded he was trying to save the Clerk time. Councilmember Wilson recalled Councilmember Bernheim did say he wanted bike racks in the park but would not hold up his vote to get them. Councilmember Bernheim read the comments he made at the July 19 meeting from a transcript.

MOTION CARRIED (5-1-1), COUNCILMEMBER WILSON VOTING NO AND COUNCIL PRESIDENT PETERSON ABSTAINING.

3. **PUBLIC HEARING ON THE PLANNING BOARD RECOMMENDATION REGARDING POTENTIAL AMENDMENTS TO DOWNTOWN BD ZONES. THE AMENDMENTS FOCUS ON USES PERMITTED IN DESIGNATED STREET FRONTS IN BD ZONES, COMMERCIAL DEPTH REQUIREMENTS, REDUCING MANDATORY STEP-BACKS, AND PROVIDING FOR DEVELOPMENT AGREEMENTS TO ACHIEVE SPECIFIED CITY GOALS**

Planning Manager Rob Chave reviewed the Planning Board's recommendations:

1. **Designated street front and commercial depth requirements.** The current commercial depth requirement is 30 feet in the BD1 downtown retail core and 60 feet elsewhere in the downtown zones. The Planning Board felt the existing commercial depth requirements were contrary to the City's goals for the retail core and felt a consistent definition of designated street front and street depth was appropriate throughout the downtown area. The Planning Board recommended a consistent 45-foot depth. Staff's walkthrough of commercial spaces downtown a few years ago found nearly all commercial spaces, in the BD1 zone in particular, were approximately 60 feet in depth. Existing uses will be allowed to continue, the amended depth will only apply to new development.
2. **Uses in the BD1 (Retail Core) zone**. There are currently no restrictions as long as the use is commercial. In the City's economic development goals and the downtown Comprehensive Plan, pedestrian activity and retail activity in particular is a core goal for the downtown BD1 area. The Planning Board recommended not allowing offices or professional offices within the 45-foot designated street front in the BD1 zone. Uses within the first 45 feet uses must be retail or service-related businesses. The Planning Board felt offices and professional offices do not rely on walk-in customers and some offices in the BD1 close off their visible windows to the public via

blinds, etc. Mr. Chave reminded the BD1 zone is a very small area, the two blocks radiating out from the center fountain. Retail and service oriented business would be allowed to locate within the first 45 feet; any commercial use including offices can locate behind the first 45 feet or in the upper story.

3. **Step-back requirements**. There is currently no step-back requirement in the BD1 zone. The other downtown BD1 zones require a 15-foot step-back above 25 feet. The Planning Board felt building design could be addressed by the existing design guidance that refers to presence of building on the street, differentiating lower portions from upper portions. Historic buildings downtown such as Beeson Building or Chanterelles derive their character not from a step-back but decoration, ornamentation, etc. which the Planning Board felt provided more building design enhancement than a step-back.
4. **Development Agreements**. Developers would be allowed to build according to normal development pattern in accordance with the current zoning or could propose a development agreement. Development agreements have a thorough public hearing process at both the Planning Board and the City Council and the final decision is made by the City Council. Under the Planning Board's recommendation, development agreements would achieve certain specified goals. A developer would need to achieve two of the following three goals:
   1) Attain at least a LEED Gold or equivalent level of green building certification
   2) The development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists)
   3) The development includes enhanced public space and amenities.

Mr. Chave explained the goal of tonight's hearing was to identify what the Council wants to include in an updated code. The language could be amended such as strengthening or providing further clarity on some of the development agreement criteria. A number of the code provisions were adopted in 2006, about the time of the economic downturn. Therefore, the City has virtually no experience with the code provisions. The Planning Board, Economic Development Commission (EDC) and staff feel a down economy is an appropriate time to make improvements to the code where appropriate.

The EDC had a lengthy discussion regarding development agreements as they relate to the City's economic development goals. The EDC discussed and endorsed the Planning Board's recommendations at their recent meeting. The EDC expressed interest in further defining service uses, which service uses were appropriate in a retail core.

Councilmember Bernheim asked whether there was any sense of urgency or request that the City Council make a decision tonight following the public hearing rather than listening to points of view and making a decision in the next weeks or months before the end of the year. Mr. Chave answered it is a legislative matter so there is no particular deadline. The Planning Board and EDC felt these were important issues and hoped the Council would address them as quickly as possible. Councilmember Bernheim asked whether there was a need for the Council to make a decision tonight. Mr. Chave answered the public testimony may indicate a need that he is not aware of; there is no specific deadline.

Councilmember Petso referred to minutes in the Council packet that indicate the CS/DS Committee wanted to refer the environmental sustainability considerations to the Mayor's Climate Protection Committee and asked whether that had been done. Mr. Chave answered that is a separate issue, including broader incentives in the codes. The environmental aspect tonight is only related to development agreements.

Councilmember Petso asked whether there had been discussion regarding something other than LEED for the environmental incentive. Mr. Chave answered the Planning Board's discussion primarily focused on LEED although they did discuss other standards. The problem is there are few other good environmental

standards; LEED is the best established standard at this time. The words "or equivalent" were included because other standards or ways of measuring environmental benefits may develop over time such as the Master Builders green building initiatives. If a developer could show their proposal had equivalent environmental benefits, it would be acceptable. He summarized it was not expected that a developer would complete the LEED certification process.

Councilmember Fraley-Monillas asked what type of businesses would be prohibited in the BD1 zone. Mr. Chave answered general office such as a corporate or business office or a professional office such as a doctor's office would not be allowed in the designated street front. Both could occur behind the designated street front, in the story above or in one of the surrounding commercial zones. Conversely any retail or service use would be allowed.

Councilmember Buckshnis thanked staff, the EDC and the Planning Board for their work. As Council liaison to the EDC, she is aware of the discussions that occurred at their meeting and the Planning Board minutes demonstrate a very thoughtful process. She referred to page 9 of the Planning Board June 8 minutes, where Board Member Cloutier moved that the motion be amended to delete the words "or three stories, whichever is greater" from Item B.1. The motion was seconded by Board Member Johnson. The minutes do not reflect a vote on the amendment. Mr. Chave recalled it was approved.

Councilmember Plunkett observed the proposed development agreement would increase height to 35 feet. In Mr. Spee's case, per the Planning Board minutes, he is planning that some portion of his lot will have a 4-story building. Councilmember Plunkett asked whether removing 35 feet from the development agreement and retaining the height in the existing code would eviscerate the value of the development agreement. He asked whether development agreements were predicated on an increase in height up to 35 feet and in some cases, depending on the lot, up to 4 stories. Mr. Chave answered the language in the development agreement states the development standards in general can be varied. The language regarding 35 feet is a limitation. Even if a developer wants to vary other regulations in the code, the height cannot exceed 35 feet. If the Council did not want to allow height above the existing feet, the language would need to be changed to not more than 30 feet. Whether it eviscerated the value of a development agreement was in the eyes of the beholder.

Councilmember Plunkett asked whether there was value in a development agreement if the Council did not approve allowing an increase in height. Mr. Chave answered there could still be some value because other regulations could be altered via a development agreement. Some of the discussion by the EDC and Planning Board was regarding uses that they wanted to occur downtown such as a boutique hotel. Companies who develop that use considered the City's zoning and indicated it would not be feasible under the existing 30-foot height limit and would require a few additional feet in height. The discussion by the Planning Board and EDC specifically referenced that input. Depending on the situation, particularly where a higher building would not impact the existing street scape and the use would potentially be a huge economic benefit particularly for tourism, the Planning Board and EDC felt strongly the opportunity for increased height was appropriate. Councilmember Plunkett pointed out the Council had been told previously that a certain building could not be built but it was later constructed when required to build to code.

Councilmember Buckshnis asked whether a development agreement could be used with a variance. Mr. Chave answered the City's variance criteria are very tight and absent something unique to the site, the variance criteria could not be satisfied. For example, he could not imagine a circumstance where additional height would be granted via a variance for a boutique hotel. Councilmember Buckshnis pointed out the land slopes. Mr. Chave explained there are slopes throughout the downtown and it would be difficult to argue that because a particular property slopes, granting additional height would be so unique

that another site should not also receive a variance for slope. He summarized granting a variance on one site opened up to variances all over the City.

Councilmember Petso referred to the identifying street fronts (page 111 of the packet) where there is one parcel on 2nd Avenue extending north from Main Street that has the blue line designating the street front on only a portion of the parcel. Mr. Chave explained when the lines were drawn, consideration was given to commercial streets and the designated street front were identified in areas where there are commercial uses on both sides or there is a long history of commercial use in the vicinity. The EDC and ultimately Planning Board may reconsider the area south of 5th beyond Howell Way. In the core area the intent was to avoid extending the designated street front along areas where there are significant residential uses or wrapping around corners where there is commercial only on one side.

Councilmember Petso asked when this particular property at the corner of 2nd and Main develops, will it be required to have a designated street front all the way along 2nd, part of the way along 2nd or none of the way on 2nd. Mr. Chave advised in areas where there is not a designated street front, the requirement for a 45 foot depth does not apply and any of the uses allowed by the zone would be permitted.

Councilmember Petso observed this was supposed to be legislative but the discussion appears to relate strongly to a particular project that has yet to be submitted. City Attorney Jeff Taraday explained this discussion is in regard to all the BD zones and the map on page 111 encompasses several blocks. To the extent any particular lot was discussed in the context of a hypothetical development, he supposed that could assist the Council in understanding the effect of the proposed changes as long as it was understood any discussion regarding a site specific application of the proposal was purely hypothetical. There is no quasi judicial land use application before the Council tonight.

On a property where hypothetically the blue line stopped in the middle of a parcel, Councilmember Petso asked whether the parcel has a designated street front or only has a designated street front as far as the blue line extends. Mr. Chave answered the designated street front only extends as far as the blue line. If it splits a parcel, only the portion of the parcel where the blue line is has a designated street front. The designated street fronts are tied to street sections rather than property lines.

Councilmember Plunkett advised he heard a conversation that led him to believe this development agreement was pretty much centered around one potential developer. He was at a Historic Preservation Commission meeting when a representative for the developer of the post office made comments, believing he was speaking to the Planning Board. The representative stated all he needed to do was get the Council to change the code and they could construct a nice building with a number of nice attributes. Councilmember Plunkett asked if this matter was still legislative when he heard something like that because he assumed this particular developer would ultimately submit an application. Mr. Taraday answered this is a legislative matter and while there may be developers/property owners in the community who lobby the City Council to adopt/not adopt the proposed amendments, they are free to do so in the context of approaching their elected officials about a legislative matter. Access to Councilmembers will change as soon as a development application is submitted; to his knowledge there is no application on file yet, therefore, the Council is truly in the legislative realm. Councilmember Plunkett clarified a developer could lobby a Councilmember as much as they wanted even if they would profit from the change. Mr. Taraday answered absolutely.

Student Representative Gibson asked whether it would be fairer to everyone else if the blue line extended through the entire property rather than stopping halfway through the property. Mr. Chave answered the concept behind the designated street front is to identify portions of downtown where there is the strongest commercial activity. There are certain main pedestrian arterials, along Main, down 5th, and somewhat on Dayton, that tend to be the main corridors. However, outside those main corridors, the question arises if

commercial is required, how far off the corridor commercial will it be viable. Especially in areas where one side of the street is residential, requiring commercial on the opposite side lessens its viability. When people walk down a commercial street, they like to see activity on both sides. He summarized determining how far the requirement for commercial activity should extend is a judgment call, the reason this is a legislative matter.

Councilmember Fraley-Monillas asked who designated the street fronts. Mr. Chave answered the concept was first raised when the BD zones were adopted in 2006 and established only for the BD1 zone. The Planning Board ultimately recommended expanding that concept to the other BD zones.

Councilmember Fraley-Monillas pointed out the designated street front on 4th Avenue extends to Daley Street although it is residential past Bell Street, yet on 2nd Avenue it is cut off a block short of James and mid-block south of Bell. Mr. Chave answered beyond Dayton there is a consistent block on the south side of 4th versus 3rd where there is only one large building on the east side and only a small corner on the west side. He reiterated it is a judgment call; the Council could revise the locations of the designated street fronts.

Councilmember Wilson inquired about the definition of service uses. Mr. Chave acknowledged there was no definition for service uses. The EDC and Planning Board felt it worthwhile to forward the proposed amendments to the Council but want to review and further define services uses to determine whether some are more retail oriented.

Councilmember Bernheim asked whether it was true that the height in the BD1 zone is 25 feet with a minimum 12-foot first floor ceiling height but the building height can be 30 feet if the developer includes a 15-foot first floor ceiling height. Mr. Chave answered there must be a 15-foot first floor ceiling height and the maximum height is 30 feet. Councilmember Bernheim clarified in the BD1 zone a 15-foot first floor ceiling was required. Mr. Chave agreed.

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

Karen Wiggins, Edmonds, owner of a commercial building and former contractor, commented all the BD1 zone changes are beneficial. She expressed concern with the development agreement, opining that development agreements were legislated to avoid cities being accused of spot zoning. In this case the development agreement is for a specific building and lists the things that a property owner wants to do with the building. The development agreement also allows a building to extend above the height limit. She recalled the City's Comprehensive Plan refers to 3-story buildings, not 4 stories. She concluded a development agreement was a fancy way to get around spot zoning.

Doug Spee, Edmonds, a property owner in the downtown BD2 zone, acknowledged his interest may be more personal than other speakers. He expressed support for the proposed amendment with regard to the designated street front; extending the designated street front down Main Street to ensure a consistent look down Main and up the side streets that cross Main but still allow flexibility on the outer portions of the zoning that in some cases face a mixed residential zone. In his experience, renting commercial space on the edges of the commercial zone is virtually impossible; he has had a vacancy for four years. With regard to step-backs, he commented removing the step-back provision is long overdue. Although passage of that change five years ago was intended to reduce the perceived size of a new building as viewed from the street or sidewalk, it eliminates any possible duplication of layout for residential levels of a small mixed use building and it is architecturally unattractive unless above a fourth floor or higher. The code has adequate provisions without the step-back requirement to ensure esthetically pleasing and appropriate development downtown.

With regard to development agreements, Mr. Spee pointed out a huge component of design downtown relates to the location of the site within the specific BD zone. Although the planner may have ideas, they must simply quote the code, play no part in the design even though a site may be perfectly situated for public open space, have overhead power lines could be undergrounded, or be perfectly situated for a certain use that deserved some concession to make it possible. The City's unbending code language hurts the ability of a designer to take advantage of a site's unique characteristics and prevents a flow of discussion between the developer and the planner which could result in a win-win project. Any development agreement requires public hearings and Council approval, thus eliminating the concern it would get out of control. He encouraged the City Council to approve the Planning Board's recommendations as proposed.

Don Hall, Edmonds, retail store owner and member of the EDC, urged the Council to pass the four proposed changes to the BD zone code, envisioning they will lead to better development, economic growth and go a long way toward bringing new business to Edmonds. Development agreements are the key to economic vitalization downtown. A hotel and apartments will add to the number of people that need the goods and services offered by downtown merchants. The use of development agreements would achieve the goal of silver and gold LEED building and require public amenities such as public restrooms, gathering spaces, and public art. He urged the Council to view the code change as a way to kick start the desperately needed economic revitalization downtown.

John Reed, Edmonds, Planning Board Member, advised he was out of town when the Planning Board held the public hearing on the proposed modifications to the BD zones, ECDC 16.43. He expressed support for economic development and as a member of the Planning Board, supported recent changes to zoning at Firdale Village which among other things included significant height increases. He also supported the creation of the Edmonds Way Corridor zones and applauded the work of the EDC over the last 18 months. Regarding the proposed changes, he supported eliminating the step-back requirement but encouraged their use as an attractive design feature. He supported the changes to the primary and secondary uses in the BD zones and had recommended the BD1 zone be changed to full retail/restaurant and other commercial uses excluded although the Planning Board did not make that change. He supported changing the commercial depth on designated street fronts to a consistent 45 feet rather than the existing 30 and 60-foot depths. He expressed concern with 16.43.050, development agreements and its interaction with the development agreement section of ECDC 20.08. Section 16.43.050 allows all BD zone provisions except design provisions to be eligible for modification by a developer meeting only two criteria, some of which are loosely defined such as no square footage or percentage requirements and therefore could be minimal.

Mr. Reed relayed ECDC 20.08 has two provisions that may be cause for concern; final plans and drawings are not required, conceptual drawings and general design criteria must be specified. These often change during design development as a project evolves. He questioned whether those changes would be transparent and public knowledge and whether follow-up hearings at the Planning Board and Council would be required. ECDC 20.08 also refers to consistency with the Comprehensive Plan and existing code. He questioned whether the freedom to modify nearly all the major provisions of the BD zone code was consistent with this requirement. The 35-foot maximum height included a maximum of 3-story statement when considered by the Planning Board. That statement has been removed and he echoed the question whether that change was actually approved by the Planning Board. Some sloped lots would qualify for 4 stories which can be built if 35 feet is allowed without a story limitation. He believed 4 stories was 1 too many downtown and asked that the Council revise the statement to either limit development to 30 feet or 3 stories. He relayed his concern that the open ended nature of 16.43.050 may lead to litigation if/when an agreement meeting the basic but loosely defined criteria is denied by the Planning Board and City Council.

Ron Wambolt, Edmonds, urged the Council to support the Planning Board's recommendations, envisioning that the ability to use development agreements would stimulate economic development downtown. He pointed out there had been no new development downtown since the BD zoning was implemented in early 2006. Although the economy may be partially to blame, another cause is the rigid BD development standards. The only flexibility currently allowed in the BD zones is via a variance which requires a developer meet six criteria. Although the variance concept is well intended, meeting all six criteria generally prevents the granting of a variance. The development agreement provision will open new opportunity for controlled flexibility; developers will have more flexibility but the flexibility is controlled by the City Council. A development agreement allows for a win-win situation; the developer must give something to get something in return. With regard to the 35-foot maximum height, retaining the existing 30-foot height limit as Councilmember Plunkett suggested would eviscerate the value of a development agreement because although a building can be developed in 30 feet, it would prevent a third floor of apartments and the generation of sales tax and ongoing property taxes from those 17 apartments. As Mr. Spee has previously indicated, the additional floor of apartments would allow him to lower rents by $200/month. The tenants in his existing apartments in the Spee Building will attest he has not raised rents in ten years. He urged the Council to approve the amendments without delay so that much needed economic development can occur. Economic development is a real need, without economic development and as long as inflation exceeds 1%, annual levy lid lifts will be necessary.

Joan Bloom, Edmonds, referred to the Planning Board minutes in which Mr. Chave stated a development agreement is similar to the contract rezone concept that the City no longer uses. She asked why contract rezones are no longer being used by the City, how development agreement are superior to a contract rezone, and whether the flexibility provided by a development agreement would open the City to lawsuits if one developer is granted something for a specific site and another developer does not get what they want.

Ruth Arista, Edmonds, advised the extension of the designated street front on 4th Avenue to Daley was related to that being part of the Arts Corridor to the Edmonds Center for the Arts. As a business owner in three locations in downtown Edmonds, on the corner of 5th & Main, next to that corner on 5th Avenue, and currently further south on 5th Avenue, she supported the proposed designated street front map. She described a shopper at the corner of 5th & Dayton on Saturday where there are two banks and an empty store front turning around and heading back to the intersection of 5th & Main. The designated street front proposal is very important to businesses located further down the street. Store fronts with good eye candy keep people walking and going into one store after another. Some offices do a great job decorating their windows, and although the banks provide a terrific service, people are not drawn to a bank. The blue line identifying designated street front stops in the middle of the parcel because a retail business located on the corner of 2nd & Bell was unlikely to get much foot traffic. She expressed her support for the proposed changes.

Rebecca Wolfe, Edmonds, member of the EDC and the tourism subcommittee, explained whenever the subcommittee thinks of something wonderful for Edmonds, the need for more hotels arises. The proposed project for a boutique hotel on 2nd & Main is very exciting. She recalled from their presentation that the elevation between Main and Bell makes development tricky without an increase in the height. She agreed with all the previous speakers who supported the proposed changes.

Roger Hertrich, Edmonds, referred to the criteria for a development agreement related to a green building, recalling a grocery store that installed an ugly water tank in an effort to be green. He hoped that would not be allowed in the future to meet the criteria for a green building. He questioned how long a uses that allowed a developer to use a development agreement would be required to remain and how that use could be guaranteed long term. Public restrooms are an expensive amenity and likely not practical for a developer to provide. His goal was protecting Edmonds' small town atmosphere and protecting existing

views downtown. He questioned how a green building protected views. With regard to increasing the maximum height, he recommended further consideration such as whether the requirements are appropriate. Only three people spoke at the Planning Board; another public hearing was likely to generate more public participation. He urged the Council not to make a final decision tonight and to consider this the beginning of the discussion.

Rich Senderoff, Edmonds, explained as a member of the EDC he supported the recommended changes to the BD zone. There was a great deal of discussion by the EDC regarding service uses in the retail core and the EDC recommended further vetting of service uses. He explained a service is an exchange of money for a product or service such as a hair salon. That definition is consistent with recommendations for the BD1 zone in the Comprehensive Plan. He recalled comments that prohibiting a drive-through would discourage banks from locating in the BD zone. When someone is told they cannot do something, it is easy to get around that; when someone is told what is expected, it is harder to get around. He recommended the "such as" clause in the development agreement amendment needed further specificity. With regard to requiring two of the three criteria for a development agreement to be met, he recommended requiring the use criteria be met and then one of the other criteria. He summarized development agreements were a way for the community and the Council to help shape the downtown area.

Al Rutledge, Edmonds, pointed out 2500-3000 additional residents will locate in Edmonds in the future. He recommended including a criteria for the use of a development agreement that relates to a transportation system that will bring people downtown to shop.

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

Councilmember Bernheim commented he was positive about the changes, but due to the hour and the urgency of the levy discussion, he proposed bringing this matter back for a special workshop. He has questions about raising the height limit to 35 feet and raising the standard height limit to 30 feet but it was unlikely the Council would work through those issues tonight.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO RESCHEDULE THIS FOR AS SOON AS POSSIBLE. MOTION CARRIED (5-2), COUNCILMEMBER WILSON AND COUNCIL PRESIDENT PETERSON VOTING NO.

Council President Peterson recalled there was some concern the issues were not discussed by the Mayor's Climate Protection Committee. He suggested discussing it at their August 4 meeting. In response to comments that this was to be reviewed again by the CS/DS Committee before forwarding it to full Council, he suggested the CS/DS Committee discuss it at their August 9 meeting and this item be scheduled on the August 23 Council agenda.

Councilmember Wilson advised he would relay his questions under Council comments. Mayor Cooper encouraged Councilmembers to submit any questions/comments prior to the August 23 meeting.

4. AUDIENCE COMMENTS (

Al Rutledge, Edmonds, referred to an interview of Human Resources Director Debbie Humann in the *Everett Herald*. Next, he reported on the legislative redistricting; the last meeting is in Seattle on August 9. Public hearings will be held in Seattle, Spokane, Vancouver and Olympia after the final decision is made in November. In 2000 a public hearing was not held after the final decision. Further information is available at 360-786-0046. With regard to the levy, he recommended forming a 100-150 member advisory committee. He suggested a levy include funds to purchase Al Dykes' property and that it developed with a use that was beneficial to citizens.

AM-4110

3.

City Council Meeting

Meeting Date:	07/26/2011		
Time:	60 Minutes		
Department:	Planning		
Review Committee:	Parks/Planning/Public Works	Committee Action:	Recommend Review by Full Council
Type:	Action		

Information

Subject Title

Public hearing on the Planning Board recommendation regarding potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals.

Recommendation from Mayor and Staff

Direct the City Attorney to prepare an ordinance to implement the Planning Board's recommendation (Exhibit 1).

Previous Council Action

Council's CSDS Committee discussed several staff-initiated issues pertaining to downtown BD zones and asked the Planning Board to review BD zoning issues (see Exhibit 7).

Narrative

After a number of months of discussion and work, the Planning Board held a public hearing on June 8, 2011, on proposed amendments to ECDC 16.43, code requirements pertaining to the downtown BD zones. The Planning Board's recommended amendments resulting from that public hearing are contained in Exhibit 1, which shows a markup version displaying changes from the existing code. A staff summary of the proposed changes is contained in Exhibit 2, and the Planning Board minutes are in Exhibit 3.

An earlier staff memo describing some of the issues involved is contained in Exhibit 4, with the hearing draft of the amendments that was considered by the Planning Board contained in Exhibit 5. A map of the existing downtown BD zones can be found in Exhibit 6.

Attachments

Exhibit 1: PB draft code amendments

Exhibit 2: Staff summary of PB recommendations

Exhibit 3: Planning Board minutes
Exhibit 4: Staff memo from 6/8/2011 PB hearing
Exhibit 5: Draft amendments from 6/8/2011 PB hearing
Exhibit 6: Map of BD zones
Exhibit 7: CSDS minutes of 8/11/2010

Form Review

Inbox	Reviewed By	Date
City Clerk	chase	07/21/2011 04:41 PM
Mayor	cooper	07/21/2011 05:23 PM
Finalize for Agenda	chase	07/21/2011 05:27 PM
City Clerk	chase	07/21/2011 04:41 PM
Mayor	cooper	07/21/2011 05:23 PM
Finalize for Agenda	chase	07/21/2011 05:27 PM
Form Started By: Rob Chave		Started On: 07/21/2011 03:25 PM
Final Approval Date: 07/21/2011		

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least ~~60~~ 45 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

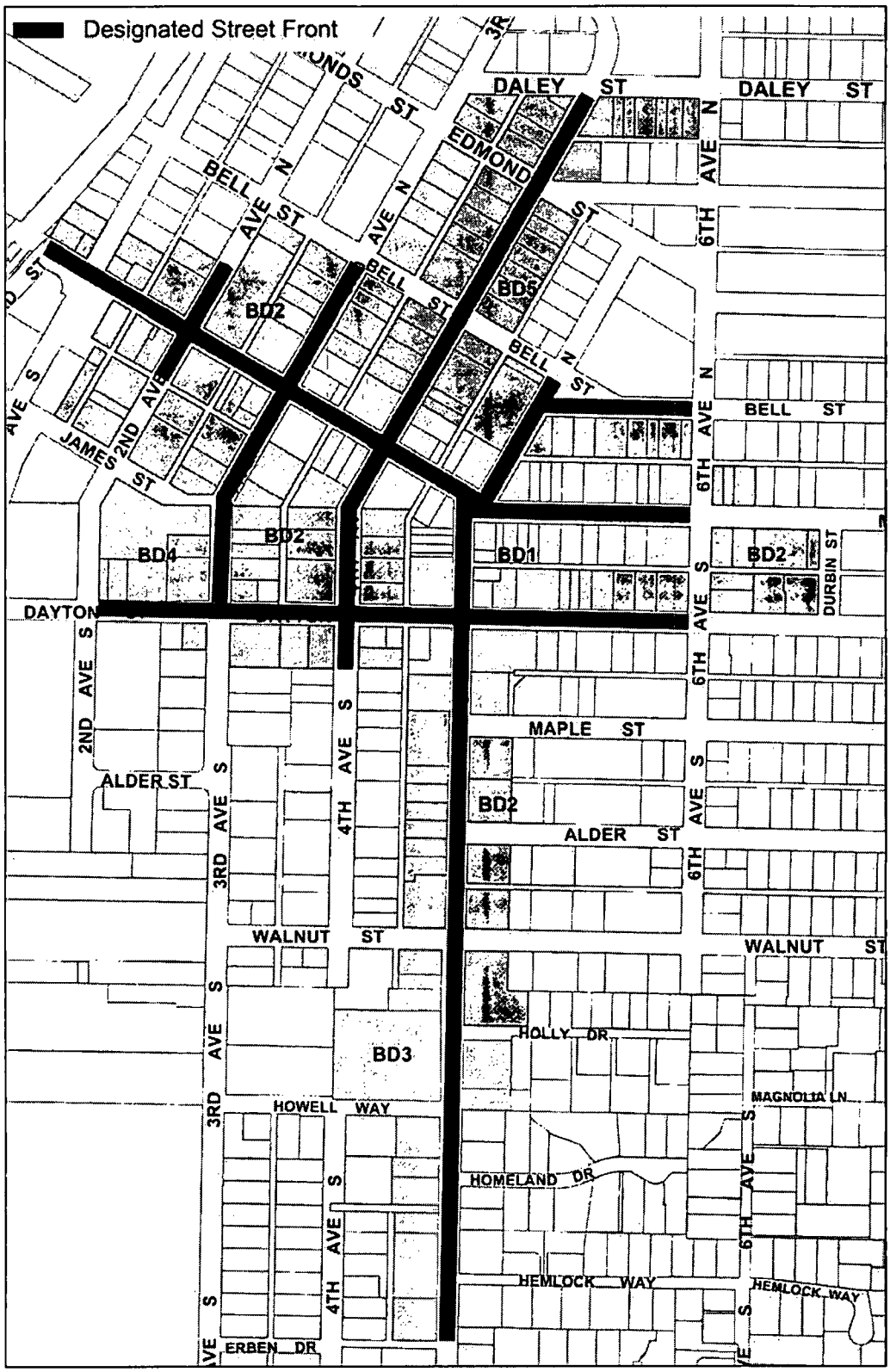
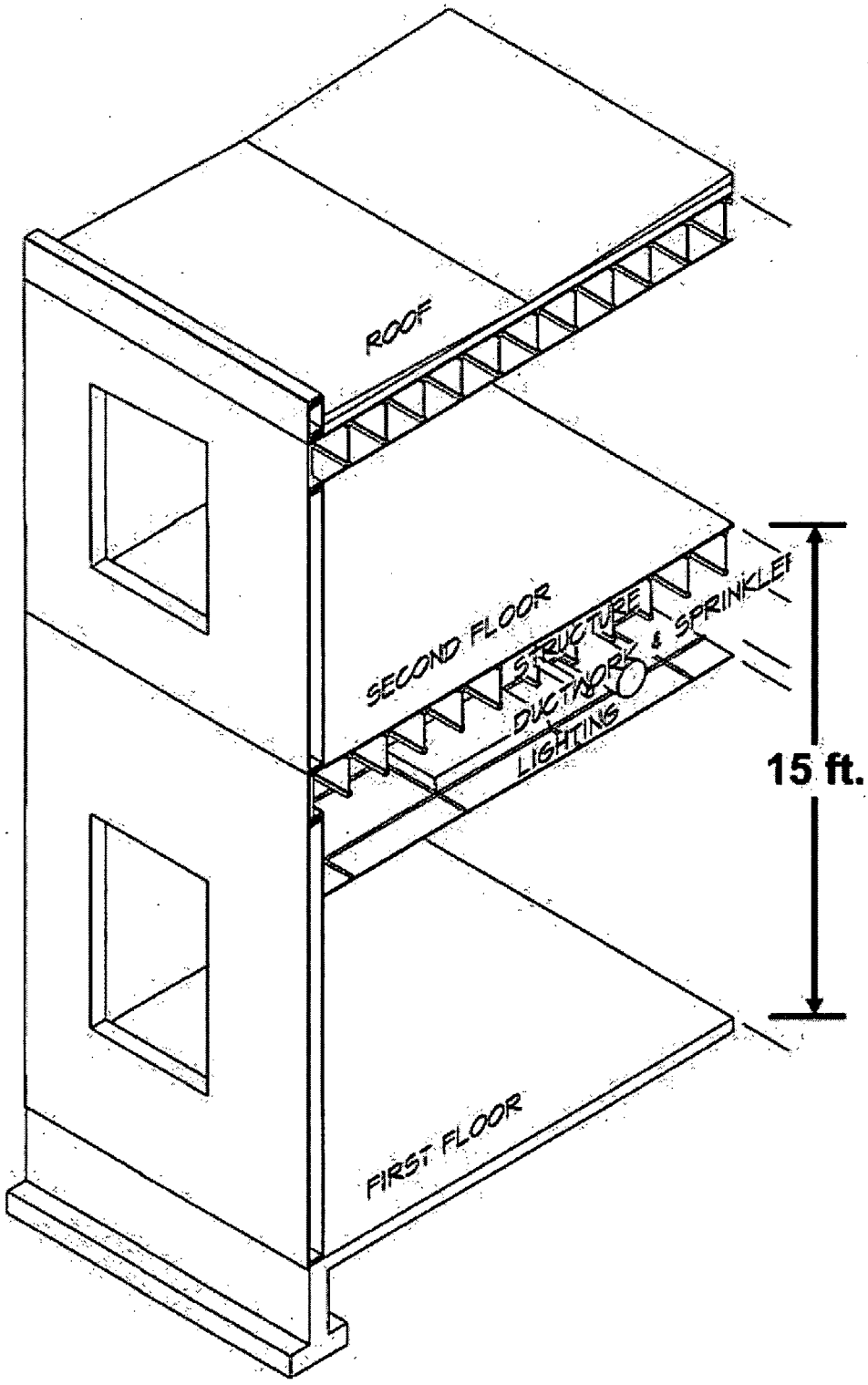


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Within the BD1, BD2, BD3, or BD4 zones, an additional five feet of building height – increasing the overall building height to a maximum of 30 feet – may be obtained if the building meets the ground floor requirements for the zone as enumerated in ECDC 16.43.030(B). ~~Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).~~

~~a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:~~

~~i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.~~

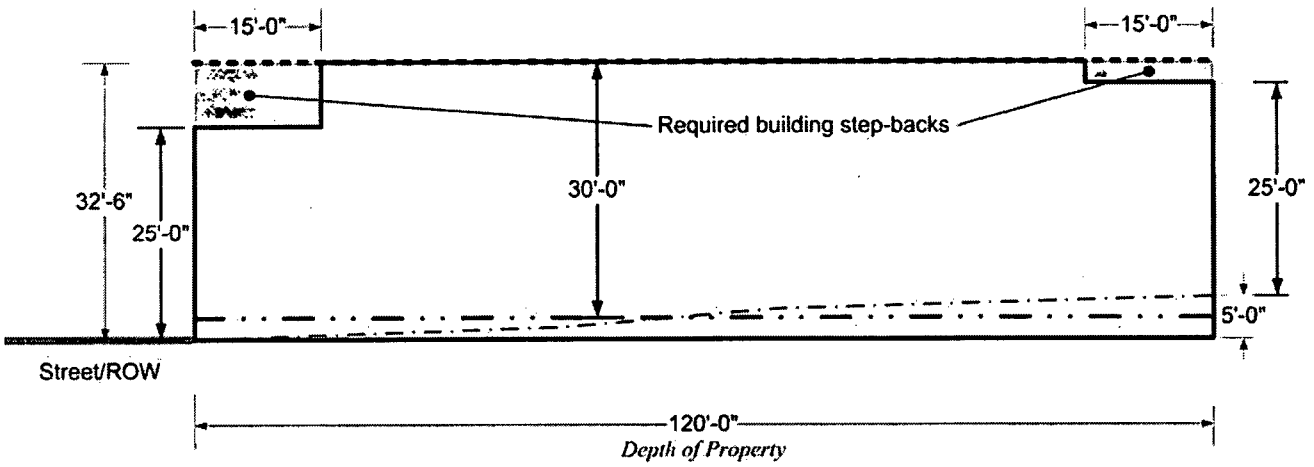
~~ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.~~

~~iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot for foot basis for the required building step-back. For example, a five-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.~~

~~b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.~~

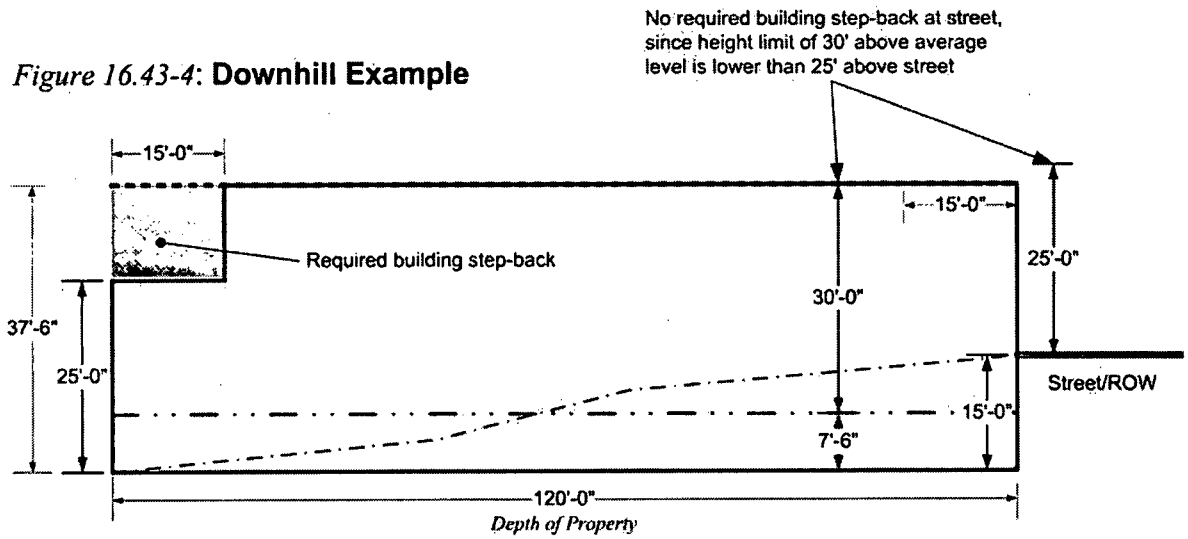
Note: the diagrams on this page are deleted in the Planning Board recommendation.

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, the building shall meet the same requirements ~~step-backs shall be required the same as for the BD2 zone, as described~~ detailed in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

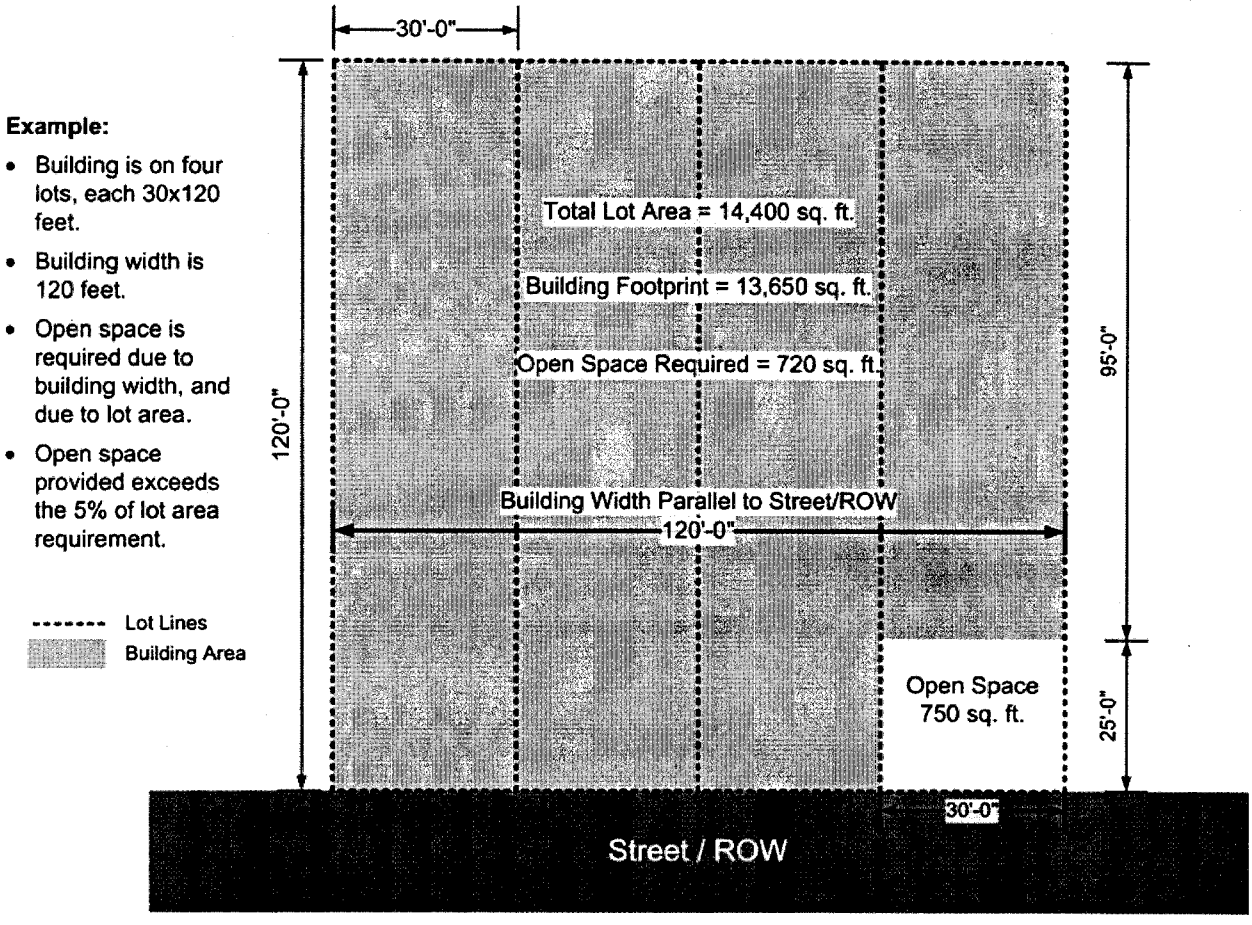
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Without limiting the scope of enhanced public space and amenities, examples include such features as public restrooms, additional building setbacks which provide expanded public sidewalks or gathering space and/or combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.

Summary of Planning Board Recommended Changes to BD Zones

1. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. *This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.*

2. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' In addition, drive-in or drive-through businesses are prohibited in the BD1 zone. *Existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone.*

3. Step-back requirements. Step-backs are no longer required in downtown buildings (currently, they are not required in the BD1 zone, while a 15-foot step-back is required above 25 feet in other BD zones). *The Planning Board concluded that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce, and the design of buildings is determined more by overall height and design standards.*

4. Development Agreements. Development agreements are authorized in the proposed amendments (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. Approval hinges on meeting at least two of three criteria, generally including (1) attaining at least a LEED Gold or equivalent level of green building certification; (2) the development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists); (3) the development includes enhanced public space and amenities. *Development agreements are authorized as an alternative development approval process, requiring public hearings at both the Planning Board and City Council, with final approval by the Council. Notwithstanding the other criteria, a development agreement cannot increase the height of a building to be more than 35 feet.*

APPROVED JUNE 22nd

CITY OF EDMONDS
PLANNING BOARD MINUTES

June 8, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT
John Reed, Vice Chair (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CLARKE MOVED THAT THE MINUTES OF MAY 25, 2011 BE APPROVED AS AMENDED. BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON POTENTIAL AMENDMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES (FILE NUMBER AMD20110003)

Mr. Chave reviewed each of the proposed amendments as follows:

Designated Street Front and Commercial Depth Requirements:

Mr. Chave referred the Board to the proposed map of Designated Street Fronts for BD Zones (Map 16.43-1), which has been expanded to include all BD zones, not just the BD1 zone. The purpose of the map is to clarify where the primary pedestrian areas and commercial uses are intended to be oriented within the BD Zones. He explained that ground floor of properties along designated street fronts would be required to meet the commercial height and depth requirements. At this time, the commercial height requirement for the ground floor space of properties along the designated street fronts is 12 feet. The

proposed language identifies a consistent commercial depth requirement of 45 feet, which replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere in the BD zones. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater standard of 60 feet outside the retail core (BD1). He reminded the Board that multi-family residential and professional offices would be allowed to locate on the portions of ground floor space located outside of the designated street front areas and on the upper floors of all buildings in the BD Zones.

Mr. Chave said the Board is specifically seeking feedback from the public about the proposed amendment to the commercial depth requirement, as well as the proposed Designated Street Front Map. He advised that staff measured a large number of commercial spaces in the BD zones in 2005 and 2006, with particular focus on the BD1 zone. They found that the vast majority of the commercial spaces had a depth of at least 60 feet. Therefore, they believe that a 45-foot commercial depth requirement would be reasonable to ensure an adequate amount of ground floor commercial space. Again, he emphasized that this requirement would only apply to properties located along designated street fronts.

Step-Back Requirement:

Mr. Chave explained that, currently, there is no step-back requirement in the BD1 zone, but there is a 15-foot step-back requirement in all other BD zones. In order to increase the height of a building from 25 to 30 feet, a 15-foot step-back is required for the portion of the structure above 25 feet. This requirement results in a significant loss in the amount of developable area and ends up prohibiting buildings from actually being constructed within the established downtown height limits. He said the proposed language provided for the hearing identifies a reduced step-back requirement from 15 feet to 5 feet. However, the Board is also considering the option for removing the step-back requirement entirely from all BD zones. The logic is that if the 30-foot height limit is adequate in the BD1 zone, it should be adequate for all BD zones. In addition, the step-back requirement does not really add any additional protection that is not already addressed by the existing Design Guidelines for the BD zones. He said the Board is seeking feedback on whether or not the step-back requirement should be reduced or eliminated.

Uses in the BD1 (Retail Core) Zone:

Mr. Chave explained that the area one to two blocks radiating out from the fountain is known as the downtown retail core or BD1 zone. Members of the Planning Board surveyed the existing uses in this area and found that it is predominately retail and restaurant uses, with a fair amount of service uses that are generally compatible with retail uses. However, there are some uses that are not compatible, such as medical offices and/or other types of offices that do not have walk-in customers. These uses tend to want to wall off their businesses from the street front, which discourages pedestrian activity. If more of these types of uses are located in the retail core, they could undermine the viability of the existing retail uses. He particularly noted that medical uses are required to provide privacy to their patients. Because they have not been allowed to close off their front windows, they have used privacy screens inside, which have had the same affect.

Mr. Chave said the Board has discussed the idea of prohibiting certain types of uses that are incompatible with the retail core. As per the proposed amendment in Table 16.43.020, retail, restaurant and service businesses would be allowed, but office and/or professional office uses would only be located outside the 45-foot designated street front. Another option being considered by the Board would be even more restrictive to prohibit office and service uses in the designated street front areas in the BD zone. Only retail and restaurant uses would be allowed. He emphasized that the BD1 zone occupies only a small portion of the downtown, and the use restrictions would only apply to the designated street front areas. Office uses would still be allowed elsewhere in the building behind the front retail-oriented uses or on the upper floors of the building. He noted that if the proposed language is adopted, existing nonconforming uses would be dealt with via the nonconforming rules in the zoning code. They would be allowed to continue as the same type of use so long as they remain occupied.

Development Agreements:

Mr. Chave explained that a development agreement is similar to the "contract rezone" concept, which is no longer used by the City. As proposed, the development agreement concept would allow flexibility for a developer to propose modifications to the development standards in exchange for providing a public benefit. He referred to the proposed code language in

Section 16.43.050, which includes sample criteria and authorizes what can be modified by a development agreement. The Board is seeking specific feedback about whether the criterion is appropriate and whether development agreements should be available in all BD zones. They would also like feedback about whether specific conditions should be attached to development agreements, as well as what development standards could be varied, and to what extent.

Mr. Chave said that, as proposed in Section A, development agreements would be reviewed by the Planning Board as part of a public hearing process. The Board would forward a recommendation to the City Council, and the City Council would conduct another public hearing before making a final decision. The Board's recommendation and the City Council's final decision would be based on whether or not a proposal is consistent with the City's economic development and Comprehensive Plan goals and the downtown Design Guidelines.

Mr. Chave reviewed that Section B outlines what can be approved as part of a development agreement. The language includes two options. One would allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040. An alternative would be to allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height limits would only be allowed to increase to 35 feet or three stories, whichever is greater. He recalled that the Board specifically discussed the concept of using "stories" to address height. He explained that the topography in downtown Edmonds makes this approach difficult. Because of topographical changes, development on a single lot could accommodate up to three stories on one side, but four on another. He said the Board is particularly interested in hearing public feedback regarding this concept.

Mr. Chave referred to the criteria for approval of development agreements, which is outlined in the proposed language for Item C. As proposed, in addition to attaining at least a LEED Silver or equivalent level of green building certification, a development would be required to meet at least two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the follow uses designed to further the City's economic development goals: a hotel, a post office, a farmer's market, and/or studio work space, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave observed that, typically, sidewalks in the downtown are narrow and buildings are constructed right to the sidewalk. A developer could propose an expanded sidewalk or plaza area to enhance the pedestrian space, which would meet one of the criteria for a development agreement. He reminded the Board that a development agreement must be consistent with the goals and policies in the Comprehensive Plan and the downtown Design Guidelines.

Chair Lovell referred to the proposed Designated Street Front Map (Map 16.43-1) and recalled the Board previously discussed that a portion of the street front on 5th Avenue between Howell Way and Erben Drive has a steep topography and is not really an ideal location for retail uses. It was suggested that this area should not be designated as commercial street front. Mr. Chave recalled this was discussed by the Board and the Citizens Economic Development Commission (CEDC) at a joint meeting. He said staff recommends that the designated street front extend all the way up 5th Avenue to the end of the BD3 zone. Otherwise, the area would be made available for other types of uses that are not compatible with retail and/or commercial uses.

Chair Lovell pointed out that Footnote 3 on Page 5 should be amended to identify a 45-foot commercial depth requirement in rather than a 60-foot requirement.

Board Member Ellis requested further information about how nonconforming uses would be addressed. While he understands the uses would be allowed to continue for a time after the amendments are approved, he asked when they would lose their nonconforming status. Board Member Johnson answered that the businesses would be allowed to continue as nonconforming uses as defined in ECDC 17.40. However, they would not be allowed to expand in any way, including the number of employees, equipment and/or hours of operation, except as provided in ECDC 17.40.050. If a nonconforming uses ceases for a period of six continuous months, any later use of the property occupied by the former nonconforming use would be required to conform to the zoning ordinance. In laymen's terms, the property could be rented to another similar

business or to a permitted use. However, if the building is vacant for six months, it may only be used for conforming uses in the code.

Board Member Clarke suggested that the Designated Street Front Map does not accurately represent how the City is legally platted into lots. Rather, it represents ownership. Mr. Chave explained that the map is divided into tax parcels, which are different than legal lots. In some cases, multiple lots are combined into a single tax parcel. As an example, Board Member Clarke specifically referred to the properties on the south side of Main Street between 2nd and 3rd Avenues South. The property to the west of the alley is divided into three lots, and the same size of property to the east of the alley is identified as a single lot because it is under the same ownership. Board Member Clarke pointed out that requiring a 15-foot step-back on narrow lots for portions of a building above 25 feet makes development challenging, if not impossible. The stepped-back portion of the buildings would be nonfunctional. Mr. Chave explained that the step-back requirement is particularly onerous for properties that have two street fronts (the main street front and the alley). These buildings are required to step back 15 feet on each side. Board Member Clarke referred to the property located just west of 3rd Avenue South at the northwest corner of the alley and questioned if it is legally possible to redevelop just one of the lots based on the current step-back requirement. Mr. Chave agreed that redeveloping just one of the lots would be very challenging.

Doug Spee, Woodway, said he has an office on Bell Street. He expressed his belief that the proposed code amendments are well written and would benefit all property owners in the BD zones. They do not favor any particular land owner. He said that while the step-back concept works well for high-rise development in downtown Seattle, the Board should keep in mind that development in downtown Edmonds is limited to three stories. Asking a developer to step back the top floor can kill the design and make a project unfeasible. He expressed his belief that a step-back requirement is the wrong choice to prequalify a developer for the additional 5 feet in height. Another option would be to allow the additional 5 feet in height if a building is modulated. He pointed out that the Architectural Design Board has the ability to effectively control whether a proposed building provides enough modulation to warrant the additional 5 feet in height. A step back should not be the only way a developer can obtain the additional height.

Mr. Spee referred to the proposed development agreement language (ECDC 16.43.050) and noted that the alternative language for Item B could be interpreted to allow building heights much greater than 35 feet if a developer proposes a 3-story building with tall ceiling heights on each floor. He suggested the language be clarified or that the reference to the number of stories be eliminated altogether.

Ron Wambolt, Edmonds, thanked the Board for the time and effort they have spent to work through the proposed amendments. He said he hopes that when they are presented to the City Council, they will be in a good frame of mind to support the Board's recommendation. He said he supports most of the changes as proposed. He specifically said he believes development agreements would stimulate economic development in downtown Edmonds. He noted there has been no new development in downtown Edmonds since the BD zoning was implemented in early 2006. While the economy is partially to blame, he believes the other cause is the rigid BD development standards. Currently, the only flexibility allowed in the BD zones is through a variance, which requires a developer to meet six criteria. While the variance concept is well intended, it generally curbs the granting of any variance. He said he believes the development agreement provision would open new opportunities for controlled flexibility. Developers would have more flexibility, but the flexibility would be controlled by the City Council. It sets up the opportunity for a win-win situation where the developer has to give something in order to get something in return. He said he hopes the Board can reach a unanimous decision and forward their recommendation to the City Council as soon as possible.

Stephen Clifton, Community Services/Economic Development Director, referred to the Planning Board's minutes of April 13th, which incorrectly quoted him as stating that "the step-back requirement should be applied in all BD zones." His intent was to suggest that he did not see the logic of applying a 15-foot step back in any of the BD zones.

Karen Wiggens, Edmonds, said she supports the Board's proposal to prohibit office uses in the BD1 zone. It is important for the retail area to be pedestrian friendly. However, she is not sure she supports the idea of prohibiting service uses, as well. Many people who visit the nail and hair salons walk to their destinations. She said she also supports the proposal to change the commercial depth requirement to 45 feet for all BD zones and to eliminate the step-back requirement. She explained that she owns a building on 2nd Avenue South and James Street, and they are currently negotiating a 10-year lease

with Landau Associates, which will be good for her and for the City. Part of the reason she can negotiate the new lease is because she can offer additional space on the third floor, which can be expanded on the east side of the building. There is no reason for a 15-foot step back on her building. If she was not allowed to expand her building to the street front, the City would lose a good business, and she is not the only property owner in this type of situation. She said that while she supports the development agreement concept, she cautioned that the proposed language appears to address one specific property, which can be a dangerous approach.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Chair Lovell requested clarification of Mr. Spee's comment related to the proposed language in Alternative B in ECDC 16.43.050 (height versus stories). He said he does not interpret the language to allow a 3-story building that is greater than 35 feet in height. Mr. Spee said he supports the concept of limiting building height to 35 feet. However, his interpretation of Alternative B is that a 3-story building could actually be much greater than 35 feet if each of the floors had a 16-foot ceiling height. He said he does not believe the language, as currently drafted, defines the maximum building height allowed.

Board Member Clarke observed that Ms. Spee is a successful developer in other jurisdictions in the Puget Sound area. He asked him explain how a developer could construct a 4-story building when the height is limited to 35 feet, particularly given the height required to provide a 12-foot ground floor commercial space, as well as space to locate the mechanical equipment. Mr. Spee answered that if a lot is sloped, it may be possible to construct four stories on one side. He said that if the proposed Designated Street Front Map is approved as presented, his property would qualify for four stories because a portion of the development would be outside the designated street front area. Therefore, he would not be required to provide 12-foot ceiling heights for the ground floor space. He briefly explained how a 4-story development could be accomplished on his particular lot.

Board Member Clarke reminded the Board that the objective of development agreements is to enhance flexibility. The development standards do not take lot size and topography into consideration, and applying a one-size-fits-all approach does not allow flexibility for developers to explore other options that would enhance overall development without creating a monstrous development that the community does not want. He recalled that the purpose of the height limit is to avoid massive buildings. Mr. Spee pointed out that a 30-foot high building could not be considered large. He suggested that one aspect that is missing from the conversation is that topography creates a stadium setting as you approach the downtown. The one-size-fits-all approach does not acknowledge that a slightly taller building on 4th Avenue South and Main Street would not look different from uphill. Development agreements would offer flexibility for the City to allow slightly taller buildings that do not block view from uphill. They also allow developers an opportunity to try and sell something that makes better sense to the public and the City Council. He said he has spent several months trying to offer ideas for how his development could provide more benefits to the community, but the current code language does not allow flexibility to implement any of the ideas.

Board Member Clarke pointed out that Mr. Spee also owns property in Redmond near their town center, which has potential for redevelopment. Mr. Spee said he purchased the property in July of 2008 and the permits to construct an 85-foot tall building were obtained in December of 2010. He said that while Redmond's development standards are different, they are not necessarily any better. However, they do not have a building height requirement for their town center zone.

The Board reviewed each of the proposed amendments and took action as follows:

Uses in the BD1 (Retail Core) Zone:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE REVISED TABLE IN ECDC 16.43.020 AS PROPOSED BY STAFF. BOARD MEMBER CLOUTIER SECONDED THE MOTION.

Mr. Chave referred to the proposed table and noted that the only term currently defined in the code is "office," which means "a building or separate defined space within a building used for a business which does not include on-premises sales of goods or commodities." He noted that this definition is not particularly helpful, and that is why staff provided more descriptive language for office and service uses. He advised that the Board would review all the use classifications after the

University of Washington Team has worked out their proposal for form-based zoning for the Westgate and Five Corners commercial areas. He referred to the handout that matches the 1987 Standard Industrial Classification (SIC) Codes to the 1997 North American Industry Classification System (NAICS), which identifies very different kinds of service categories. He recalled the Board has talked about allowing personal service uses in the BD1 zone. He summarized that while they must deal with use definitions at some point in the future, the proposed amendment is workable because it includes terms that are used throughout the Development Code.

Board Member Ellis recalled the Board previously discussed the option of prohibiting both office and service uses in the BD1 zone. However, the motion currently on the floor would only restrict office uses from being located in the designated street front areas within the BD1 zone.

Board Member Stewart reviewed the updated results of the survey she and Board Member Johnson conducted to identify the current uses in the BD1 zone. They found that 35% of the designated street fronts were retail uses, 5% were art, and 23% were restaurant and food services. That means a total of 63% of the uses were retail and/or food related. In addition, 25% of the space was occupied by beauty and wellness uses, finance, insurance and real estate uses, and professional offices. Other uses occupied 4% of the space, and 8% of the space was vacant. Mr. Chave observed that professional offices occupy only a small percentage of the designated street front space in the BD1 zone. However, adopting the proposed language would eliminate the possibility of more of these uses locating in these critical retail areas.

Board Member Cloutier recalled the Board's previous discussion about what options a land owner would have if they are unable to rent their space for a retail use. If a space cannot be rented within a 6-month time period, he suggested it would be better to allow the space to be rented for a professional office use rather than remain vacant. He questioned how this need could be addressed. Mr. Chave said the proposed amendment would offer no option for other types of uses, and a development agreement would not be allowed to modify the allowed uses, either. Board Member Stewart suggested the purpose of the proposed amendment is to serve a greater City need. Landowners have the option of adjusting their rent and/or terms to attract retail tenants. Mr. Chave recalled an experience shared earlier by Mr. Clifton in which he encouraged a property owner to think more carefully about the types of businesses he/she was trying to recruit. The property owner assumed the space was more suitable for office use, but he was able to convince him/her that a retail food business would be a better choice. The property owner was able to successfully recruit this type of use. Board Member Stewart emphasized that getting more retail uses in the BD1 zone will be positive for the landowners, too.

Board Member Johnson pointed out that changing the uses allowed in the BD1 zone would not require a successful office use to terminate now. However, she felt the proposed amendment would be appropriate if the City's intent is to have retail uses in the BD1 zone. She agreed that service uses such as nail and hair salons could be part of the retail mix. She would even support allowing all service uses, but medical and other professional office uses should be prohibited.

Board Member Cloutier agreed the City's goal is to have retail uses in the BD1 zone. However, he cautioned against limiting the property owners' ability to rent their space too much. There should be some provision that allows nonconforming uses if that is the only type of use interested in the space. Allowing a nonconforming use would be better than an empty store front. Mr. Chave pointed out that the hardship to property owners would be mitigated by the fact that the use restrictions would only apply to the portions of buildings located within the designated street front. The limited use would apply to just a very small portion of the downtown area, and he would advocate holding firm on the areas that matter (BD1 zone).

Board Member Clarke said it appears that the vacant properties in the BD1 zone are designed for retail rather than professional office uses. Mr. Chave added that much of the vacant space is in space that has never been occupied but was constructed for retail uses. Board Member Clarke said he cannot foresee a situation in which the proposed amendment would place a hardship on a property owner. He expressed his belief that the proposed amendment represents the best interest of the public and provides a fair balance between the needs of the landowners and the current economic conditions.

Board Member Johnson pointed out that, as proposed, drive-through businesses would no longer be allowed in the BD1 zone. The Board has generally agreed with this approach. However, as she reviewed the table of permitted uses, her attention was drawn to hotel and motel uses, both of which are permitted primary uses in the BD1 zone. She explained that a

motel is designed for auto travelers, and a hotel is defined in Chapter 21 as containing five or more separately-occupied rooms. A boarding house is a use that contains not more than four rooms for lodgers and boarders. She expressed her belief that hotel and boarding house uses seem to be more consistent for the BD1 zone, but perhaps motels should be excluded. Motels require an additional driveway access, which is similar to a drive-through business. If one is permitted and the other is not, it appears to be contrary to the desired pedestrian environment in the BD1 zone. Mr. Chave acknowledged that, at one time, the terms "hotel" and "motel" were defined differently, but now there is much less distinction. He reminded the Board that the BD1 development standards prohibit additional curb cuts, which would address issues related to access. Board Member Johnson pointed out that the definitions she provided came directly from the existing ECDC. Mr. Chave agreed but said the definitions are old and need to be reviewed and updated at some point in the near future. Board Member Clarke explained that the term "drive-through" references the fact that a user is maintaining their auto in the rendering of the service such as a coffee stand, a fast-food restaurant, etc. People are served while they remain in their cars. On the other hand, people who visit motels are required to park their cars to access their rooms. In the transient lodging world, which covers hotels, motels, etc., there is no such thing as a drive-through motel. Therefore, he suggested that motels are unrelated to drive-through uses. He summarized his belief that the City should not prohibit transient lodging facilities in the BD1 zone.

THE MOTION CARRIED UNANIMOUSLY.

Designated Street Front and Commercial Depth Requirements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE AMENDMENT TO ECDC 16.43.030 TO CHANGE THE COMMERCIAL DEPTH REQUIREMENT TO 45 FEET IN ALL BD ZONES AS PROPOSED BY STAFF WITH THE CORRECTION TO FOOTNOTE 3 (CHANGE 60 FEET TO 45 FEET). HE FURTHER MOVED THE BOARD RECOMMEND APPROVAL OF THE DESIGNATED STREET FRONT FOR BD ZONES MAP AS PROPOSED BY STAFF. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Step-Back Requirements:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND THAT THE STEP-BACK REQUIREMENT BE ELIMINATED IN ALL BD ZONES. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Chair Lovell said the logic behind his motion is that the Comprehensive Plan and Design Guidelines provide that building design shall include façade articulation and/or modulation. Using changes in textures, materials and articulation can achieve the same aesthetic result as requiring a step back. He expressed his belief that even a 5-foot step back would be too much when multiplied by the entire width of the lot.

Board Member Clarke observed that there is no step-back requirement in the BD1 zone. Similar to how the commercial depth requirement was changed to be consistent for all BD zones, he said he would support a consistent step-back requirement. He said the existing architecture in the BD zones reflects the uniformity of no step-back requirement since no new development has occurred since the step-back requirement was implemented. As examples, he noted the Windermere Building, City Hall, the Harbor Building, and the condominiums built in downtown. He concluded that the step-back provision has not proven to be a valuable contribution to the building code. For uniformity and to be consistent with how the City is currently developed, he recommended the step-back requirement be eliminated.

Board Member Ellis said he supports the motion to eliminate the step-back requirement for the same reasons that were stated by Board Member Clarke and Chair Lovell. He said he does not see why they should have a different step-back requirement for any of the BD zones. The current requirement is too blunt an instrument to accomplish its goal.

Chair Lovell referred to written comments submitted by Vice Chair Reed, which state, "I think the step-back change is good, though upper floor step-backs are a good design feature that I would hope is still used. Otherwise, we could end up with shoe boxes for the sake of maximizing square footage."

Development Agreements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD ADOPT THE PROPOSED LANGUAGE FOR ECDC 16.43.050 AS PRESENTED BY STAFF, USING ALTERNATIVE B. CHAIR LOVELL SECONDED THE MOTION.

Board Member Cloutier referred to Mr. Spee's earlier concern that using the term "story" could result in building that are significantly taller than 35 feet if a developer chooses to construct three stories that are each 16 feet tall. He reminded the Board that the additional height would only be allowed via an approved development agreement, which would be reviewed by both the Planning Board and the City Council. If the proposed height of a development is unreasonable, the City would not be obligated to approve the development agreement. A developer would have to make a strong case to support why each story would have to be so tall, and each request would be weighed against the Downtown Design Guidelines and the Comprehensive Plan policies.

Board Member Cloutier recalled that one Board Member expressed concern that if all provisions in ECDC 16.43.030 and 16.43.040 can be altered with the exception of height, these two code sections would be meaningless. He reminded the Board that any code diversion would have to be approved by the City Council as part of a development agreement. Mr. Chave added that a developer would have to make a case to support his request to modify a development standard. Board Member Cloutier said a Board Member also raised the question of what would happen if a developer chooses not to meet one of the requirements of ECDC 16.43.030 or 16.43.040 after a development agreement has been approved. Mr. Chave answered that the developer would be required to either amend the development agreement or request an entirely new development agreement, both of which would require a public process and final approval by the City Council. These inconsistencies should be caught during the development permit review, and no development permit would be issued for a project that does not meet all of the code requirements as outlined in the development agreement.

While he actually recommended including the reference to "stories" in Alternative B, Board Member Clarke questioned if it is needed if the goal is to create flexibility. He asked if the 35-foot maximum height limit would provide enough safeguard that someone would not be able to build a taller structure. If so, then reference to "stories" is irrelevant. Mr. Chave agreed and noted that height has traditionally been regulated based on a specific height and not stories. The language related to stories was added at the request of the Board. It is not really necessary. Board Member Clarke said it is possible for a development that is 35-feet high to include a taller first floor to accommodate the mechanical equipment and a taller third story to provide a greater ceiling height for residential units. This would allow for development that is architecturally unique and different than a standard box. He noted that other municipalities are allowing flexibility in their codes for this type of development. He said he would support the motion, but he would like to amend it to delete the reference to "three stories."

Board Member Ellis suggested it would make more sense to change Alternative B to read, "A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height may only be increased to 35 feet." Board Member Chave agreed that would be appropriate and would not alter the intent of the proposed language.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO DELETE THE WORDS "OR THREE STORIES, WHICHEVER IS GREATER" FROM ITEM B.1. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Board Member Clarke said he appreciates that the City Council takes the time to read the Board's minutes because they have spent a lot of time on this issue. That is one of the reasons he has taken the time to have the discussion about building heights versus stories and the combination of the two. This discussion helps to lay the foundation so the City Council can see the complexity of the problem they face in the BD zones and offer a solution that meets the Design Guidelines and Comprehensive Plan Policies to encourage positive economic development and suitability to the community in long-term investments with the anticipation of providing economic benefits for all stakeholders in the community. Board Member Clarke said it is important for the City Council and the public to have a clear understanding of the concept of highest and best use of the development of real estate. He explained that there are four criteria for evaluating the highest and best use of a piece of property:

1. Potential Development. The potential development must be physically possible based on current construction standards and standards associated with the site.
2. Legally Permissible. This falls directly under the zoning code and development standards to create the elasticity on legally permissibility. Flexibility in the code enables the highest and best use to expand and adapt to different market conditions, which is critical in the development arena.
3. Financially Feasible. This is a key concept for the community to consider. For example, if the cost of land and the cost of construction are both high, these costs must be covered by the economic feasibility of the proposed project. This is one reason why the step-back requirement is onerous. It reduces a developer's opportunity to spread the financial viability over a larger footprint. The Board has enhanced the concept of highest and best use by recommending that the step-back requirement be eliminated and by establishing a uniform commercial depth requirement of 45 feet. Both of these amendments allow for more flexibility for the types of land uses that can be put in the BD zones. It also enhances the arena for financial feasibility.
4. Maximum Productivity. Maximum productivity is based on opportunity costs. If a developer has two alternatives, they must determine which one produces the maximum productivity of the asset. The zoning code helps the developer be able to choose the best of all the land uses based on economics at the time of development.

Board Member Clarke summarized that if all four criteria can be met, there is a high probability that the project will be sustainable over the long term and improve the return to all stakeholders through increased tax revenues and enhanced use of the property by the community. He said the Board has worked hard to create an environment that meets and exceeds the goals of the Comprehensive Plan with respect to the economic sustainability of the community. Developers will be able to speak to all four points with more flexibility, and there will be more opportunities for return to the community.

Chair Lovell referred to Vice Chair Reed's written concern about changes that occur after a development agreement has been approved. Mr. Chave clarified that the staff cannot unilaterally change a development agreement. Changes would have to go back to the City Council for approval.

Board Member Stewart pointed out that the proposed amendment incentivizes the City's goal of being sustainable by requiring Silver and/or Gold LEED or equivalent for all development agreements. It is also important to consider the concept of adaptive reuse so that the uses of buildings can be altered as the market changes without requiring substantial redevelopment. In addition, new construction should use local materials and other sustainable resources, be energy efficient, maximize day lighting to reduce electricity requirements, and safeguard the indoor environmental quality by eliminating the use of toxic materials. She summarized that return on investment is not just about construction costs, it also includes reducing operating costs over the life of a building. These measures will help improve the economic and social sustainability of the City.

Board Member Ellis questioned how the Board came up with the four uses outlined in Item C.2. Mr. Chave said these uses were identified in discussions with the Planning Board and CEDC as priorities for promoting tourism in the downtown. Board Member Ellis asked if this list is intended to be exclusive of the things that are desirable or if additional uses could be added. Mr. Chave agreed that the four items may not be the only important and desirable uses, but they represent those that have been identified thus far. Board Member Ellis questioned if specifically identifying these uses would preclude other desirable uses in the future. Mr. Chave pointed out that the language could be amended in the future if more uses are identified. Board Member Ellis suggested that a better option would be to identify the four uses as potential examples, but not all inclusive. Mr. Chave cautioned against leaving the language so extremely open ended.

Board Member Clarke suggested another option would be to add "or characteristics" after "uses," and then include a provision that allows the Planning Board to make recommendations to the City Council for uses or other characteristics that may be considered in the future. This would allow the document to be more flexible rather than restricted to just those four uses. Mr. Chave pointed out that this process would really be no less time consuming than a development code amendment to add another use.

Board Member Clarke said it is important for the City Council to see that this concept was considered by the Board and their intent is that it not be limited to the four uses identified in Item C.2. Neither is the language intended to apply to the needs of

just one property owner. Mr. Chave said the items on the list have been pursued and talked about at various levels for quite some time. He said the list is intended to represent the uses that have been identified to this point. He noted that the City Council would also have the ability to add additional uses to the list prior to their final approval.

Board Member Johnson reminded the Board that in previous discussions with the CEDC, public restrooms were identified as a desired public amenity. She suggested that the words "public restrooms" be inserted into Item C.3 as an example of a potential public amenity.

Board Member Ellis requested clarification of how Criteria C.3 would be applied. Mr. Chave clarified that art features would only be required if the applicant chooses to utilize Criteria C.3, which calls for enhanced public space and amenities. Board Member Ellis suggested that the words "without limiting the scope of enhanced public space and amenities," be added at the beginning of the second sentence to make it clear that developers can propose public space and amenities that are not included on the list of examples.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO CHANGE ITEM C.3 TO READ, "THE DEVELOPMENT INCLUDES ENHANCED PUBLIC SPACE AND AMENITIES. WITHOUT LIMITING THE SCOPE OF ENHANCED PUBLIC SPACE AND AMENITIES, EXAMPLES INCLUDE SUCH FEATURES AS PUBLIC RESTROOMS, ADDITIONAL BUILDING SETBACKS WHICH PROVIDE EXPANDED PUBLIC SIDEWALKS OR GATHERING SPACE, AND/OR COMBINED WITH EATING OR FOOD RETAIL SPACES WHICH INCLUDE OPEN AREAS ADJACENT TO THE SIDEWALK. ART FEATURES VISIBLE TO THE PUBLIC SHALL ALSO BE INCORPORATED INTO BUILDING AND/OR SITE DESIGN." BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MAIN MOTION TO RECOMMEND APPROVAL OF THE PROPOSED LANGUAGE FOR ECDC 16.43.050 WAS UNANIMOUSLY APPROVED AS AMENDED.

REVIEW OF EXTENDED AGENDA

Mr. Chave announced that the Board Members have been invited to attend the CEDC's June 15th meeting, at which the University of Washington/Cascade Land Conservancy Team will provide a final update on their work with the Five Corners and Westgate Commercial Centers before presenting their findings to the City Council. The Board would be invited guests of the CEDC and would not be voting on the item. He explained that after their presentation to the City Council, the Team would ask the City Council for authorization to begin the formal review of the Development Code and then the item will come before the Planning Board for review.

Mr. Chave advised that Mr. Lien would be present at the Board's June 22nd meeting to discuss the Shoreline Master Program Update.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart announced that the City of Bellingham is sponsoring their 9th Annual Imagine This! Home and Landscape Tour on June 25th and 26th from 10:00 a.m. to 5:00 p.m. She said she would not be able to attend the event. She encouraged Board members to visit http://sustainableconnections.org/events/9th-annual-home-and-landscape-tour for more information. She felt the event would be of interest to the Board given the City's goal of implementing green initiatives in Edmonds. She would like ideas for promotional events to show off green projects that have occurred in the City.

ADJOURNMENT

The Board meeting was adjourned at 9:20 p.m.

to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since

that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be

considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr. Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.
- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks

Roger Hertrich, Edmonds, said he lives in a neighborhood located across the street from a true Neighborhood Business (BN) zone that serves the local neighborhood. The property is well-landscaped and the building is set back appropriately from the residential properties behind. The property was developed in full compliance with the code requirements, including the setback of the building so it is far enough back to allow for adequate sight distance when approaching the major intersection. Mr. Hertrich pointed out that the proposed amendment to reduce street setbacks would apply to all BN zones, large and small. He expressed his belief that the BN zones are different in character, and one setback requirement for all may not be appropriate. He observed that Westgate is a special area because it is located on a state highway (SR-104) and a major arterial (100th Avenue West). He said he envisions an opportunity in the future to widen the roadways and add a right-turn lane to make the intersection more efficient. However, allowing buildings to be constructed within five feet of the right-of-way would eliminate this possibility. If the 20-foot setback area is maintained, the roadway could potentially be expanded if necessary at some point in the future. He summarized that a 20-foot setback results in a good looking neighborhood and provides safety for pedestrians who use the sidewalks. Mr. Hertrich encouraged the Planning Board to use their influence to let the University of Washington team know they are interested in the concept of creating a new and specific zone for Westgate called the "neighborhood shopping area." Having a distinct and specific zoning designation would make it easier to accomplish the identified goals for Westgate.

DISCUSSION ON PROPOSED ADJUSTMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES

Mr. Chave reviewed that the Planning Board has discussed potential amendments to the downtown BD zones on at least two previous occasions. Draft amendments were prepared based on input from the Planning Board regarding four broad issues that have been raised by the staff, City Council and individual citizens. He referred to the draft amendments and invited the Board and Commission to provide additional direction.

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave advised that the proposed language would restrict the uses in the BD1 zone to retail only. While restaurants would be allowed, office and other types of service uses must be located outside the designated street front. If these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code. They would be allowed so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front or on upper floors of a building, but the emphasis going forward would be for retail and restaurant uses along the commercial street fronts within the BD1 zone.

Mr. Chave said that in the intervening years since the BD zones were adopted, issues have come up because numerous office and service uses have located in the BD1 zone. Staff believes these uses can be successfully located outside the designated street front areas or in other BD zones. He shared an example of a medical office that located in the BD1 zone. Because of privacy requirements, screens were placed in front of the windows. This is contrary to the City's goal of providing a pedestrian-friendly environment in the retail core. He reminded the Board that the City Council was reticent to make the BD1 zone retail only when the code language was initially adopted. However, staff is asking the Board to reconsider this position.

Vice Chair Reed pointed out that the proposed amendment would also prohibit drive-through businesses in the BD1 zone. Mr. Chave said the Board discussed this issue and agreed that drive-through businesses should no longer be allowed in the BD1 zone. Changes were made to Table 16.43.1 to implement the Board's direction.

Board Member Johnson said she conducted a windshield survey of the BD1 zone and found 10 finance, insurance and real estate (FIRE) offices, 10 health and beauty services, and two medical office buildings all within the ground level storefront area. These 22 businesses would theoretically become non-conforming if the proposed amendments are approved. She asked if similar businesses would be allowed to occupy these spaces if the current businesses leave. Mr. Chave said another service or office use would be allowed to occupy the space as a non-conforming use. However, if the space remains vacant for a year, service and/or office uses would no longer be allowed. He clarified that the proposed language is not intended to drive out the existing service and office uses from the BD1 zone, but it would enable the City stop further erosion of the retail core. Mr. Clifton said he has been contacted by numerous business owners who were interested in locating in the BD1 zone but were unable to find the right

were unable to find the right space.

Board Member Stewart recommended the code be amended to require a property owner to change the use to retail when an existing service and/or office use moves out. She expressed her belief that if the City truly wants to change the makeup of the BD1 zone, they need to help it along rather than waiting for change to occur. Vice Chair Reed asked if the code language could be written in such a way to restrict the types of uses allowed in the BD1 zone when the current service and office spaces become vacant. Mr. Chave agreed this is an option, but it would require an amendment to the non-conforming section of the code to specifically spell out the requirements for the BD1 zone. Normally, a non-conforming use would be allowed to continue unless the space is vacant for a long period of time. Mr. Clifton suggested another option would be to shorten the time period a space can remain vacant before it is required to comply with the retail use requirement.

Commissioner Hall observed that the purpose of the proposed restriction is to slow down the growth of service and office uses in the downtown so it can become more vibrant. He reminded the group that people come to downtown Edmonds to shop, and he encouraged them to move forward with the change. If a service or office use moves out of a space, the new use should be restricted to retail only.

Board Member Clarke pointed out that most of the space in the BD1 zone is smaller in size and older, which equates to lower rents. In addition, most of the blocks are divided into small ownership. He suggested that many downtown retailers would be unable to afford the higher rents that new development would require in order to pencil out. He referred to downtown Kirkland and explained that much of the retail space in the newer mixed-use developments is vacant because small businesses cannot afford to pay the high rents.

Commissioner Yamamoto agreed that most of the retailers in the BD1 zone are small and require between 1,000 and 1,500 square feet of space. Businesses prefer to locate in the downtown core were foot traffic is significantly greater. He expressed concern that some of these retail spaces are currently occupied by service and office uses that do not depend on foot traffic.

Board Member Clarke said he would prefer to allow flexibility for a property owner to fill space in the BD1 zone with something other than retail, depending on market demand. Otherwise, spaces could remain vacant for long periods of time, resulting in blight. Commissioner Yamamoto pointed out that the City has never tried to limit the BD1 zone to retail uses. He said he knows of business owners who want space in the retail core, but there is none available because it is occupied by service and office uses. He expressed his belief that if the code is amended to restrict the uses in the BD1 zone, the spaces would be filled quite quickly with retail uses.

Commissioner Pierce said Board Member Clarke has a valid point that prohibiting service and office uses could result in vacant buildings because the space would only be marketable to a narrow group of business types. He pointed out that much of the first floor commercial space in the newer buildings in downtown has remained vacant because the older buildings offer more flexibility and lower rents. He expressed his belief that restricting the uses in the BD1 zone would be a bad idea because it would eliminate potential tenants. Board Member Clarke noted that rents for the newly renovated Old Mill Town are triple the previous rates. Much of the space is vacant at this time because rents are too high and the spaces are too large for the typical tenant who wants to locate in downtown Edmonds. He said the same would be true for any new mixed-use development. Rents would have to be significantly higher in order to make the proforma pencil out. He expressed concern that eliminating some of the potential tenants could make new development unfeasible. He felt the code should allow flexibility for other types of uses if spaces are not marketable for retail. Otherwise, the City could eliminate a property owner's ability to lease space.

Mr. Clifton said his predecessor, Jennifer Gerend, shared her experience that allowing too many office-related uses along the storefront can kill the retail core. He suggested there needs to be a balance. At what point should the City say no to office uses in the ground floor storefront areas. He reminded the group that the proposed amendment would not exclude office uses in the BD1 zone, but they would have to locate outside of the ground floor storefront areas or on the upper floors. Board Member Clarke said he does not believe that financial, insurance and real estate businesses would want to occupy space that is located behind a storefront, with no visibility from the street. He expressed his belief that these uses fill a demand in the community. Mr. Clifton said some businesses have chosen not to locate in Edmonds because they cannot find space in the most desirable location (BD1

most desirable location (BD1 zone). He suggested that having more restaurant and retail uses would make the downtown more attractive. He said he understands Board Member Clarke's concern, but at some point there is a tipping point where the downtown goes downhill because there are not enough retail and restaurant businesses to attract people to the area.

Mr. Chave shared an example of a medical office locating in the BD1 zone. Because the code does not allow them to cover the windows, they put up screens inside the space to provide privacy for their patients. He said he does not believe this is an ideal situation for the downtown retail core. He explained that office uses are important to a downtown because they provide employees to use the retail businesses. However, it is not so important that they have a street presence because they are not directly related to the people on the sidewalk. Typically, offices use blinds to close their space off so that people cannot see in from the street. Because of this, medical offices are not generally compatible with retail uses, and should not be encouraged in the BD1 zone.

Board Member Johnson said some service uses can benefit the downtown because they draw people to the area. Mr. Chave agreed but cautioned that if service uses are allowed to expand in the BD1 zone, they could eventually overpower and undermine the retail uses.

Council Member Buckshnis said Port Townsend is a good example of a vibrant downtown. If the City wants to move forward in tourism and retail, they must change the look of the downtown. While barber shops and other service uses are important, more retail is also needed. She said she would like the City to become an artist and tourist destination within the next five years, and parameters should be added to the code to move in that direction.

Board Member Johnson suggested they start by prohibiting office uses within designated street front areas. Mr. Chave agreed that the code language could make it clear that professional office uses are prohibited within the designated street front areas, and existing businesses could be allowed to continue in their current locations. However, if the space remains vacant for an extended period of time, it must be converted to a retail use. Another option would be to identify the specific service uses that are compatible with retail uses and prohibit all others within the BD1 zone. He reminded the group that the BD1 zone is intended to have a retail focus. However, this was never specifically spelled out in the code language, and the City Council was reticent about limiting the BD1 zone to retail uses.

Board Member Cloutier reminded the group that the City's goal is to raise retail presence in the downtown core, and prohibiting service and office uses would be a step in the right direction. However, they must be careful not to damage the economic viability of the downtown in the process. He suggested the code language should be written in such a way to allow service uses if the real estate market cannot support enough retail uses to fill the available spaces. Property owners should not be forced to leave the space vacant. On the other hand, he cautioned that a developer's bad choices should not set the City's policy.

Mr. Chave said the Hartland Study that was conducted approximately eight years ago indicated that it would not be feasible to redevelop the BD1 zone based on the current zoning requirements, regardless of the types of uses allowed. He said he does not anticipate significant redevelopment in the BD1 zone in the near future. Board Member Clarke agreed that redevelopment is so costly that developers must charge significantly higher rents to make projects pencil out. Small retailers do not typically generate enough revenue to pay these higher rents and still remain successful.

Vice Chair Reed suggested that perhaps they should break down the different types of service uses into categories. Some categories may be more appropriate for the BD1 zone than others. Perhaps the more compatible service uses could be allowed in the BD1 zone as secondary or conditional uses. Mr. Chave explained that allowing a service use as a secondary use to a primary use that is allowed would merely add an additional step to the process. The City could allow service uses in the BD1 zone as a conditional use. However, unless there are clear criteria in place to innumerate the conditions that must be met, every application would be automatically approved.

Mr. Chave suggested the group either continue their discussion on this item to the next meeting or make a decision to move forward with a public hearing based on two different options: prohibit professional office uses only or prohibit any uses except retail. It may be helpful to invite public feedback on both options.

Mr. Clifton suggested that to address the concerns raised by Board Members Cloutier and Clarke, the code could be amended to require a property owner to replace a vacant space with a retail use. However, if the space remains vacant for an extended period of time, the City could grant an exemption to allow the space to be leased for service or office uses. He agreed that no property owner wants a commercial space to remain vacant for an extended period of time, and an exemption provision would address these situations. It would also help the BD1 zone transition over time to retail uses without having a lot of vacant space.

Commissioner Witenberg asked if the conditional use requirement could be keyed to a specific percentage of retail space that must be maintained. Service uses could be allowed as long the total amount of retail space remains at or above the required percentage. Mr. Chave cautioned that this approach would require the City to maintain a detailed inventory of the uses in the BD1 zone. He suggested that Mr. Clifton's recommendation would be more useful. If a property owner can prove he/she has been unsuccessful in renting the space for a retail use, the City could grant an exception and allow the space to be filled with a service use. Commissioner Pierce agreed there should be some mechanism that protects property owners who are unable to lease their space for retail uses. He cautioned against establishing restrictions that can push property owners into a negative financial situation.

Change the Commercial Depth Requirements to be the same for all BD zones

Mr. Chave advised that the proposed language would change the commercial depth requirements to a consistent 45 feet. In addition, the depth requirement would be directly tied to the expanded Designated Street Front Map (Map 16.43-1) covering all BD zones. He explained that, at this time, the BD1 zone has a 30-foot commercial depth requirement, but the commercial depth requirement for all other BD zones is 30 feet. He explained that staff believes the 30-foot standard is too small to ensure adequate commercial space. However, it makes no sense to require a greater standard outside the retail core. He reminded them that the BD1 zone is intended to be the downtown's strongest commercial district.

Mr. Chave reported that staff conducted a walking survey a few years ago to measure the depth of the commercial spaces in the BD1 zone. They found that nearly all of the spaces had a commercial depth of at least 60 feet. Therefore, a 45-foot commercial depth requirement would not be asking too much of the current property owners. He emphasized that the new requirement would not be applied to existing spaces, which would be allowed to continue as non-conforming uses. However, newly created commercial spaces would be required to provide 45 feet of commercial space along the designated street front. As proposed, the front 45 feet of space along the street front must be reserved for retail commercial uses.

Mr. Chave advised that the proposed amendments also include an update of the Designated Street Front Map (Map 16.43-1), which identifies all designated street fronts within the BD zones for which the commercial depth requirement would be applicable. He noted that the map was originally adopted for the BD1 zone, but staff is recommending to include all BD zones. Chair Lovell said that although the map identifies 4th Avenue north of Bell Street as a designated street front area, the Board previously agreed that the proposed amendments would not be applicable to the BD5 zone (4th Avenue Cultural Corridor). Mr. Chave explained that although this area would be identified as a designated street front, the criteria would be somewhat different than for other BD zones. He reminded the Board that once the Westgate and Five Corners zoning proposals have been adopted as examples of form-based zoning, they agreed to consider the option of also applying the form-based zoning concept to the 4th Avenue Cultural Corridor since the initial design work has already been done. The Board agreed to address specific criteria for the 4th Avenue Cultural Corridor (BD5 zone) as a separate issue later in the year.

Adopt Language to Allow Development Agreements

Mr. Chave reported that the Board discussed development agreements in some detail on March 23rd and authorized staff to prepare the draft code amendment language found in Edmonds Community Development Code (ECDC) 16.43.030.A and 16.43.050. He noted that the language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Board has had discussions about whether these are the right criteria and whether the development agreement option should be available in all BD zones. They specifically discussed not allowing development agreements in the BD5 zone.

Mr. Chave explained that development agreements are allowed in the code, but can only condition or limit what a developer is already allowed to do in the zone. They cannot give any additional flexibility. Because of the location, configuration, topography, etc. of some properties in the BD2 zone, staff is recommending the Board entertain options that are somewhat different than the standard zoning requirements. He referred to the draft language (ECDC 16.43.050), which would allow standard development within the BD zones as specified in the current code language. However, a developer could also submit an application for a development agreement that would ask for certain code variances if certain criteria can be met. He pointed out that Section B describes what can be approved as part of a development agreement. As proposed, a development agreement could vary any of the site development standards contained in ECDC 16.43.030, 16.43.035 or 16.43.040. An alternative to Section B would only allow a development agreement to vary the step back requirements and adjust the height to a maximum of 35 feet. He noted that the alternative language was created in response to the City Attorney's counsel that the language should specifically identify the standards that can be varied.

Mr. Chave referred to Section C, which lists the criteria that must be met for approval of a development agreement. As currently proposed, a development would have to be designed to attain at least a LEED Silver or equivalent level of green building certification. In addition, it would have to meet two of the following three criteria:

1. Designed to attain at least a LEED Gold or equivalent of green building certification.
2. Incorporate one or more of the following uses designed to further the City's economic development goals: hotel, post office, and studio work space, housing or live-work space for artists.
3. Include enhanced public space and amenities.

Mr. Chave explained that development agreements would involve a public process, with public hearings before the Planning Board and the City Council. The City Council would make the final decision. A developer may request a bonus for height, setbacks, etc. in exchange for providing a number of community benefits. Mr. Clifton added that applicants would be required to state why they are asking for modifications and identify what would be provided in exchange. The City Council would make the ultimate decision about whether the items offered by the applicant warrant the proposed modifications. Mr. Chave said the burden of proof would be on the applicant to show how their proposal would meet the criteria found in ECDC 16.43.050.C.

Commissioner Pierce observed that, as drafted, Section.3 does not define what the enhanced services and amenities would be. For example, would an applicant be required to dedicate a certain percentage of open space based on the size of the project? He suggested the required open space be clearly defined.

Commissioner Senderoff said it is his understanding that when a developer submits an application for a development agreement, the final design of the project would already be done. The City Council's ultimate decision regarding the development agreement would be based on the actual design. He suggested that this be clearly stated in the proposed language so the public is aware that the final decision would be based on a specific design.

Commissioner Senderoff suggested that Section C.3 should provide more information about what is meant by "public amenities." He said he is generally in favor of the development agreement concept, but he felt they should consider additional criteria besides the three items listed in Section C. For example, only one hotel and post office are needed in the downtown. Once both of these uses have been developed, Criteria C.2 would no longer be an option. Mr. Chave pointed out that, as proposed, an application would only be required to meet two of the three criteria.

Commissioner Pierce questioned the difference between a development agreement and a contract rezone. Mr. Chave said development agreements are intended to replace the contract rezone mechanism, and there is a significant difference between the two concepts. Only the applicant had the ability to propose and approve modifications to a contract rezone proposal, and there was no opportunity for the City to negotiate with the applicant. A development agreement involves a contractual discussion process that allows the City to negotiate the various elements of the agreement with the developer. He summarized that a development agreement offers the City more control in the process.

Chair Lovell referenced Revised Code of Washington (RCW) 36.70B.170, which authorizes development agreements. It states that development agreements must be specific to a project. Commissioner Senderoff observed that this would be consistent with his earlier comment that development agreements would be based on final design proposals. Mr. Chave clarified that while development agreements would be based on actual development proposals, they would not be based on exact designs because the design review process could potentially modify the design further. He concluded that a developer would not be able to go straight from a development agreement to a building permit because design review would be required. Chair Lovell summarized that a development agreement would spell out the specific requirements of the proposal at the programmatic design stage.

Commissioner Senderoff questioned how the City would ensure that designs are not modified so much that they are no longer consistent with an approved development agreement. Mr. Chave said staff would ensure that a developer adheres to the requirements identified in the development agreement. The design that is provided as part of the development agreement process is intended to describe what the project would generally look like, but would not identify every detail. Changes would likely be made as part of the design review process that would come later.

Commissioner Pierce asked if the development agreement criteria and code standards would be applied uniformly for every development agreement proposal. Mr. Chave answered that he does not anticipate a significant number of development agreement applications, but each one would be different to address the unique circumstances of each site. However, every development agreement proposal would be evaluated against the Comprehensive Plan policies and the adopted design guidelines for the BD zones.

Mr. Clifton said that when he served on the City of Seattle's Design Review Board for three years, he found that those projects that were designed at the 80% to 90% level were typically approved more than those that included simple building envelope sketches. He concluded that developers who refine their sketches will be more likely to gain acceptance from the public, the Planning Board, and the City Council. If applicants expect to gain approval to modify a development standard, they will have to build exceptional projects.

Council Member Buckshnis suggested the criteria (Section C) should be expanded to be more global so it does not appear to specifically apply to a single property. For example, Section C.2 could also include the option of developing a farmer's market. Mr. Chave said it was not staff's intent to create language that is only applicable to one property. The proposed language was intended to include the uses previously identified as desirable by the City Council, the Planning Board, the Economic Development Commission, and the public. He agreed that a farmer's market would be a good addition to Section C.2. He cautioned against leaving the criteria open ended and undefined, but he agreed that the list could be expanded to include other desirable uses the City wants to encourage in the downtown.

Board Member Clarke observed that the community has struggled with the height limit in the downtown for a number of years, and 30 feet appears to be a sacred line. If the proposed language is adopted as proposed, a developer would be allowed to propose additional height as part of a development agreement in order to provide adequate height on the first floor for retail space, with two residential stories above. Although the applicant could provide evidence that the additional height is needed in order for the project to pencil out, the City Council could ultimately deny the development agreement because it calls for increasing the height limit above 30 feet.

Mr. Clifton said staff does not believe the community and/or City Council would support the development agreement concept if it allows heights to be adjusted significantly. He suggested the language may be more acceptable to the community if it identifies a cap for building height.

Board Member Clarke asked staff to provide visual photographs to illustrate various building heights to help the public and the decision makers understand that the visual difference of a few extra feet would be minimal. He reminded the group of the City's goal to have unique and modern architecture. Greater ceiling heights result in buildings that are more marketable and their values are enhanced. For example, third floor residential units with taller ceilings command a significantly higher real estate value. In addition, modern building design requires more space for mechanical equipment. He expressed his belief that it would be difficult to visually see the difference between a three-story building that is 37 feet and one that is 33 feet. He suggested the language focus on the number of floors allowed rather than a specific height limit. He further suggested the City allow some bonus for

City allow some bonus for architectural creativity of facades rather than just straight boxes.

Board Member Clarke suggested they also consider allowing for the transfer of development rights. For example, the City's goal is to promote the 4th Avenue Arts Corridor by providing public amenities. Rather than developing public amenities on site, a developer could be allowed to put dollars into a fund to pay for public amenities and enhancement of this unique corridor.

Board Member Stewart said she likes the idea of allowing three-story developments that are aesthetically pleasing. She referred to the site development standards (Table 16.43-2), which identify a 15-foot minimum ceiling height requirement for ground floor space in the BD1 zone. She reminded the group that incorporating green building design, particularly higher energy upgrades, requires more space. Green roofs also require more space so the structure can be properly reinforced, but they offer a very good insulating component and are very attractive. She summarized that if the City is going to require developments to meet LEED Silver or equivalent, they need to reconsider the practicality of the current code limitations.

Board Member Stewart suggested that in addition to identifying the types of developments they would like to encourage in the BD zones as part of the criteria for obtaining a development agreement, the language should also emphasize the City's goal of creating a consistent and connected look in the downtown. The City's goals also include enhancing the pedestrian experience, creating a lively cultural and civic campus, and preserving history. She expressed concern that if each development is considered separately, piecemeal development would result. Mr. Chave pointed out that all of these goals are identified in the Comprehensive Plan, and all development agreements must be consistent with the policies and goals of the Comprehensive Plan. Therefore, there is no need to call out the goals separately in ECDC 16.43.050.

Commissioner Pierce expressed concern about allowing development up to three stories high rather than setting a specific height limit. He felt this would encourage developers to build to the maximum extent possible because there would be no cap on height. Board Member Clarke agreed but noted that it would also result in more attractive roof design than just boxes. Commissioner Pierce noted that a three-story development would be allowed by the proposed 35-foot maximum height limit. He said he believes there needs to be a defined limit for height. Board Member Clarke disagreed and suggested the City should be more concerned about the overall building design instead of just the height. Again, he expressed his belief that it would be difficult to distinguish between 35 and 37-foot buildings. Again, he reminded the group that taller ceilings and creative window design enhances the marketability of third-floor residential units, and he felt it would be very short-sided for the City to limit the height to 35 feet.

Commissioner Faires said that, conceptually, the development agreements are interesting because of the flexibility they allow. However, given the context of Edmonds and the current political climate, he suggested that having an absolute height limit would be necessary in order to successfully incorporated the development agreement concept into the code language.

Commissioner Zagorski said she likes the flexibility afforded by development agreements. She said she would also support a proposal that would address bulk and mass by the number of stories allowed rather than a specific height limit. She agreed with Board Member Clarke that using a three-story requirement would allow for creativity and flexibility.

Commissioner Hall emphasized that if they want Edmonds to become a vibrant town, they need to make changes now and not wait. He observed that developers are doing wonderful projects in other locations. He cautioned that if Edmonds is not ready when the economy improves, they will be left behind and their downtown will suffer.

Board Member Reed referred to the Economic Development Commission's January 19th minutes in which Mr. Spee presented his plans for a new development in the BD2 zone. He pointed out that Mr. Spee could develop up to three stories using the existing height limit, and increasing the maximum height limit to 35 feet could allow him to accommodate four stories. If the proposed language for 16.43.050 is approved, Mr. Spee would not be able to develop the four stories he has indicated he might prefer. He said he could consider supporting the concept of eliminating the maximum height limit and allowing three stories. Two and three story development would be consistent with the current Comprehensive Plan. However, a baseline height limit must be established so the community has some assurance about what is being proposed. He suggested that perhaps they use language such as "three stories not to exceed ____." He noted that topography plays a significant role when determining the number of stories allowed on a site based on the current code.

Chair Lovell requested clarification about the step back requirement and whether or not the standard could be modified by a development agreement. Mr. Clifton reminded the group that the purpose of the standards is to create buildings that relate well to the streetscape, have architectural interest, etc. He suggested that allowing flexibility might encourage developers to produce the types of buildings they are looking for in the downtown. He said he does not understand why a step back is required in all BD zones except the BD1 zone where development is supposed to be of a more intimate scale. He suggested the step back requirement should apply to all BD zones. The proposed language would allow a developer to modify the requirement via a development agreement.

Board Member Johnson observed that the problem they are trying to address is lack of flexibility and the impact this has on economic development. Development agreements would allow staff, the City Council and Planning Board to consider flexibility. In addition to achieving certain objectives like public art or a farmer's market, development agreements can enhance economic development. She suggested the language should specifically identify economic development as a purpose of development agreements. This would make the development agreement provision consistent with the Comprehensive Plan goals and policies related to economic development. Board Member Stewart pointed out that zoning is already tied to the Comprehensive Plan goals and policies, so there is no need to specifically call out economic development in the proposed language. Mr. Chave added that the development agreement language actually identifies the goals of the Comprehensive Plan as criteria that must be met.

Vice Chair Reed requested clarification of whether staff is recommending approval of Section B or the alternative language. Mr. Clifton said staff prefers the language in B, which would allow all zoning standards to be modified through a development agreement subject to the criteria. Chair Lovell agreed and commented that there is no sense creating the development agreement provision if they are not going to allow flexibility.

Vice Chair Reed cautioned against allowing 16.43.050 and thus development agreements to override all design guidelines. Mr. Clifton clarified that staff is not advocating that the design guidelines and Comprehensive Plan goals and policies be modified via a development agreement. Vice Chair Reed pointed out that ECDC 16.43.135 refers to ECDC 22.43, which is the BD Design Guidelines. Mr. Clifton agreed to research this issue further and report back to the Commission.

Commissioner Senderoff said he is attracted to the development agreement concept because it would be driven by the City rather than the developer. Development agreements would also allow the City to focus on certain uses that create the different business zones they want to achieve.

Commissioner Zagorski voiced her belief that the boundaries of the BD3 zone extend too far south. She briefly described the current development and noted that once you start up the hill at Howell Street, the properties are not really desirable locations for commercial uses. She asked the Board to consider changing the boundaries at some point in the future to address the existing conditions and site constraints.

DISCUSSION ON PROPOSED AMENDMENT TO REDUCE STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE

Mr. Chave reported that staff presented an interim ordinance to the City Council on April 5th to potentially amend the City's BN zones to reduce required street setbacks from the current 20 feet down to a 5-foot minimum The intent of the proposal is to better align the neighborhood business zones with City policies and design guidelines. Even though it would be ideal to wait for the planning process to be completed for the Five Corners and Westgate areas, preliminary discussions with a prospective developer for a key Westgate intersection is prompting staff to make a code proposal now. Without the code change, development would continue to be recessed into building sites, removing opportunities for improving the streetscape and enhancing pedestrian access.

Mr. Chave further reported that the City Council elected not to adopt the proposed interim zoning ordinance but inquired whether the issue could be "fast tracked" to get a recommendation returned to the City Council. If considered by the Board, the same amendment would be reconfigured as a permanent zoning change.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He

again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th

However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work

moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

APPROVED MARCH 23RD

CITY OF EDMONDS
PLANNING BOARD MINUTES

March 9, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT
Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF FEBRUARY 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The Board placed their review of the downtown BD zones (Item 7b) before their continued discussion on amendments to the wireless communication facilities regulations (Item 7a). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Doug Spee, Woodway, commented that negative comments were made at the Board's February 9th meeting regarding mixed-use development in Kirkland that includes a big-box store and a mixture of smaller commercial uses. He reminded the Board that mixed-use developments often start with a main tenant, with other commercial space built around it. For example, his proposed project would start with a main tenant, the post office. Having a long-term commitment from a main tenant allows mixed-use developments to be successful. He said comments were also made at the last meeting that if the existing building height in the downtown was good enough to support development in the 1990's, it is good enough now, too. However, it is important to keep in mind that the market and economy are very different now. While a two-story building in downtown would likely pencil out if the upper story was dedicated to high-end residential space, the market is screaming for affordable living options. It is not possible to develop affordable housing in downtown Edmonds given the current height limit, which only allows two stories of development. Mr. Spee summarized that, although it is fashionable to bash development in Kirkland, it is unfair. He suggested the Board look at other neighboring jurisdictions that are similar to Edmonds such as Winslow on Bainbridge Island, which is a small town with a ferry dock. They allow a height limit of 30 feet for mixed-use development, and up to 45 feet if underground parking is provided. He offered to drive the Board Members on a tour of Winslow.

PLANNING BOARD REVIEW OF DOWNTOWN BD ZONES

Chair Lovell encouraged the Board to discuss the issues and proposals identified in the Staff Report and provide direction about how broad an approach they want to take at this point, and how they can work with staff to amend the zoning regulations to accomplish their identified goals. While full implementation of a form-based code will take a longer period of time, the Board can

time, the Board can consider short-term changes that would expedite development proposals in downtown Edmonds.

Mr. Chave explained that the topics for discussion have been broken into four general topics. The Staff Report provides background information and options for the Board to consider for each topic. Staff is seeking direction from the Board regarding the options they would like to explore further so that action language can be prepared for the Board's next discussion on March 23rd. Staff anticipates that a public hearing could be scheduled as early as April 13th. If necessary, he noted that the Board could hold a hearing on more than just one option to solicit feedback from the public before making a recommendation to the City Council. He reviewed each of the topics of discussion as follows:

Development Agreements

Mr. Chave said the City Council and Economic Development Commission (EDC) have discussed the possibility of using development agreements to provide flexibility to encourage certain types of uses in the downtown. He explained that development agreements can provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site in order to accommodate a desired use, to achieve desired levels of "green" development, encourage buildings that enhance the downtown streetscape, etc. He explained that development agreements are authorized in the Revised Code of Washington (RCW) and in City's Development Code (ECDC 20.08), but they are not directly authorized in any of the BD zones. He requested feedback from the Board on whether they support the development agreement concept. If so, do they want to identify specific criteria all development agreements would be required to meet at the onset? He noted that a development agreement would be a legislative process, which would include a public hearing before both the Planning Board and the City Council. The process would allow the Board and City Council to negotiate with a developer to obtain certain public benefits in exchange for allowing flexibility for certain code requirements.

Mr. Chave emphasized that, generally, development agreements cannot allow something that is not allowed by the underlying zoning. For example, if the height limit is 30 feet, the City would not be able to grant a 35-foot height limit as part of a development agreement, unless the code specifically states that this additional bonus could be applied via a development agreement. He said staff believes it makes sense to allow development agreements to vary at least some of the code standards. This could include flexibility for the height limit, or they could place a cap on the height limit at 30 feet. He suggested it might be appropriate to conduct a hearing on both options to solicit feedback from the public about whether they are interested in allowing the City Council to have this flexibility or if there should be an absolute height limit. Again, he emphasized that development agreements would be discretionary items, with hearings at both the Planning Board and City Council levels.

Board Member Cloutier said he supports the development agreement concept because it would give the City Council the means to respond quickly to development proposals. In addition, the public would have an opportunity to weigh in on development agreements proposal prior to their approval. Development agreements provide the City Council with more options to meet the City's economic development needs without opening the flood gates to unreasonable development proposals.

Board Member Clarke suggested that rather than having a specific height limit, a development agreement could allow development not to exceed three useable floors. This would allow flexibility for a developer to provide higher ceiling heights on the upper floors, vaulted ceilings, different window designs, etc. The development agreement could require a developer to provide a pitched rather than flat roof and to screen the HVAC equipment that is located on the roof in exchange for the additional height. This would encourage more creative and attractive architecture. Mr. Chave agreed the code language could be written in such a way to authorize this level of flexibility. In fact, the code could be amended to allow any of the standards to be varied via a development agreement. It would be the proponent's responsibility to convince the City Council and Planning Board that the changes are in the City's best interest. He explained that the development agreement goals could be specifically spelled out in the code language, or by default, development agreements could be evaluated relative to Comprehensive Plan goals and policies such as sustainability, economic development, etc. If the Board and City Council finds that varying the standards would result in a better project, a development agreement could be approved.

Board Member Clarke asked if the City could grant bonus options if a developer provides certain functions. Mr. Chave said this would make the development agreement process more complicated. He said he would bring back additional information to illustrate what a development agreement would look like if it is more open ended and what it would look like if the City identifies certain goals they want to achieve. He suggested they could advertise both options for the public hearing, or they could decide upon a single approach to pursue at the hearing.

Chair Lovell suggested the Board prepare a menu of goals they would like development agreements to meet. Mr. Chave suggested that language be added to the BD zones, outlining what standards could be varied via a development agreement. They could even go so far as to allow building heights that exceed the height limit of the underlying zone if a proposal meets the goals of the City. However, in order for the City to make these adjustments via a development agreement, the code language must specifically provide this level of flexibility. This could be done with a general statement that allows the City to vary any of the standards contained in the zone, or they could attach criteria that all development agreements would be required to meet. It would be up to the applicant to demonstrate how a proposal would further the City's goals, and the City Council has the ability to deny applications that are not in the public's interest. Chair Lovell suggested the statement be as general as possible, and that the criteria address issues such as sustainability, appropriateness for the character of the downtown, etc.

Board Member Stewart suggested the Board consider the following criteria for development agreements:

- Promote sustainable design and green building practices.
- Respect history of place and encourage respect for the history of the downtown.
- Provide public gathering spaces and easy access to non-motorized transportation.
- Designate a certain percentage of the development as affordable housing in exchange for a density bonus. Providing a variety of housing options will ensure the community remains vibrant with a good cross section of demographics.

Board Member Clarke said that in his experience, when cities attempt to socially engineer value systems into development agreements or zoning codes, developments typically fail. He recalled that he spoke out against the public space requirement for the mixed-use development at Firdale Village. He did not feel it was appropriate to require a 15,000 square foot development to provide a public space that would not likely be used. He said he recently did a mixed-use development on Bainbridge Island that required public space, which was developed but is not used. He noted that requiring that 10% of a development be dedicated for public space increases development costs with very little, if any, value to the community. He suggested that a better option would be to require developers to contribute to public art funds to provide art throughout the City for everyone to enjoy.

Board Member Clarke said he has done a lot of public subsidized multi-family developments that have been failures. He cautioned against requiring developers to create affordable housing. Although these components sound good, they do not typically work well. He suggested it is better to let developers figure out how to make projects that are economically viable without making affordable housing a mandate.

Board Member Clarke said he noticed that a development on Second Avenue has a plaque in front of the building commemorating the location of a historic building that was replaced by the existing condominium development in the 1970's. He cautioned against requiring a developer to maintain into perpetuity and build around a historic building. He expressed his belief that historic overlays diminish flexibility for building plans. He summarized that positive flexibility is the key to allowing market forces to react. He referred to a new development on Edmonds Way that is in the final stages of construction. While it is the newest building in the City, it is one of the most unimaginative. He expressed his belief that the code needs to be flexible enough to allow a variety of building materials, designs and facades to make developments unique and different.

Board Member Stewart said she can appreciate Board Member Clarke's comments about public space and said her comments were related more to open space and connections to buildings where people can share conversation and kids can play. Providing open space would not increase construction costs. She agreed, however, that requiring a developer to provide public space inside a building may not be appropriate. She said she would also like to encourage smaller, more durable construction. They need to look at development long term. Building materials come from the earth, and they are rapidly losing their resources. They need to

losing their resources. They need to reuse materials and older buildings rather than starting from scratch. She noted that some historic buildings are not attractive and should not necessarily be preserved in their present form. However, she hopes the Architectural Design Board will have some input into design so that new construction fits with the character of the surrounding historic buildings. She agreed to provide information on the Town of Winslow's approach for providing affordable housing in the hope that she can inspire the Board to consider affordable housing as a possible goal.

Vice Chair Reed said it is important to make sure the code revisions related to development agreements are consistent with the Comprehensive Plan. Chair Lovell suggested the Board could utilize the language found in the Comprehensive Plan, which is quite flexible and meaningful. It provides the necessary flexibility, yet spells out what they are looking for without getting too specific. He cautioned that if the requirements for a development agreement are too specific and restrictive, they could end up with another development like Firdale Village. He suggested that the development agreement provision should reference the specific goals and policies in the Comprehensive Plan, specifically those related to the downtown/waterfront area. Mr. Chave questioned whether it would be necessary to innumerate the goals in the new language since each development agreement proposal would be evaluated based on the goals and policies found in the Comprehensive Plan.

Vice Chair Reed asked how the proposed development agreement provision would interact with the fairly extensive strategic planning process that will begin in the near future. Mr. Chave explained that strategic planning is much broader than code revisions and talks about the relationship between the City's various priorities. He cautioned against calling a halt to all other code revisions waiting for the strategic plan to be finished. To answer Vice Chair Reed's inquiry, Mr. Clifton advised that a Request for Qualifications for a strategic planning consultant has been prepared, and a copy of the document was forwarded to each of the Board Members for comment. Vice Chair Reed asked if reviewing and updating the entire downtown zoning code is the only alternative to development agreements. Mr. Chave agreed that development agreements are the only option available without updating the entire BD zoning code. He explained that the State of Washington has offered development agreements as an alternative to contract rezones, which are no longer allowed. He noted that the Planning Board and City Council would have an opportunity to negotiate the terms of a development agreement with the applicant to address various City goals and policies. Contract rezones were either approved or denied, and there was no opportunity to negotiate with an applicant.

Mr. Clifton said that from the perspective of someone who has written and administered codes, development agreements have the potential to result in more creative development than prescriptive zoning. Development agreements are reviewed by the Planning Board and the public is invited to react. It involves a negotiation process between the City and the developer, with the City Council making the ultimate decision. Development agreements allow for much more public process than the City's current prescriptive zoning. It is important for the community to have the opportunity to discuss development proposals collectively. He summarized that he views development agreements as an advantage rather than a disadvantage.

Board Member Johnson asked what staff is proposing for development agreements that is different than what is already authorized. Mr. Clifton said the code must identify the standards that can be negotiated as part of a development agreement. Mr. Chave added that while the current code language allows development agreements to restrict development, it does not allow the City to modify a standard beyond what the code allows. The language must specifically state that certain standards can be modified via a development agreement.

Board Member Clarke referred to Option 2, which would exclude the BD5 zone (4th Avenue Arts Corridor) from the development agreement provision. Since this zone would be addressed as part of a separate study, he agreed it would be appropriate to exclude it from the proposed revision. The remainder of the Board concurred. Board Member Clarke also suggested the development agreement provision should allow flexibility to accommodate up to three stories of development.

The Board directed staff to bring back code language to add a provision to the downtown BD zones, except BD5, that authorizes development agreements that can vary all BD zone standards.

Retail versus General Commercial Uses in the Retail Core

Mr. Chave explained that the BD1 zone represents the City's downtown retail core and runs generally for one or two blocks in each direction from the fountain. Because the regulations do not prohibit non-retail commercial uses, banks and various

professional offices have located within the BD1 zone in recent years. He expressed concern that if the trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area. Staff is proposing an amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They are also recommending that drive-through business be prohibited. He recalled that the Board originally recommended that drive-through facilities not be permitted in the BD1 zone. However, the City Council decided it would be appropriate to allow them as a conditional use.

Board Member Clarke expressed concern that many of the ground floor windows at Old Mill Town are screened to provide privacy for the professional offices, which discourages pedestrians from circulating throughout this area. He suggested the City's goal should be to encourage more people to explore the downtown/waterfront area in all directions by creating more retail synergy within the corridor. He also suggested the City consider opportunities to encourage developers to provide public restrooms within the downtown area as part of their proposals.

Board Member Stewart said it is also important that the downtown retail core is welcoming to people with children. She suggested that uses that are family friendly should be allowed to occur in the retail core in order to bring a variety of people to the area. She summarized that while retail uses are important, they should not prohibit other kinds of uses that could bring the downtown alive.

The Board directed staff to prepare a draft code amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They also asked staff to remove the possibility of permitting drive-through businesses as a conditional approval.

Commercial Depth Requirements and Designated Street Fronts

Mr. Chave advised that the designated street fronts are mapped for the BD1 zones, but not for the other BD zones. At this time, the BD1 zone has a 30-foot commercial depth requirement, while elsewhere the requirement is 60 feet. Staff is recommending the provisions have a more consistent framework. For example, the mapping should expand to cover other BD zones, and the commercial depth requirement should not be greater in the BD zones outside of BD1. He reported that staff surveyed the existing commercial space in the BD1 zone and found that most is at least 60 feet deep. He recommended that the commercial depth requirement should be 45 feet in all BD zones. He referred the Board to a map showing the current designated street fronts for the BD1 zone. He also provide a map of potential street front designations for the remainder of the BD zones. He recommended the designated street fronts map be expanded to include all commercial zones except for the BD5 zone (4th Avenue Cultural Corridor).

Chair Lovell referred to an email the Board Members received from Council Member Petso regarding this item.

Chair Lovell asked if the street front map would identify the minimum commercial space requirement. Mr. Chave answered affirmatively. Chair Lovell asked if criteria is available to help the City determine the proper depth for commercial space in the BD zones. Mr. Chave noted that most of the commercial space in the downtown has a depth of 60 feet, but he acknowledged that some are smaller so the code must be flexible. Staff believes that a 30-foot depth requirement would be too shallow and 60 feet would be too deep. They are recommending a 45-foot depth requirement as a happy medium.

Board Member Cloutier asked if staff has raised this issue with the Downtown Edmonds Merchant's Association (DEMA) and the Chamber of Commerce. Mr. Chave said these groups would be included in the anticipated outreach program. Board Member Cloutier agreed with Mr. Chave that no designated street fronts should be identified for the 4th Avenue Cultural Corridor (BD5 zone).

Board Member Clarke observed that although Starbucks is currently celebrating 50 years in business, their location in Edmonds is too small and is constrained by the existing building size. He advised that the more shallow the depth of a commercial space, the more constrained it will be for future retail uses. He said he supports the idea of requiring something more than 30 feet, but allowing enough flexibility to have something less than 60 feet. This would allow for market fluctuation. He invited Mr. Spee, who owns several properties in the downtown, to comment regarding the proposed change.

Doug Spee, Woodway, said there is more to the equation than just the minimum depth requirement. Because some development extends all the way to the alley, there is often the assumption that the alley is a street and the designated street front extends around the corner into the alley. That means that commercial space would be required on the ground floor along the alley, which is typically where the parking, garbage enclosure, etc. are located. He said it appears that expanding the designated street front map to include other BD zones would address this issue. He said he does not have a specific number for the appropriate depth requirement. In his buildings, a 60-foot requirement is too much for some types of uses.

Mr. Chave explained that staff has been exploring form-based zoning models over the past few years, and the BD zones have started edging into this method of coding. He said it would be fairly simple to focus a little more on the streetscape and relation of uses to the public street. In order to accomplish this goal, the City must define streets differently, and that is the purpose of the designated street front map.

The Board discussed the option of not designating a minimum depth requirement. Mr. Chave cautioned that this approach could result in numerous projects with very minimal commercial space along the street front, particularly if the commercial component is not driving the project. This can result in undesirable commercial space that is not rentable, which can erode the downtown retail core over time. Setting an appropriate minimum depth requirement would allow the City to remain steady throughout changing market conditions so that a viable downtown core can be maintained.

Board Member Clarke referred to several three-story buildings in the downtown where commercial space was constructed below grade, and pedestrians much go down stairs in order to access the ground level. He suggested these situations are a function of the current height restrictions and the developer's desire to design for residential instead of commercial space. He noted there is no commercial space on 2nd Avenue from Main Street north except the post office. Requiring retail space in this location does not make sense. It is challenging to designate commercial areas and what kinds of commercial uses should be allowed and encouraged, and a form-based zoning approach would allow the City to consider the unique character of the environment. Mr. Chave advised that the 4th Avenue Cultural Corridor would probably be the first area in the downtown where true form-based zoning is implemented, but this would not occur until the latter part of the year.

The Board asked staff to prepare code language that identifies a minimum commercial depth requirement of 45 feet for the BD1, BD2 and BD4 zones. They also asked staff to expand the designated street front map to include all BD zones, except BD5.

Street Design and Step Backs

Mr. Chave reviewed that a 15-foot step back is required in the BD2, BD3 and BD4 zones. On some lots, this large step back requirement can preclude interior courtyards or other building features that are desirable, particularly on north-south streets where lots are shallow. He suggested there are a number of other options for addressing this issue such as providing for a smaller building step back if certain criteria (streetscape improvements, green building features, etc.) can be met. Another option is to enable the step back issue to be addressed case-by-case using the development agreement process. The Board could also recommend reducing or eliminating the step back requirement entirely. Mr. Chave expressed his belief that a 15-foot step back requirement is too much, and a 5-foot step back would be adequate. He agreed to provide photographs at the next Board meeting to illustrate how a 5-foot and 15-foot step back requirement would be implemented.

Chair Lovell observed that in the process of creating redevelopment plans for Harbor Square, Five Corners, and Westgate, this issue is being addressed more as an item of building façade articulation as opposed to specific step backs. He said it is important that a building's façade is articulated both in depth and building materials to break it up, but this does not necessarily require step backs. He recommended the issue be addressed on a case-by-case basis as part of a development agreement.

Board Member Stewart referred to the 2005 study completed by Mark Hinshaw, which suggests a number of architectural approaches to differentiate the first floor of a development from the upper floors in an attractive way. Mr. Chave said the step back approach was originally adopted by the City Council as a way to differentiate between 25 and 30-foot buildings. They settled on the step back approach as a compromise solution. However, he acknowledged there are other options that would accomplish the same goal and buildings can be attractively designed with no step back. He specifically referred to the Beeson and

and Chanterelle buildings, which provide good examples of other ways to address the issue.

Board Member Stewart suggested that rather than talk about height, the City could identify design goals that must be met as part of a development agreement. The City Council could then negotiate the final decision with the developer. They should focus on the function of a building rather than the specific height. Board Member Clarke agreed and suggested that most people have difficulty visioning height. Somehow the community has gotten stuck on a numerical figure to address the height issue rather than a visual understanding of what a development would look like. This approach must change if they want to promote a unique and attractive environment.

The Board directed staff to prepare draft code language that would enable the step back issue to be addressed on a case-by-case basis using the development agreement process.

Mr. Chave summarized that staff would prepare draft code language as directed by the Board. The draft proposal would be presented to the Board for additional review on March 23rd. It is anticipated a public hearing would be scheduled for April 13th.

THE BOARD TOOK A BREAK AT 8:35 P.M. THEY RECONVENED THE MEETING AT 8:45 P.M.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 18.05 AND 20.15 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (FILE NUMBER AMD-2010-0004)

Mr. Clugston reviewed that the Board has held multiple meetings on this topic since April 2010, and their work has led to the creation of completely revised draft regulation, which was distributed for Board review on November 10, 2010. The Board discussed various refinements of the draft regulation in detail at their January 12, 2011 meeting. In addition, the Architectural Design Board reviewed the document on February 16, 2011. Overall, they were satisfied with the proposed language, but they offered some additional clarification. Using input from both the Planning Board and the Architectural Design Board, staff worked with the City Attorney to further refine the draft (Attachment 3). He specifically highlighted the following changes:

1. The term "ground-mounted facilities" was changed to "monopole facilities" for clarity since other possible ground-mounted facilities like lattice towers and guyed towers are specifically prohibited.
2. Upon the recommendation of the City Attorney, the definitions would be included with the chapter as opposed to placing them in a different title.
3. Section 20.50.050.N (landscaping and screening) was updated to better reflect existing landscaping code (ECDC 20.13).
4. The Planning Board's recommended language for location and height of building-mounted wireless facilities was included in ECDC 20.50.090, and their recommended language for structure-mounted antennas was included in ECDC 20.50.100.
5. Table 20.50.080.2 was eliminated and monopole height and setbacks were aligned to Chapter 16 (zoning).

Mr. Clugston referred the Board to an email from Council Member Petso asking the Board to consider the fact that she has heard comments from neighbors about service vehicles parking on lawns and landscaped areas. He pointed out that ECDC 20.50.050.F states that any application must demonstrate there is sufficient space for temporary parking for regular maintenance of the proposed facility. Problems would be dealt with on a complaint basis. Vice Chair Reed asked if Council Member Petso's concern is a result of access problems or just bad manners. Mr. Clugston said it is probably the latter. However, he noted that in some situations, private residential property owners have located landscaping or lawn area within public rights-of-way.

Board Member Clarke asked if it would be possible to address the problem by providing signage to identify the parking space for service vehicles. Mr. Chave pointed out that parking is generally located within the right-of-way and they typically try to pull the vehicles as far off the road as possible. He acknowledged that this can impinge on landscaping that has been planted by private property owners in the rights-of-way. He suggested this is an operational issue and property owners may have to remind service

Main Street and 5th Avenue, but not in the rest of the BD zones. It ruins any chance to stack the floor plan of the two levels of residential unless all floors are held back from the podium edge. The problem here is that you simply don't have the height that would make a smaller footprint make sense.

The step back rule also is simplistic in that it encourages a clone of the same design, with many colors of the same wedding cake. The step back rule produces building designs that have no similarity whatsoever to the existing downtown core. The biggest proof that it is a poor choice for getting the extra five feet of height is the simple statistic of the number of new designs that have been proposed and constructed in the years since the rule was enacted; zero, nothing, not a single project. This three-year dead zone in Edmonds' history has had a ripple effect from an idle building department to pointless meetings by the functioning committees that are supposed to be considering design issues and making decisions. I ask the Board to start rethinking this rule, even tonight, and consider a tray of choices other than just the step back for developers to create projects in the BD zones that can include the critically needed five feet above the 25-foot limit. If you need a place to start, my project is ready now to be critiqued and discussed."

Ron Wambolt, Edmonds, thanked the Planning Board for the work they do. They do a lot of hard work, and sometimes not even the City Council appreciates their efforts. He referred his comments to the post office property, which he believes is an unprecedented opportunity to get attention focused on the entire area, particularly the south side of the block from 2nd to 3rd Avenues. He noted that the last development in this general area was in 1996, when the mixed-use building on the west side was constructed. Astonishingly, there has not been a single mixed-use project in any BD zones since they were created in 2006. The post office project needs to be done right in order to inspire other developers. The project would not have a sunken first floor, but would have a first floor with ceilings tall enough to accommodate people other than midgets. It would also be solidly constructed. However, the project would not be allowed sufficient height to accommodate three floors of apartments in the first phase of the project. This is a shame because that additional floor would only require four more feet of height allowance above code for a total of 34 feet. Four more feet would allow about 17 more apartments, and the sales tax from the construction would be at least $200,000. Property taxes from the project would be about $20,000 more each year.

Mr. Wambolt recalled that Mr. Spee has publicly stated that a third floor would allow him to fit the monthly rates for all apartments $200 lower than what the rates would be without a third floor. He reminded the Board that one of the City's goals is to foster more affordable housing, and this would be a very tangible step in the right direction. He expressed his belief that the current City Council would like to see three floors of apartments on this site. He strongly urged the Board to collaborate with staff to quickly get the codes changed in order to allow the project to proceed with three floors of apartments. Everyone recognizes the City needs economic development, and he encouraged the Board to be proactive and maximize this great opportunity.

REVIEW AND DISCUSSION ON POTENTIAL UPDATES TO BD ZONING PROVISIONS

Mr. Chave advised that staff recently met with the City Council's Development Services/Community Services Committee to identify several potential amendments that would improve the BD zones, including:

1. **Designated Street Front.** The BD1 zone has a map associated with it that clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area. For example the post office is on a site opposite a commercial area, so it makes sense to continue that, but multi-family and single-family development is located further down the block. It may not be appropriate to force commercial all along that block on the ground floor.

2. **Commercial Depth Requirement.** The commercial depth requirement in the BD1 zone is 30 feet on the ground floor. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the "right" number and should it be 30 feet?, and (2) shouldn't the requirement be consistent in, or possibly even higher, in the BD1 zone versus the other BD zones? For example, staff does not believe it makes sense to have a higher standard in the BD2 zone as opposed to the BD1 zone.

3. **4th Avenue Cultural Corridor.** The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor, linking downtown to the Edmonds Center for the Arts. The 4th Avenue Cultural Corridor Design Implementation and Funding Plan was adopted after the BD5 zone was created. If the City wants to get serious about implementing the study, they should review the zoning and make the appropriate changes to implement the plan. For example, they may want to consider adopting all or portions of the study into the code as design guidelines. This project may require more time than the first two items discussed above, so it may be reasonable to work on Items 1 and 2 before taking up the 4th Avenue Cultural Corridor review.

4. **Additional Items.** The issues raised earlier in the meeting by private citizens may be relevant issues to consider as they review the BD zones.

Board Member Reed noted that the City Council's Development Services/Cultural Services Committee also considered additional changes related to green building incentives, which were forwarded to the Citizen Economic Development Commission. Mr. Chave noted that this is a much broader topic that is not specific to the BD zones, and the Board will be part of the team that working on this issue.

Chair Lovell said that much of what is contained in the current zoning requirements is based on current development. It does not provide for a degree of flexibility or departure from the specific requirements such as first floor depth and building heights. He questioned if the Board should focus their discussion on the three items raised by staff and the issues raised earlier by the citizens and recommend "band aid" amendments, or should they review the entire BD zoning code to come up with something that makes more sense for the 21st Century.

Mr. Chave said that one goal of the University of Washington studies of Westgate and Five Corners is to come up with a new kind of template for form-based zoning. If it works in those areas, the City should logically be able to apply the same concept in other areas such as downtown. He explained that form-based zoning allows the City to address form, scale and appearance in a more holistic and less formulaic way. There would not be a specific height or setback requirement. Instead, the requirements would be tailored to a particular location or street. The City's current one-size-fits-all zoning does not accomplish this goal. However, he does not anticipate the Westgate and Five Corner Business studies would be completed until the end of the year. The Board could continue to study the options but hold off on their recommendation until the form-based zoning option is further along. The second option would be to review the proposed adjustments right now and forward a recommendation to the City Council and then continue their discussion regarding form-based zoning options next year. He suggested the Board seek feedback from the City Council at their upcoming joint meeting.

Mr. Chave again said he believes the form-based zoning that is created for Westgate and Five Corners could also be applicable to the downtown zones. He suggested that people are most concerned about design, street front, character and appearance. If these issues are adequately addressed, the specific height of a development is secondary.

Chair Lovell suggested staff provide an abbreviated narrative and a pictorial diagram to demonstrate the problems that have come up with the existing language and how staff is proposing to address the issues. Mr. Chave agreed that staff could provide more information regarding the three items outlined in the staff report. However, he emphasized that because of the down economy, there has been very little development in the BD zones since they were created. Therefore, staff does not know what works and what does not. He suggested the Board invite Mr. Spee to share his experience working with the existing code and the demands of perspective tenants. Chair Lovell noted that he and Board Members Johnson and Reed were present when Mr. Spee made his presentation to the Citizens Economic Development Commission.

Board Member Reed said he does not have a problem dealing with each of the three items referred to them by the Development Services/Community Services Committee. He suggested the Board form a subcommittee to review the 4th Avenue Cultural Corridor Design Implementation and Funding Plan and identify the types of changes that are needed for the BD5 zone. He expressed his belief that now is a good time to start this joint discussion with the City Council and Planning Board.

Board Member Clarke stressed the importance of considering all aspects of zoning and land use issues related to the downtown. He emphasized that he does not have any pre-formed ideas about what building heights in the City should be, but he gets a little weary of individuals who acquire property for redevelopment without clearly understanding the laws of economics. They often create a project proposal that is financially non-feasible unless they obtain greater building heights. He reviewed that in the 1980's three new buildings were constructed on the Edmonds waterfront, and each were three stories in height with restaurants on the top floor. Two of the restaurants were converted to office space because the restaurants were not viable. The third still has an operative restaurant. Two-story office buildings have been built on 5th Avenue South between the fountain and Walnut Street, and all were economically viable when they were constructed. Building heights had nothing to do with financial viability. Office buildings were constructed throughout the 1990's on the west side of 2nd Avenue from Main Street to Dayton Street. They consist of two-story construction with condominiums on the second floor and office space on the first floor, with below grade parking. The building at 110 Main Street also has parking on grade, with one floor of office and one floor of condominiums. All these developments were accomplished with a 25-foot height limit, and all were economically viable. They all sold well as condominiums and leased well as office buildings. He summarized his belief that the need to go three to four stories is not a requirement for financial viability if the site is purchased for the right price and construction prices are low.

Board Member Clarke expressed his belief that they should review zoning code flexibility in relationship to depths, need and placement of commercial space. He noted that the character of the area on 2nd Avenue north of Main Street is different than Main Street, and it does not make sense to require commercial development in this area. He summarized that the real estate market ebbs and flows in cycles, and they cannot blame building heights on real estate cycles. They are experiencing the worst real estate cycle since the depression. They need to recognize that things are bad. There is no panacea of developing four, five or six-story buildings because they will all sit vacant. He suggested they drive through downtown Kirkland and note how the ground floor commercial space in the mixed-use projects is sitting vacant because tenants cannot afford to pay rent. He noted that none of the buildings in Mill Creek are greater than two stories except one mixed-use building that has condominiums at the top. Even the Swedish at Mill Creek building is not four stories in height. He said he does not believe that four-story buildings are necessary to be economically viable. He cautioned against the idea of increasing the City's tax base becoming the basis for doing real estate development. Instead, they should blend land-use economics, land-use laws and current zoning concepts to make something that works in the marketplace and that is attractive. He suggested they get past the issue of building height and look at what makes sense. He felt they should move forward with a discussion of the issues raised in the staff report.

Chair Lovell said he presented the Planning Board's report to the City Council at their retreat on February 4th. It was received without any specific comments. He suggested that Mayor Cooper reestablish the regular meetings he used to have with the Board Chair and Vice Chair. The Mayor agreed this would be helpful. He said he also addressed the matter of short circuited communication between the Planning Board and City Council. He pointed out to the City Council that all of the various plans and ideas that are currently being considered related to land use will eventually come before the Planning Board for a public hearing and a recommendation to the City Council. He suggested that the Board and City Council should meet jointly and perhaps establish a task force to help expedite the process by addressing some of the sore points so the plans can move forward.

Again, Mr. Chave suggested the Board start conversations related to form-based zoning and what they want to achieve so that when a template is in place later in the year the information can be translated into the template.

Board Member Reed questioned how the downtown zoning discussion originated. Mr. Chave said the BD zones were created to implement the updated Downtown Waterfront Plan Element of the Comprehensive Plan. He recalled that the step back requirement was intended as a compromise between those that wanted a 25-foot height limit and those who felt the height limit should be 30 feet. Because there has been very little development, staff does not have a clear understanding of whether the concept is workable or not. This would be a good time for the Board to review the concept again and determine if it is something they want to retain or if they want something a little different.

Board Member Cloutier expressed his belief that implementing form-based zoning and addressing the issues raised in the staff report are not mutually exclusive approaches. The decisions that are made related to the issues raised by staff could become part of whatever form-based zoning code is implemented in the future. He suggested the Board begin the process of addressing the

addressing the issues outlined by staff, but also start conservations about the bigger approach for implementing form-based zoning that holistically addresses all the BD zones.

Board Member Clarke commented that real estate exists for human activity. Sometimes they forget about the elements they would like to have in the City. For example, a hotel on the post office site could be a great amenity for the City. This type of use could require a greater building height in order to make it a viable structure. They need to look at the various land uses as part of a global picture for the downtown and ask the question of what they are trying to create, and what kind of buildings would need to be designed to accommodate these human activities. He felt this would give the community a broader incentive to make changes so redevelopment could be more attractive, livable and sustainable in the future. For example, they need to look at how to reuse existing buildings, create parking that works, etc.

Chair Lovell questioned if a professional consultant would be required to help the Board through the process. Again, Mr. Chave suggested the Board have a discussion with Mr. Spee and his professionals to find out what they have been doing. He said he is not sure it would be necessary to hire a consultant to work with the Board at this stage.

Chair Lovell referred to the Downtown Waterfront Plan that was adopted in 1994 and is available via the City's website. Mr. Chave said this plan was updated in 2005. Chair Lovell pointed out that many of the recommendations in the plan have already been done. The document can be used as a reference and he recommended the Board Members all review it. Vice Chair Reed noted that much of the language in the Comprehensive Plan was taken from the Downtown Waterfront Plan.

The Board agreed to discuss potential updates to the BD zoning provisions at a joint meeting with the City Council. Chair Lovell agreed to contact the City Council President to schedule the joint meeting. Chair Lovell and Vice Chair Reed also agreed to meet with the City Council President to discuss the joint meeting agenda. Chair Lovell indicated he would contact Mr. Boyer to obtain additional information about the changes proposed by Mr. Spee.

Board Member Clarke pointed out that Leavenworth has specific design standards for their city. Mr. Chave said they have what is called a design theme. Board Member Clarke noted that other communities use design themes, as well. He asked if this concept could enter into the discussion about the BD zones. Mr. Chave expressed his belief that the community has never gotten past the height discussions to talk about actual design. He suggested they flip the discussion to talk about design first, and height should follow as a result. He acknowledged that this would not be an easy task.

VACANT PLANNING BOARD POSITIONS

Chair Lovell reported that Mayor Cooper has received four applications for the vacant Planning Board positions. He agreed to contact the Mayor to find out more about the process and timeline for candidate selection.

REVIEW OF EXTENDED AGENDA

There was no discussion related to the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell said that in his presentation to the City Council he reminded them that the Board's charge is to work in concert with the Citizens Economic Development Commission to create a more sustainable Edmonds for the future, environmentally, economically and livability wise. As planners and participants in the process, they must get beyond the idea of just building LEED buildings. There are many other aspects of sustainability that can be implemented.

Chair Lovell agreed to contact the Chair of the Citizens Economic Development Commission and Mr. Clifton, Community Services/Economic Development Director to discuss how to proceed with their joint economic development report to the City Council.

Item # 6a

Edmonds Planning Board Agenda Memo

Meeting Date:	June 8, 2011
Agenda Subject:	Public Hearing on draft amendments to downtown BD zones.
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

The Planning Board had discussions on potential amendments to the downtown BD zones during its meetings on March 9th, March 23rd , April 13th, and April 27th of this year. The draft amendment language prepared for the public hearing show what the BD zoning chapter would look like if the following features were included:

1. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone. Another option being considered by the Planning Board is to be even more restrictive, i.e. prohibiting office, professional office, *and service uses* in the 'designated street front' of the BD1 zone. Only retail and restaurant uses would be allowed along the street front.

2. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater

standard (i.e. 60 feet) outside the retail core. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.

3. Step-back requirements. The issue here is that it appears that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce. This in turn ends up prohibiting a building from actually being built within the established downtown height limits. In the sample draft provided for the hearing, step-backs are reduced from 15 feet to 5 feet. As another option, the Board is also considering removing the requirement entirely. Currently, there is no step-back requirement in the BD1 zone, but a 15-foot step-back is required in other BD zones.

4. Development Agreements. Development agreements are authorized in the current draft code amendment language (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. The Planning Board has been discussing whether these are the right criteria, and whether development agreements should be available in all BD zones. For example, the Board has discussed not allowing these types of development agreements in the BD5 zone (the Fourth Avenue Arts Corridor).

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

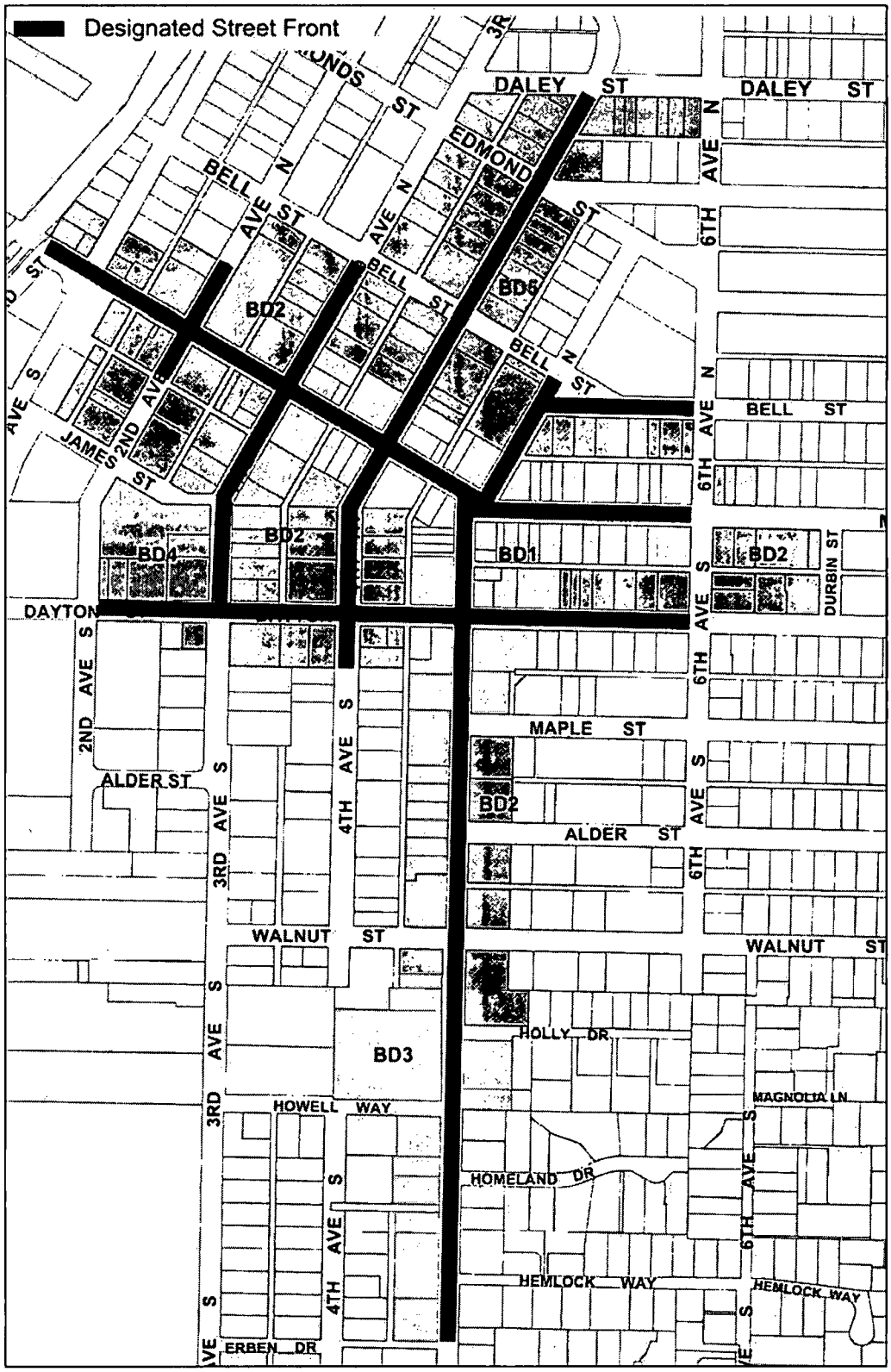
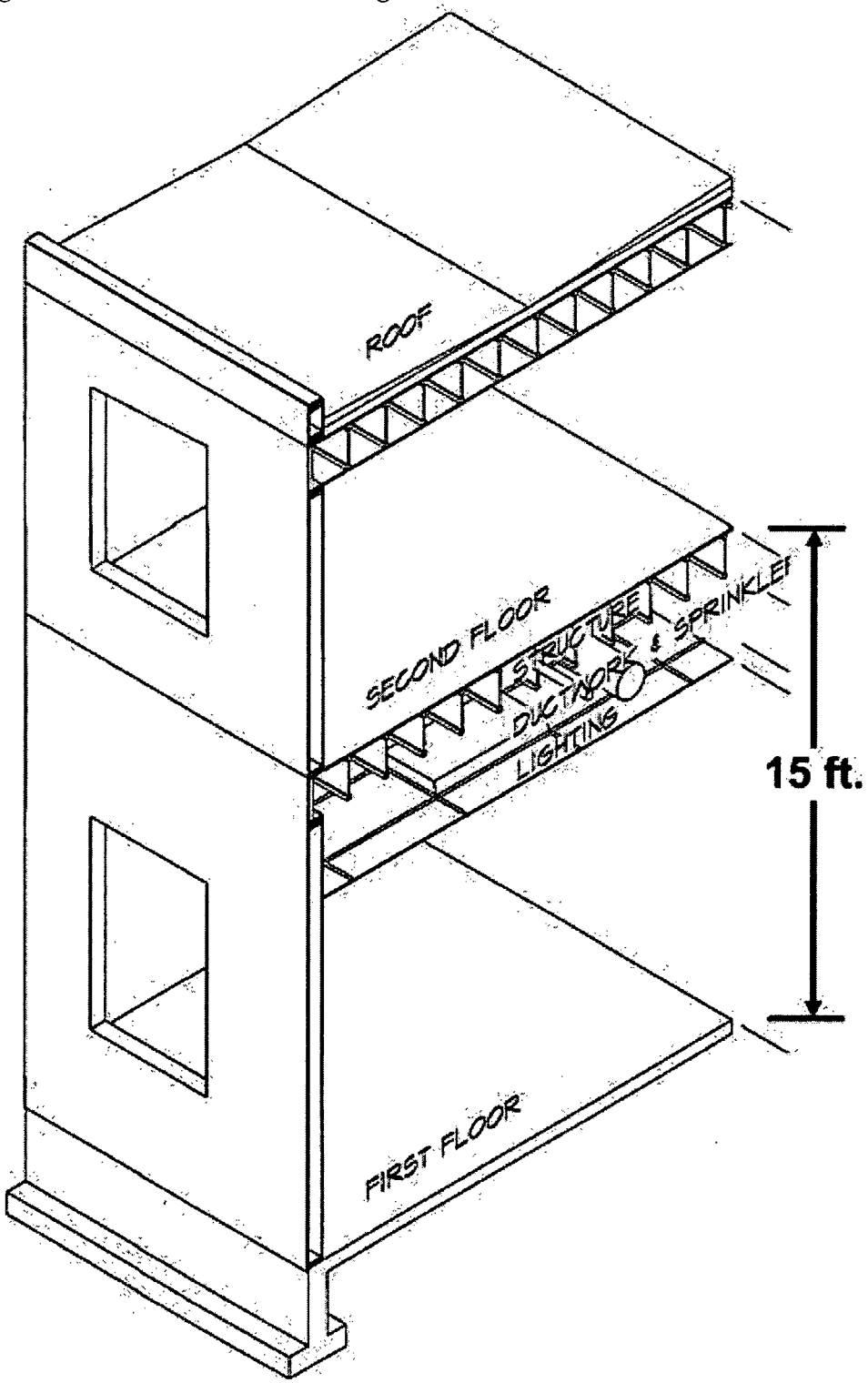


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right of way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~ 5 feet of any street front. Within the ~~15~~5-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a ~~15~~5-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

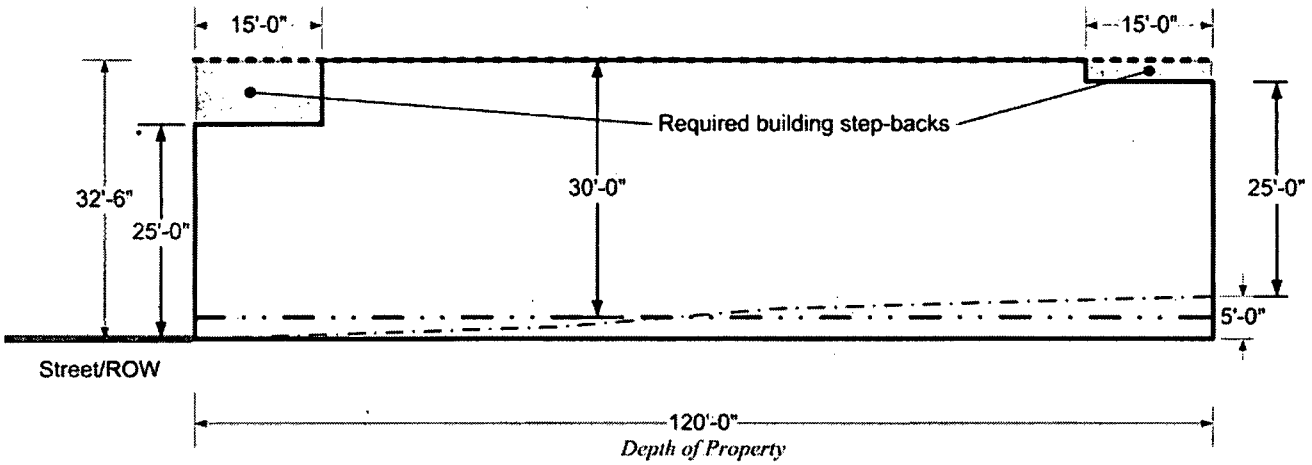
ii. A ~~15~~5-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a ~~15~~5-foot step-back is required on more than one street front, there is no ~~15~~5-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~10~~3-foot building step-back to meet the ~~15~~5-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

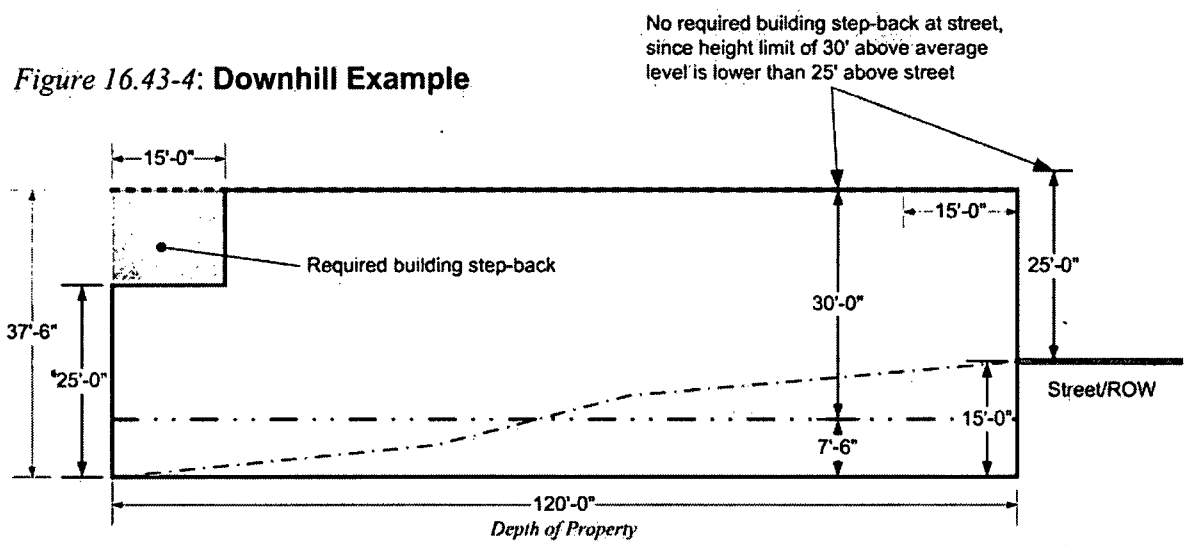
Note: the diagrams on this page must be changed to match any changes to required the step-back (e.g. 0 or 5 ft)

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

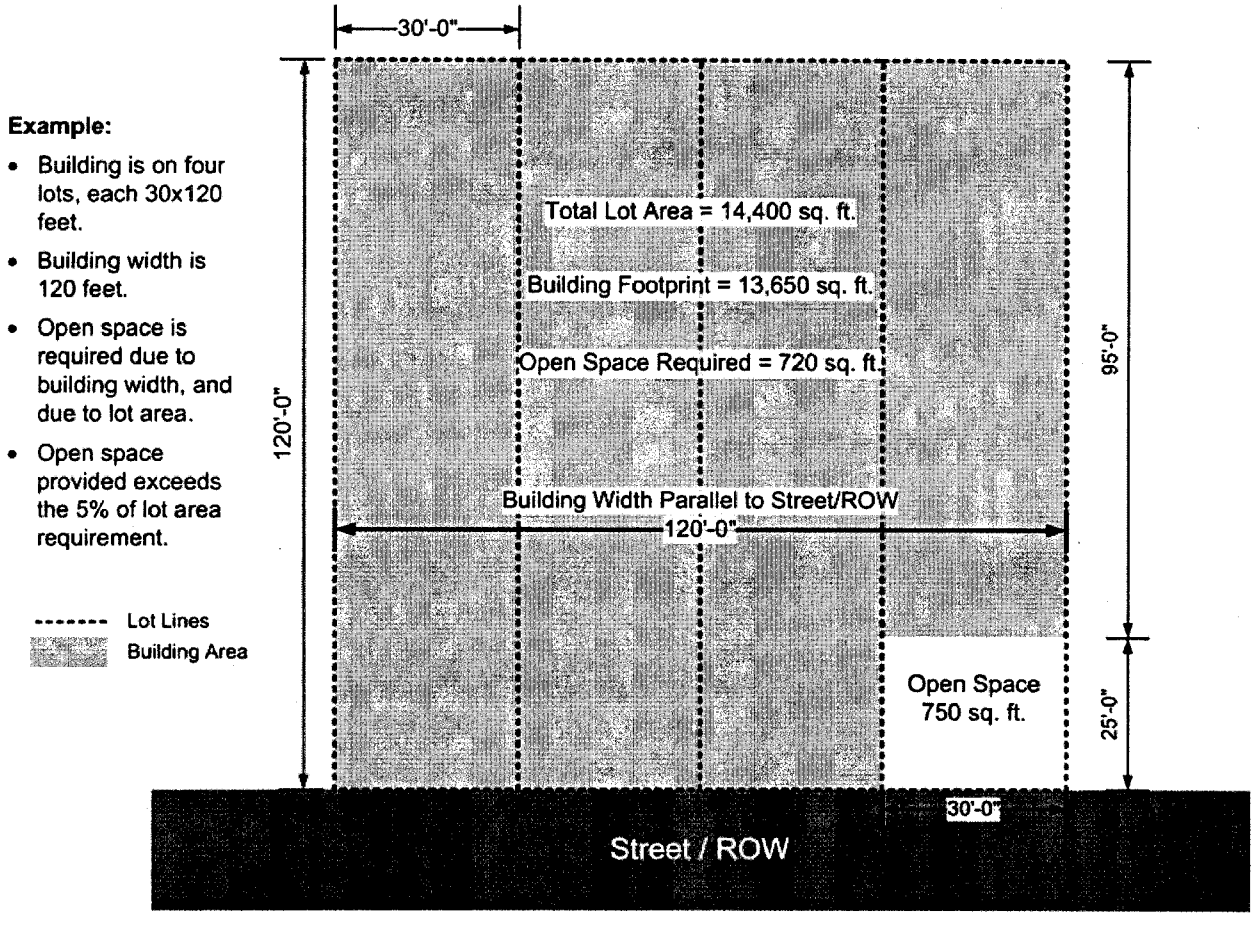
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040.

{The following Alternative to "B" is also being considered}

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35 feet or three stories, whichever is greater.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.



Brackett's Landing North
Brackett's Landing South
Olympic Beach
Civic Playfields
PRD 2002-102
R-1979-4
Edmonds Marsh
City Park
R-2002-101
R-1995-177
RM-1.5
RM-3
RM-2.4
RS-6
BD1
BD2
BD3
BD4
BD5
CW
BC
OR
CG
OS
MP2
P
EDMONDS WY/SR 104
ADMIRAL WAY
W DAYTON ST
RAILROAD AVE
RAILROAD ST
SUNSET AVE S
JAMES ST
MAIN ST
DAYTON ST
ALDER ST
WALNUT ST
HOWELL WAY
HOMELAND DR
HEMLOCK WAY
ERBEN DR
HOLLY DR
MAGNOLIA LN
SLAMONT LN
PINE ST
DALEY ST
SPRAGUE ST
EDMONDS ST
BELL ST
MAPLE ST
CEDAR ST
SPRUCE ST
HEMLOCK ST
LAUREL ST
DURBIN ST
2ND AVE N
3RD AVE N
4TH AVE N
5TH AVE N
6TH AVE N
7TH AVE N
8TH AVE S
2ND AVE S
3RD AVE S
4TH AVE S
5TH AVE S
6TH AVE S
7TH AVE S

DRAFT MINUTES

Community Service/Development Services Committee Meeting
August 11, 2010

Elected Officials Present:	**Staff Present:**
Council Member Strom Peterson, Chair	Rob Chave, Planning Manager
Council Member Petso	Brian McIntosh, Parks Director
	Rob English, City Engineer
	Stephen Clifton, CS/Econ Dev Director
	Phil Williams, Public Works Director

The committee convened at 6:17 p.m.

A. Continued discussion regarding a proposed "Tree Board."

Barbara Tipton, Rich Senderoff, and Ann Heckman participated in the discussion, explaining that the benefits and purpose of establishing a tree board are outlined in the draft ordinance. A major purpose is to move the city toward obtaining the Tree City USA designation, since having a tree board is a necessary requirement for obtaining that status. The ordinance does not introduce any new regulations or requirements beyond what the city is already doing, but the designation would enable the city to seek funding to help in researching and promoting the benefits of trees in the community. The tree board could also serve as a resource the city could draw on.

The Committee also briefly discussed existing penalties for tree cutting, and agreed to discuss this subject further at the September meeting.

ACTION: The Committee agreed to forward the draft ordinance to the City Attorney to put in final form for consideration for adoption by the full Council.

B. Removing leashed dog restrictions in Hutt Park and the asphalt areas of Brackett's Landing north and south of the ferry terminal.

Brian McIntosh explained that the proposal to extend provisions to allow dogs to be on-leash in Hutt Park came about at the April 20, 2010 public hearing in regard to a similar discussion for five other park areas in the City. Three of those parks were recommended to become on-leash (with restrictions) and Council decided not to extend that recommendation to Brackett's Landing North & South. As Hutt Park was not part of the public hearing, it was decided to take this to Council Committee as the next step.

Council President Bernheim tonight spoke in favor of extending the on-leash areas to both Brackett's Landing North & South Parks adjacent to the ferry terminal. Consensus of the Committee was to move forward with the proposal for Hutt Park but deny the request to extend on-leash provisions to the Brackett's Landing parks.

ACTION: As this action would result in a code change, the Committee agreed that it should be forwarded to full Council as a public hearing at a future date.

C. Discussion on possible 'green' initiatives and zoning clarifications for downtown business zones.

Rob Chave introduced the discussion by explaining that there are several items staff wishes to initiate to clean up in the existing downtown BD zones, such as the required depth of commercial uses, the zoning requirements along the 4th Avenue Arts Corridor, and clarifying where the commercial street frontages are outside of the BD1 zone. In addition, Stephen Clifton reported that staff has been fielding inquiries from major private interests on zoning requirements related to downtown; these interests range from individual property owners to developers of hotels and other projects. In all cases, concern has been expressed about working within existing code requirements. In light of the city's adoption of its sustainability element, staff considers it a good time to see whether Council would be receptive to including incentives in the code that would promote features such as green building projects (LEED Gold being an example), expanded open space and sidewalk areas, or other amenities that would improve downtown streetscape and design. Additional height was noted as being something developers have asked about, and that small, carefully situated height bonuses implemented as part of a project-specific negotiated development agreement approved by Council, could be something that staff and the Council could develop within the code.

Council Member Peterson noted that this could be something that fits well with the city's economic development goals, as well as showing leadership in sustainability and green development. Council Member Petso expressed support for including green development standards within the code as a basic requirement, but said she did not support trading environmental benefits for any increases in height or other incentives.

The Committee discussed the approach of asking the full Council to discuss the issue, or allow the Economic Development Commission to work with the Climate Committee and/or Planning Board to develop some ideas that could be brought back to the Committee for further discussion.

ACTION: The Committee agreed to forward the staff recommended minor BD zone updates (review of the 4th Avenue Arts Corridor zoning and street frontage mapping) to the Planning Board for review. The Committee also forwarded the commercial depth requirements to the Planning Board, asking the Board to review the existing depth for the BD1 zone along with the other BD zones; the Committee expressed doubt that the existing 30-foot depth in the BD1 zone is adequate to encourage sustainable commercial use.

ACTION: The Committee agreed to forward the issue of code incentives and/or requirements for sustainable development downtown to the EDC and Climate Committee to develop further, with ideas brought back to the Committee for further review and discussion.

D. Proposed 8th Ave South pathway south of Alder Street.

Rob English (City Engineer) presented Mr. Adams' proposal to build a pathway between 802 and 724 Alder St. in the unimproved 8th Ave right of way. The pathway would begin at Alder St and continue to the existing path on the south half of the 8th Ave right of way between Alder and Walnut Streets. Mr. Adams has offered to hire and pay a contractor to construct the path. The conceptual drawing submitted by Mr. Adams was shown to the committee.

The history on previous City Council action related to the possible vacation of 8th Ave and the pathway between Alder and Walnut Streets was discussed. In November 2005, the City Council decided not to pursue the vacation of 8th Ave and in February 2006, the City Council directed staff to build only the south half of the pathway between Alder and Walnut Streets.

The Committee recognized and asked for comments from Mr. and Mrs. Martin who own 724 Alder St. The Martins explained their observations of how the path is used by citizens and how they believe a new pathway is not necessary. They also expressed that Mr. Adams is one of four property owners adjacent to the unopened 8th Ave right of way between Alder and Walnut Streets and he is the only owner in favor of constructing the proposed pathway.

ACTION: The Committee voted to not proceed with Mr. Adams' request to construct the proposed pathway.

Summary of Planning Board Recommended Changes to BD Zones

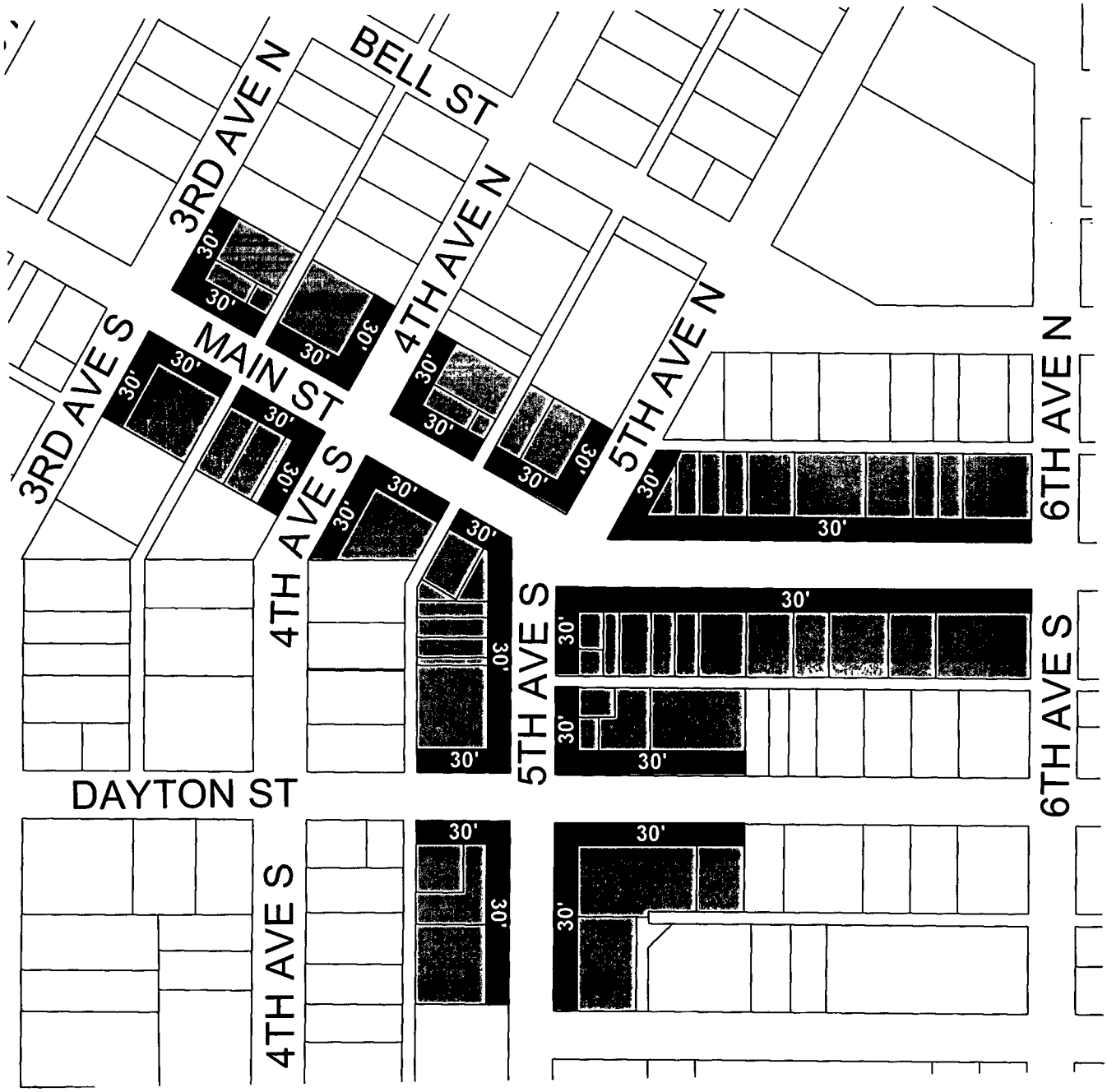
1. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. *This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.*

2. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' In addition, drive-in or drive-through businesses are prohibited in the BD1 zone. *Existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone.*

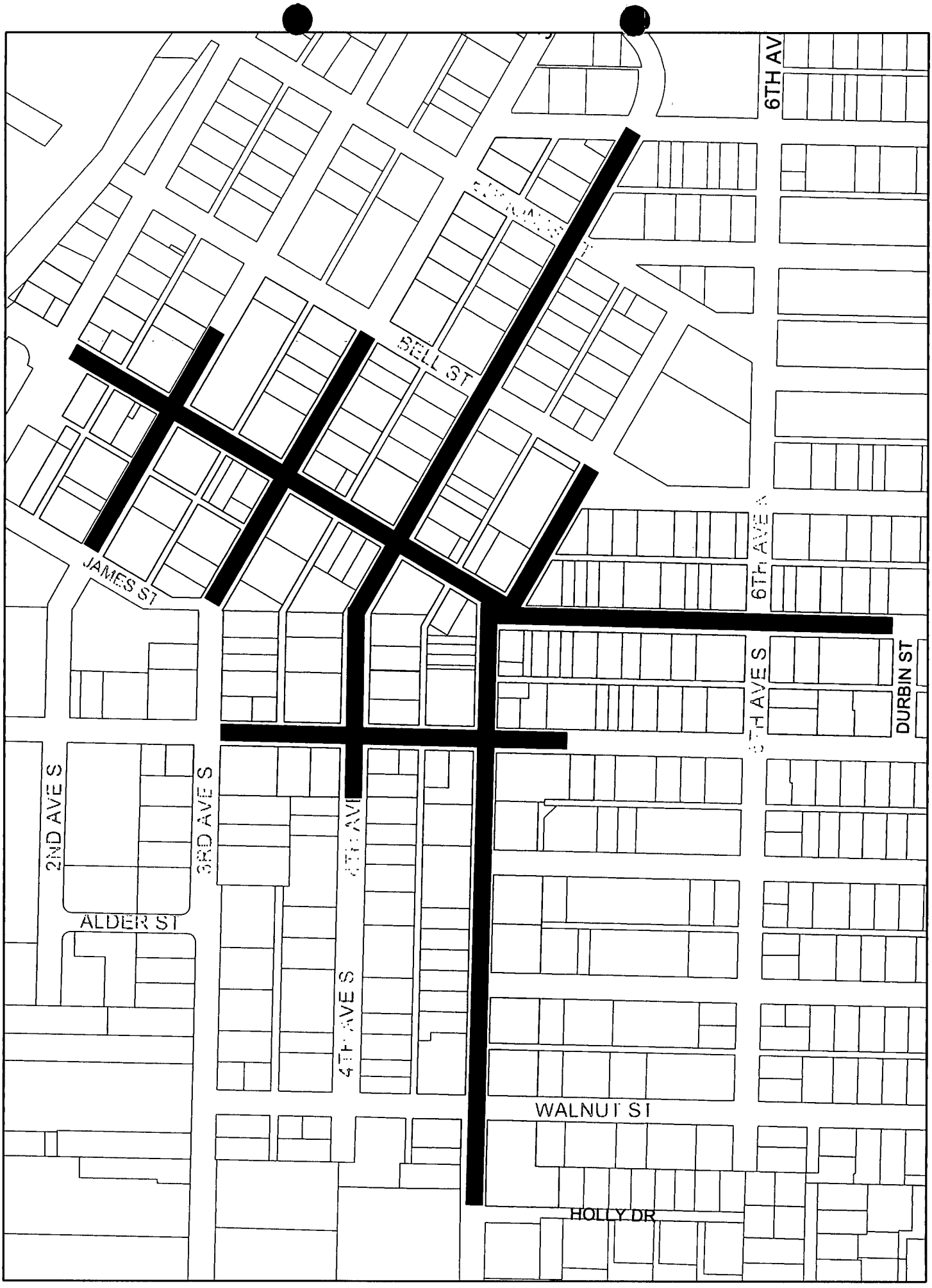
3. Step-back requirements. Step-backs are no longer required in downtown buildings (currently, they are not required in the BD1 zone, while a 15-foot step-back is required above 25 feet in other BD zones). *The Planning Board concluded that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce, and the design of buildings is determined more by overall height and design standards.*

4. Development Agreements. Development agreements are authorized in the proposed amendments (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. Approval hinges on meeting at least two of three criteria, generally including (1) attaining at least a LEED Gold or equivalent level of green building certification; (2) the development incorporates one or more uses designed to further the city's economic development goals (such as a hotel, post office, farmers market, or space for artists); (3) the development includes enhanced public space and amenities. *Development agreements are authorized as an alternative development approval process, requiring public hearings at both the Planning Board and City Council, with final approval by the Council. Notwithstanding the other criteria, a development agreement cannot increase the height of a building to be more than 35 feet.*

Map 16.43-1. **Designated Street Front for BD1 Zone**



30' Designated Street Front (depth of 30 feet measured perpendicular to property line)



Designated Street Front

APPROVED JUNE 22nd

CITY OF EDMONDS
PLANNING BOARD MINUTES

June 8, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT
John Reed, Vice Chair (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CLARKE MOVED THAT THE MINUTES OF MAY 25, 2011 BE APPROVED AS AMENDED. BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON POTENTIAL AMENDMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES (FILE NUMBER AMD20110003)

Mr. Chave reviewed each of the proposed amendments as follows:

Designated Street Front and Commercial Depth Requirements:

Mr. Chave referred the Board to the proposed map of Designated Street Fronts for BD Zones (Map 16.43-1), which has been expanded to include all BD zones, not just the BD1 zone. The purpose of the map is to clarify where the primary pedestrian areas and commercial uses are intended to be oriented within the BD Zones. He explained that ground floor of properties along designated street fronts would be required to meet the commercial height and depth requirements. At this time, the commercial height requirement for the ground floor space of properties along the designated street fronts is 12 feet. The

proposed language identifies a consistent commercial depth requirement of 45 feet, which replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere in the BD zones. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater standard of 60 feet outside the retail core (BD1). He reminded the Board that multi-family residential and professional offices would be allowed to locate on the portions of ground floor space located outside of the designated street front areas and on the upper floors of all buildings in the BD Zones.

Mr. Chave said the Board is specifically seeking feedback from the public about the proposed amendment to the commercial depth requirement, as well as the proposed Designated Street Front Map. He advised that staff measured a large number of commercial spaces in the BD zones in 2005 and 2006, with particular focus on the BD1 zone. They found that the vast majority of the commercial spaces had a depth of at least 60 feet. Therefore, they believe that a 45-foot commercial depth requirement would be reasonable to ensure an adequate amount of ground floor commercial space. Again, he emphasized that this requirement would only apply to properties located along designated street fronts.

Step-Back Requirement:

Mr. Chave explained that, currently, there is no step-back requirement in the BD1 zone, but there is a 15-foot step-back requirement in all other BD zones. In order to increase the height of a building from 25 to 30 feet, a 15-foot step-back is required for the portion of the structure above 25 feet. This requirement results in a significant loss in the amount of developable area and ends up prohibiting buildings from actually being constructed within the established downtown height limits. He said the proposed language provided for the hearing identifies a reduced step-back requirement from 15 feet to 5 feet. However, the Board is also considering the option for removing the step-back requirement entirely from all BD zones. The logic is that if the 30-foot height limit is adequate in the BD1 zone, it should be adequate for all BD zones. In addition, the step-back requirement does not really add any additional protection that is not already addressed by the existing Design Guidelines for the BD zones. He said the Board is seeking feedback on whether or not the step-back requirement should be reduced or eliminated.

Uses in the BD1 (Retail Core) Zone:

Mr. Chave explained that the area one to two blocks radiating out from the fountain is known as the downtown retail core or BD1 zone. Members of the Planning Board surveyed the existing uses in this area and found that it is predominately retail and restaurant uses, with a fair amount of service uses that are generally compatible with retail uses. However, there are some uses that are not compatible, such as medical offices and/or other types of offices that do not have walk-in customers. These uses tend to want to wall off their businesses from the street front, which discourages pedestrian activity. If more of these types of uses are located in the retail core, they could undermine the viability of the existing retail uses. He particularly noted that medical uses are required to provide privacy to their patients. Because they have not been allowed to close off their front windows, they have used privacy screens inside, which have had the same affect.

Mr. Chave said the Board has discussed the idea of prohibiting certain types of uses that are incompatible with the retail core. As per the proposed amendment in Table 16.43.020, retail, restaurant and service businesses would be allowed, but office and/or professional office uses would only be located outside the 45-foot designated street front. Another option being considered by the Board would be even more restrictive to prohibit office and service uses in the designated street front areas in the BD zone. Only retail and restaurant uses would be allowed. He emphasized that the BD1 zone occupies only a small portion of the downtown, and the use restrictions would only apply to the designated street front areas. Office uses would still be allowed elsewhere in the building behind the front retail-oriented uses or on the upper floors of the building. He noted that if the proposed language is adopted, existing nonconforming uses would be dealt with via the nonconforming rules in the zoning code. They would be allowed to continue as the same type of use so long as they remain occupied.

Development Agreements:

Mr. Chave explained that a development agreement is similar to the "contract rezone" concept, which is no longer used by the City. As proposed, the development agreement concept would allow flexibility for a developer to propose modifications to the development standards in exchange for providing a public benefit. He referred to the proposed code language in

Section 16.43.050, which includes sample criteria and authorizes what can be modified by a development agreement. The Board is seeking specific feedback about whether the criterion is appropriate and whether development agreements should be available in all BD zones. They would also like feedback about whether specific conditions should be attached to development agreements, as well as what development standards could be varied, and to what extent.

Mr. Chave said that, as proposed in Section A, development agreements would be reviewed by the Planning Board as part of a public hearing process. The Board would forward a recommendation to the City Council, and the City Council would conduct another public hearing before making a final decision. The Board's recommendation and the City Council's final decision would be based on whether or not a proposal is consistent with the City's economic development and Comprehensive Plan goals and the downtown Design Guidelines.

Mr. Chave reviewed that Section B outlines what can be approved as part of a development agreement. The language includes two options. One would allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040. An alternative would be to allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height limits would only be allowed to increase to 35 feet or three stories, whichever is greater. He recalled that the Board specifically discussed the concept of using "stories" to address height. He explained that the topography in downtown Edmonds makes this approach difficult. Because of topographical changes, development on a single lot could accommodate up to three stories on one side, but four on another. He said the Board is particularly interested in hearing public feedback regarding this concept.

Mr. Chave referred to the criteria for approval of development agreements, which is outlined in the proposed language for Item C. As proposed, in addition to attaining at least a LEED Silver or equivalent level of green building certification, a development would be required to meet at least two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the follow uses designed to further the City's economic development goals: a hotel, a post office, a farmer's market, and/or studio work space, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave observed that, typically, sidewalks in the downtown are narrow and buildings are constructed right to the sidewalk. A developer could propose an expanded sidewalk or plaza area to enhance the pedestrian space, which would meet one of the criteria for a development agreement. He reminded the Board that a development agreement must be consistent with the goals and policies in the Comprehensive Plan and the downtown Design Guidelines.

Chair Lovell referred to the proposed Designated Street Front Map (Map 16.43-1) and recalled the Board previously discussed that a portion of the street front on 5th Avenue between Howell Way and Erben Drive has a steep topography and is not really an ideal location for retail uses. It was suggested that this area should not be designated as commercial street front. Mr. Chave recalled this was discussed by the Board and the Citizens Economic Development Commission (CEDC) at a joint meeting. He said staff recommends that the designated street front extend all the way up 5th Avenue to the end of the BD3 zone. Otherwise, the area would be made available for other types of uses that are not compatible with retail and/or commercial uses.

Chair Lovell pointed out that Footnote 3 on Page 5 should be amended to identify a 45-foot commercial depth requirement in rather than a 60-foot requirement.

Board Member Ellis requested further information about how nonconforming uses would be addressed. While he understands the uses would be allowed to continue for a time after the amendments are approved, he asked when they would lose their nonconforming status. Board Member Johnson answered that the businesses would be allowed to continue as nonconforming uses as defined in ECDC 17.40. However, they would not be allowed to expand in any way, including the number of employees, equipment and/or hours of operation, except as provided in ECDC 17.40.050. If a nonconforming uses ceases for a period of six continuous months, any later use of the property occupied by the former nonconforming use would be required to conform to the zoning ordinance. In laymen's terms, the property could be rented to another similar

business or to a permitted use. However, if the building is vacant for six months, it may only be used for conforming uses in the code.

Board Member Clarke suggested that the Designated Street Front Map does not accurately represent how the City is legally platted into lots. Rather, it represents ownership. Mr. Chave explained that the map is divided into tax parcels, which are different than legal lots. In some cases, multiple lots are combined into a single tax parcel. As an example, Board Member Clarke specifically referred to the properties on the south side of Main Street between 2nd and 3rd Avenues South. The property to the west of the alley is divided into three lots, and the same size of property to the east of the alley is identified as a single lot because it is under the same ownership. Board Member Clarke pointed out that requiring a 15-foot step-back on narrow lots for portions of a building above 25 feet makes development challenging, if not impossible. The stepped-back portion of the buildings would be nonfunctional. Mr. Chave explained that the step-back requirement is particularly onerous for properties that have two street fronts (the main street front and the alley). These buildings are required to step back 15 feet on each side. Board Member Clarke referred to the property located just west of 3rd Avenue South at the northwest corner of the alley and questioned if it is legally possible to redevelop just one of the lots based on the current step-back requirement. Mr. Chave agreed that redeveloping just one of the lots would be very challenging.

Doug Spee, Woodway, said he has an office on Bell Street. He expressed his belief that the proposed code amendments are well written and would benefit all property owners in the BD zones. They do not favor any particular land owner. He said that while the step-back concept works well for high-rise development in downtown Seattle, the Board should keep in mind that development in downtown Edmonds is limited to three stories. Asking a developer to step back the top floor can kill the design and make a project unfeasible. He expressed his belief that a step-back requirement is the wrong choice to prequalify a developer for the additional 5 feet in height. Another option would be to allow the additional 5 feet in height if a building is modulated. He pointed out that the Architectural Design Board has the ability to effectively control whether a proposed building provides enough modulation to warrant the additional 5 feet in height. A step back should not be the only way a developer can obtain the additional height.

Mr. Spee referred to the proposed development agreement language (ECDC 16.43.050) and noted that the alternative language for Item B could be interpreted to allow building heights much greater than 35 feet if a developer proposes a 3-story building with tall ceiling heights on each floor. He suggested the language be clarified or that the reference to the number of stories be eliminated altogether.

Ron Wambolt, Edmonds, thanked the Board for the time and effort they have spent to work through the proposed amendments. He said he hopes that when they are presented to the City Council, they will be in a good frame of mind to support the Board's recommendation. He said he supports most of the changes as proposed. He specifically said he believes development agreements would stimulate economic development in downtown Edmonds. He noted there has been no new development in downtown Edmonds since the BD zoning was implemented in early 2006. While the economy is partially to blame, he believes the other cause is the rigid BD development standards. Currently, the only flexibility allowed in the BD zones is through a variance, which requires a developer to meet six criteria. While the variance concept is well intended, it generally curbs the granting of any variance. He said he believes the development agreement provision would open new opportunities for controlled flexibility. Developers would have more flexibility, but the flexibility would be controlled by the City Council. It sets up the opportunity for a win-win situation where the developer has to give something in order to get something in return. He said he hopes the Board can reach a unanimous decision and forward their recommendation to the City Council as soon as possible.

Stephen Clifton, Community Services/Economic Development Director, referred to the Planning Board's minutes of April 13th, which incorrectly quoted him as stating that "the step-back requirement should be applied in all BD zones." His intent was to suggest that he did not see the logic of applying a 15-foot step back in any of the BD zones.

Karen Wiggens, Edmonds, said she supports the Board's proposal to prohibit office uses in the BD1 zone. It is important for the retail area to be pedestrian friendly. However, she is not sure she supports the idea of prohibiting service uses, as well. Many people who visit the nail and hair salons walk to their destinations. She said she also supports the proposal to change the commercial depth requirement to 45 feet for all BD zones and to eliminate the step-back requirement. She explained that she owns a building on 2nd Avenue South and James Street, and they are currently negotiating a 10-year lease

with Landau Associates, which will be good for her and for the City. Part of the reason she can negotiate the new lease is because she can offer additional space on the third floor, which can be expanded on the east side of the building. There is no reason for a 15-foot step back on her building. If she was not allowed to expand her building to the street front, the City would lose a good business, and she is not the only property owner in this type of situation. She said that while she supports the development agreement concept, she cautioned that the proposed language appears to address one specific property, which can be a dangerous approach.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Chair Lovell requested clarification of Mr. Spee's comment related to the proposed language in Alternative B in ECDC 16.43.050 (height versus stories). He said he does not interpret the language to allow a 3-story building that is greater than 35 feet in height. Mr. Spee said he supports the concept of limiting building height to 35 feet. However, his interpretation of Alternative B is that a 3-story building could actually be much greater than 35 feet if each of the floors had a 16-foot ceiling height. He said he does not believe the language, as currently drafted, defines the maximum building height allowed.

Board Member Clarke observed that Ms. Spee is a successful developer in other jurisdictions in the Puget Sound area. He asked him explain how a developer could construct a 4-story building when the height is limited to 35 feet, particularly given the height required to provide a 12-foot ground floor commercial space, as well as space to locate the mechanical equipment. Mr. Spee answered that if a lot is sloped, it may be possible to construct four stories on one side. He said that if the proposed Designated Street Front Map is approved as presented, his property would qualify for four stories because a portion of the development would be outside the designated street front area. Therefore, he would not be required to provide 12-foot ceiling heights for the ground floor space. He briefly explained how a 4-story development could be accomplished on his particular lot.

Board Member Clarke reminded the Board that the objective of development agreements is to enhance flexibility. The development standards do not take lot size and topography into consideration, and applying a one-size-fits-all approach does not allow flexibility for developers to explore other options that would enhance overall development without creating a monstrous development that the community does not want. He recalled that the purpose of the height limit is to avoid massive buildings. Mr. Spee pointed out that a 30-foot high building could not be considered large. He suggested that one aspect that is missing from the conversation is that topography creates a stadium setting as you approach the downtown. The one-size-fits-all approach does not acknowledge that a slightly taller building on 4th Avenue South and Main Street would not look different from uphill. Development agreements would offer flexibility for the City to allow slightly taller buildings that do not block view from uphill. They also allow developers an opportunity to try and sell something that makes better sense to the public and the City Council. He said he has spent several months trying to offer ideas for how his development could provide more benefits to the community, but the current code language does not allow flexibility to implement any of the ideas.

Board Member Clarke pointed out that Mr. Spee also owns property in Redmond near their town center, which has potential for redevelopment. Mr. Spee said he purchased the property in July of 2008 and the permits to construct an 85-foot tall building were obtained in December of 2010. He said that while Redmond's development standards are different, they are not necessarily any better. However, they do not have a building height requirement for their town center zone.

The Board reviewed each of the proposed amendments and took action as follows:

Uses in the BD1 (Retail Core) Zone:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE REVISED TABLE IN ECDC 16.43.020 AS PROPOSED BY STAFF. BOARD MEMBER CLOUTIER SECONDED THE MOTION.

Mr. Chave referred to the proposed table and noted that the only term currently defined in the code is "office," which means "a building or separate defined space within a building used for a business which does not include on-premises sales of goods or commodities." He noted that this definition is not particularly helpful, and that is why staff provided more descriptive language for office and service uses. He advised that the Board would review all the use classifications after the

University of Washington Team has worked out their proposal for form-based zoning for the Westgate and Five Corners commercial areas. He referred to the handout that matches the 1987 Standard Industrial Classification (SIC) Codes to the 1997 North American Industry Classification System (NAICS), which identifies very different kinds of service categories. He recalled the Board has talked about allowing personal service uses in the BD1 zone. He summarized that while they must deal with use definitions at some point in the future, the proposed amendment is workable because it includes terms that are used throughout the Development Code.

Board Member Ellis recalled the Board previously discussed the option of prohibiting both office and service uses in the BD1 zone. However, the motion currently on the floor would only restrict office uses from being located in the designated street front areas within the BD1 zone.

Board Member Stewart reviewed the updated results of the survey she and Board Member Johnson conducted to identify the current uses in the BD1 zone. They found that 35% of the designated street fronts were retail uses, 5% were art, and 23% were restaurant and food services. That means a total of 63% of the uses were retail and/or food related. In addition, 25% of the space was occupied by beauty and wellness uses, finance, insurance and real estate uses, and professional offices. Other uses occupied 4% of the space, and 8% of the space was vacant. Mr. Chave observed that professional offices occupy only a small percentage of the designated street front space in the BD1 zone. However, adopting the proposed language would eliminate the possibility of more of these uses locating in these critical retail areas.

Board Member Cloutier recalled the Board's previous discussion about what options a land owner would have if they are unable to rent their space for a retail use. If a space cannot be rented within a 6-month time period, he suggested it would be better to allow the space to be rented for a professional office use rather than remain vacant. He questioned how this need could be addressed. Mr. Chave said the proposed amendment would offer no option for other types of uses, and a development agreement would not be allowed to modify the allowed uses, either. Board Member Stewart suggested the purpose of the proposed amendment is to serve a greater City need. Landowners have the option of adjusting their rent and/or terms to attract retail tenants. Mr. Chave recalled an experience shared earlier by Mr. Clifton in which he encouraged a property owner to think more carefully about the types of businesses he/she was trying to recruit. The property owner assumed the space was more suitable for office use, but he was able to convince him/her that a retail food business would be a better choice. The property owner was able to successfully recruit this type of use. Board Member Stewart emphasized that getting more retail uses in the BD1 zone will be positive for the landowners, too.

Board Member Johnson pointed out that changing the uses allowed in the BD1 zone would not require a successful office use to terminate now. However, she felt the proposed amendment would be appropriate if the City's intent is to have retail uses in the BD1 zone. She agreed that service uses such as nail and hair salons could be part of the retail mix. She would even support allowing all service uses, but medical and other professional office uses should be prohibited.

Board Member Cloutier agreed the City's goal is to have retail uses in the BD1 zone. However, he cautioned against limiting the property owners' ability to rent their space too much. There should be some provision that allows nonconforming uses if that is the only type of use interested in the space. Allowing a nonconforming use would be better than an empty store front. Mr. Chave pointed out that the hardship to property owners would be mitigated by the fact that the use restrictions would only apply to the portions of buildings located within the designated street front. The limited use would apply to just a very small portion of the downtown area, and he would advocate holding firm on the areas that matter (BD1 zone).

Board Member Clarke said it appears that the vacant properties in the BD1 zone are designed for retail rather than professional office uses. Mr. Chave added that much of the vacant space is in space that has never been occupied but was constructed for retail uses. Board Member Clarke said he cannot foresee a situation in which the proposed amendment would place a hardship on a property owner. He expressed his belief that the proposed amendment represents the best interest of the public and provides a fair balance between the needs of the landowners and the current economic conditions.

Board Member Johnson pointed out that, as proposed, drive-through businesses would no longer be allowed in the BD1 zone. The Board has generally agreed with this approach. However, as she reviewed the table of permitted uses, her attention was drawn to hotel and motel uses, both of which are permitted primary uses in the BD1 zone. She explained that a

motel is designed for auto travelers, and a hotel is defined in Chapter 21 as containing five or more separately-occupied rooms. A boarding house is a use that contains not more than four rooms for lodgers and boarders. She expressed her belief that hotel and boarding house uses seem to be more consistent for the BD1 zone, but perhaps motels should be excluded. Motels require an additional driveway access, which is similar to a drive-through business. If one is permitted and the other is not, it appears to be contrary to the desired pedestrian environment in the BD1 zone. Mr. Chave acknowledged that, at one time, the terms "hotel" and "motel" were defined differently, but now there is much less distinction. He reminded the Board that the BD1 development standards prohibit additional curb cuts, which would address issues related to access. Board Member Johnson pointed out that the definitions she provided came directly from the existing ECDC. Mr. Chave agreed but said the definitions are old and need to be reviewed and updated at some point in the near future. Board Member Clarke explained that the term "drive-through" references the fact that a user is maintaining their auto in the rendering of the service such as a coffee stand, a fast-food restaurant, etc. People are served while they remain in their cars. On the other hand, people who visit motels are required to park their cars to access their rooms. In the transient lodging world, which covers hotels, motels, etc., there is no such thing as a drive-through motel. Therefore, he suggested that motels are unrelated to drive-through uses. He summarized his belief that the City should not prohibit transient lodging facilities in the BD1 zone.

THE MOTION CARRIED UNANIMOUSLY.

Designated Street Front and Commercial Depth Requirements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE AMENDMENT TO ECDC 16.43.030 TO CHANGE THE COMMERCIAL DEPTH REQUIREMENT TO 45 FEET IN ALL BD ZONES AS PROPOSED BY STAFF WITH THE CORRECTION TO FOOTNOTE 3 (CHANGE 60 FEET TO 45 FEET). HE FURTHER MOVED THE BOARD RECOMMEND APPROVAL OF THE DESIGNATED STREET FRONT FOR BD ZONES MAP AS PROPOSED BY STAFF. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Step-Back Requirements:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND THAT THE STEP-BACK REQUIREMENT BE ELIMINATED IN ALL BD ZONES. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Chair Lovell said the logic behind his motion is that the Comprehensive Plan and Design Guidelines provide that building design shall include façade articulation and/or modulation. Using changes in textures, materials and articulation can achieve the same aesthetic result as requiring a step back. He expressed his belief that even a 5-foot step back would be too much when multiplied by the entire width of the lot.

Board Member Clarke observed that there is no step-back requirement in the BD1 zone. Similar to how the commercial depth requirement was changed to be consistent for all BD zones, he said he would support a consistent step-back requirement. He said the existing architecture in the BD zones reflects the uniformity of no step-back requirement since no new development has occurred since the step-back requirement was implemented. As examples, he noted the Windermere Building, City Hall, the Harbor Building, and the condominiums built in downtown. He concluded that the step-back provision has not proven to be a valuable contribution to the building code. For uniformity and to be consistent with how the City is currently developed, he recommended the step-back requirement be eliminated.

Board Member Ellis said he supports the motion to eliminate the step-back requirement for the same reasons that were stated by Board Member Clarke and Chair Lovell. He said he does not see why they should have a different step-back requirement for any of the BD zones. The current requirement is too blunt an instrument to accomplish its goal.

Chair Lovell referred to written comments submitted by Vice Chair Reed, which state, "I think the step-back change is good, though upper floor step-backs are a good design feature that I would hope is still used. Otherwise, we could end up with shoe boxes for the sake of maximizing square footage."

Development Agreements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD ADOPT THE PROPOSED LANGUAGE FOR ECDC 16.43.050 AS PRESENTED BY STAFF, USING ALTERNATIVE B. CHAIR LOVELL SECONDED THE MOTION.

Board Member Cloutier referred to Mr. Spee's earlier concern that using the term "story" could result in building that are significantly taller than 35 feet if a developer chooses to construct three stories that are each 16 feet tall. He reminded the Board that the additional height would only be allowed via an approved development agreement, which would be reviewed by both the Planning Board and the City Council. If the proposed height of a development is unreasonable, the City would not be obligated to approve the development agreement. A developer would have to make a strong case to support why each story would have to be so tall, and each request would be weighed against the Downtown Design Guidelines and the Comprehensive Plan policies.

Board Member Cloutier recalled that one Board Member expressed concern that if all provisions in ECDC 16.43.030 and 16.43.040 can be altered with the exception of height, these two code sections would be meaningless. He reminded the Board that any code diversion would have to be approved by the City Council as part of a development agreement. Mr. Chave added that a developer would have to make a case to support his request to modify a development standard. Board Member Cloutier said a Board Member also raised the question of what would happen if a developer chooses not to meet one of the requirements of ECDC 16.43.030 or 16.43.040 after a development agreement has been approved. Mr. Chave answered that the developer would be required to either amend the development agreement or request an entirely new development agreement, both of which would require a public process and final approval by the City Council. These inconsistencies should be caught during the development permit review, and no development permit would be issued for a project that does not meet all of the code requirements as outlined in the development agreement.

While he actually recommended including the reference to "stories" in Alternative B, Board Member Clarke questioned if it is needed if the goal is to create flexibility. He asked if the 35-foot maximum height limit would provide enough safeguard that someone would not be able to build a taller structure. If so, then reference to "stories" is irrelevant. Mr. Chave agreed and noted that height has traditionally been regulated based on a specific height and not stories. The language related to stories was added at the request of the Board. It is not really necessary. Board Member Clarke said it is possible for a development that is 35-feet high to include a taller first floor to accommodate the mechanical equipment and a taller third story to provide a greater ceiling height for residential units. This would allow for development that is architecturally unique and different than a standard box. He noted that other municipalities are allowing flexibility in their codes for this type of development. He said he would support the motion, but he would like to amend it to delete the reference to "three stories."

Board Member Ellis suggested it would make more sense to change Alternative B to read, "A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height may only be increased to 35 feet." Board Member Chave agreed that would be appropriate and would not alter the intent of the proposed language.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO DELETE THE WORDS "OR THREE STORIES, WHICHEVER IS GREATER" FROM ITEM B.1. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Board Member Clarke said he appreciates that the City Council takes the time to read the Board's minutes because they have spent a lot of time on this issue. That is one of the reasons he has taken the time to have the discussion about building heights versus stories and the combination of the two. This discussion helps to lay the foundation so the City Council can see the complexity of the problem they face in the BD zones and offer a solution that meets the Design Guidelines and Comprehensive Plan Policies to encourage positive economic development and suitability to the community in long-term investments with the anticipation of providing economic benefits for all stakeholders in the community. Board Member Clarke said it is important for the City Council and the public to have a clear understanding of the concept of highest and best use of the development of real estate. He explained that there are four criteria for evaluating the highest and best use of a piece of property:

1. Potential Development. The potential development must be physically possible based on current construction standards and standards associated with the site.
2. Legally Permissible. This falls directly under the zoning code and development standards to create the elasticity on legally permissibility. Flexibility in the code enables the highest and best use to expand and adapt to different market conditions, which is critical in the development arena.
3. Financially Feasible. This is a key concept for the community to consider. For example, if the cost of land and the cost of construction are both high, these costs must be covered by the economic feasibility of the proposed project. This is one reason why the step-back requirement is onerous. It reduces a developer's opportunity to spread the financial viability over a larger footprint. The Board has enhanced the concept of highest and best use by recommending that the step-back requirement be eliminated and by establishing a uniform commercial depth requirement of 45 feet. Both of these amendments allow for more flexibility for the types of land uses that can be put in the BD zones. It also enhances the arena for financial feasibility.
4. Maximum Productivity. Maximum productivity is based on opportunity costs. If a developer has two alternatives, they must determine which one produces the maximum productivity of the asset. The zoning code helps the developer be able to choose the best of all the land uses based on economics at the time of development.

Board Member Clarke summarized that if all four criteria can be met, there is a high probability that the project will be sustainable over the long term and improve the return to all stakeholders through increased tax revenues and enhanced use of the property by the community. He said the Board has worked hard to create an environment that meets and exceeds the goals of the Comprehensive Plan with respect to the economic sustainability of the community. Developers will be able to speak to all four points with more flexibility, and there will be more opportunities for return to the community.

Chair Lovell referred to Vice Chair Reed's written concern about changes that occur after a development agreement has been approved. Mr. Chave clarified that the staff cannot unilaterally change a development agreement. Changes would have to go back to the City Council for approval.

Board Member Stewart pointed out that the proposed amendment incentivizes the City's goal of being sustainable by requiring Silver and/or Gold LEED or equivalent for all development agreements. It is also important to consider the concept of adaptive reuse so that the uses of buildings can be altered as the market changes without requiring substantial redevelopment. In addition, new construction should use local materials and other sustainable resources, be energy efficient, maximize day lighting to reduce electricity requirements, and safeguard the indoor environmental quality by eliminating the use of toxic materials. She summarized that return on investment is not just about construction costs, it also includes reducing operating costs over the life of a building. These measures will help improve the economic and social sustainability of the City.

Board Member Ellis questioned how the Board came up with the four uses outlined in Item C.2. Mr. Chave said these uses were identified in discussions with the Planning Board and CEDC as priorities for promoting tourism in the downtown. Board Member Ellis asked if this list is intended to be exclusive of the things that are desirable or if additional uses could be added. Mr. Chave agreed that the four items may not be the only important and desirable uses, but they represent those that have been identified thus far. Board Member Ellis questioned if specifically identifying these uses would preclude other desirable uses in the future. Mr. Chave pointed out that the language could be amended in the future if more uses are identified. Board Member Ellis suggested that a better option would be to identify the four uses as potential examples, but not all inclusive. Mr. Chave cautioned against leaving the language so extremely open ended.

Board Member Clarke suggested another option would be to add "or characteristics" after "uses," and then include a provision that allows the Planning Board to make recommendations to the City Council for uses or other characteristics that may be considered in the future. This would allow the document to be more flexible rather than restricted to just those four uses. Mr. Chave pointed out that this process would really be no less time consuming than a development code amendment to add another use.

Board Member Clarke said it is important for the City Council to see that this concept was considered by the Board and their intent is that it not be limited to the four uses identified in Item C.2. Neither is the language intended to apply to the needs of

just one property owner. Mr. Chave said the items on the list have been pursued and talked about at various levels for quite some time. He said the list is intended to represent the uses that have been identified to this point. He noted that the City Council would also have the ability to add additional uses to the list prior to their final approval.

Board Member Johnson reminded the Board that in previous discussions with the CEDC, public restrooms were identified as a desired public amenity. She suggested that the words "public restrooms" be inserted into Item C.3 as an example of a potential public amenity.

Board Member Ellis requested clarification of how Criteria C.3 would be applied. Mr. Chave clarified that art features would only be required if the applicant chooses to utilize Criteria C.3, which calls for enhanced public space and amenities. Board Member Ellis suggested that the words "without limiting the scope of enhanced public space and amenities," be added at the beginning of the second sentence to make it clear that developers can propose public space and amenities that are not included on the list of examples.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO CHANGE ITEM C.3 TO READ, "THE DEVELOPMENT INCLUDES ENHANCED PUBLIC SPACE AND AMENITIES. WITHOUT LIMITING THE SCOPE OF ENHANCED PUBLIC SPACE AND AMENITIES, EXAMPLES INCLUDE SUCH FEATURES AS PUBLIC RESTROOMS, ADDITIONAL BUILDING SETBACKS WHICH PROVIDE EXPANDED PUBLIC SIDEWALKS OR GATHERING SPACE, AND/OR COMBINED WITH EATING OR FOOD RETAIL SPACES WHICH INCLUDE OPEN AREAS ADJACENT TO THE SIDEWALK. ART FEATURES VISIBLE TO THE PUBLIC SHALL ALSO BE INCORPORATED INTO BUILDING AND/OR SITE DESIGN." BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MAIN MOTION TO RECOMMEND APPROVAL OF THE PROPOSED LANGUAGE FOR ECDC 16.43.050 WAS UNANIMOUSLY APPROVED AS AMENDED.

REVIEW OF EXTENDED AGENDA

Mr. Chave announced that the Board Members have been invited to attend the CEDC's June 15th meeting, at which the University of Washington/Cascade Land Conservancy Team will provide a final update on their work with the Five Corners and Westgate Commercial Centers before presenting their findings to the City Council. The Board would be invited guests of the CEDC and would not be voting on the item. He explained that after their presentation to the City Council, the Team would ask the City Council for authorization to begin the formal review of the Development Code and then the item will come before the Planning Board for review.

Mr. Chave advised that Mr. Lien would be present at the Board's June 22nd meeting to discuss the Shoreline Master Program Update.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart announced that the City of Bellingham is sponsoring their 9th Annual Imagine This! Home and Landscape Tour on June 25th and 26th from 10:00 a.m. to 5:00 p.m. She said she would not be able to attend the event. She encouraged Board members to visit http://sustainableconnections.org/events/9th-annual-home-and-landscape-tour for more information. She felt the event would be of interest to the Board given the City's goal of implementing green initiatives in Edmonds. She would like ideas for promotional events to show off green projects that have occurred in the City.

ADJOURNMENT

The Board meeting was adjourned at 9:20 p.m.

AI-3970 **Item #: 6. a.**

Planning Board Agenda

Date: 06/08/2011

Public Hearing on adjustments to downtown BD zones (File No. AMD20110003)

Staff Lead/Author: Rob Chave, Planning Manager

Department: Planning

Initiated By: City Council
City Staff

Information

Subject/Purpose

Public Hearing on potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals. (File #AMD20110003)

Staff Recommendation

Forward the Planning Board's recommendations on the amendments to the City Council for hearing and approval.

Previous Board Action

(See attached mintues)

Narrative

(See attached memo and code amendment draft language)

Attachments

Attachment 1: Staff memo

Attachment 2: Draft code amendment language

Attachment 3: Planning Board minutes

Item # 6a

Edmonds Planning Board Agenda Memo

Meeting Date:	June 8, 2011
Agenda Subject:	Public Hearing on draft amendments to downtown BD zones.
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

The Planning Board had discussions on potential amendments to the downtown BD zones during its meetings on March 9th, March 23rd , April 13th, and April 27th of this year. The draft amendment language prepared for the public hearing show what the BD zoning chapter would look like if the following features were included:

1. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone. Another option being considered by the Planning Board is to be even more restrictive, i.e. prohibiting office, professional office, *and service uses* in the 'designated street front' of the BD1 zone. Only retail and restaurant uses would be allowed along the street front.

2. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater

standard (i.e. 60 feet) outside the retail core. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.

3. Step-back requirements. The issue here is that it appears that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce. This in turn ends up prohibiting a building from actually being built within the established downtown height limits. In the sample draft provided for the hearing, step-backs are reduced from 15 feet to 5 feet. As another option, the Board is also considering removing the requirement entirely. Currently, there is no step-back requirement in the BD1 zone, but a 15-foot step-back is required in other BD zones.

4. Development Agreements. Development agreements are authorized in the current draft code amendment language (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. The Planning Board has been discussing whether these are the right criteria, and whether development agreements should be available in all BD zones. For example, the Board has discussed not allowing these types of development agreements in the BD5 zone (the Fourth Avenue Arts Corridor).

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

Attachment 2

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

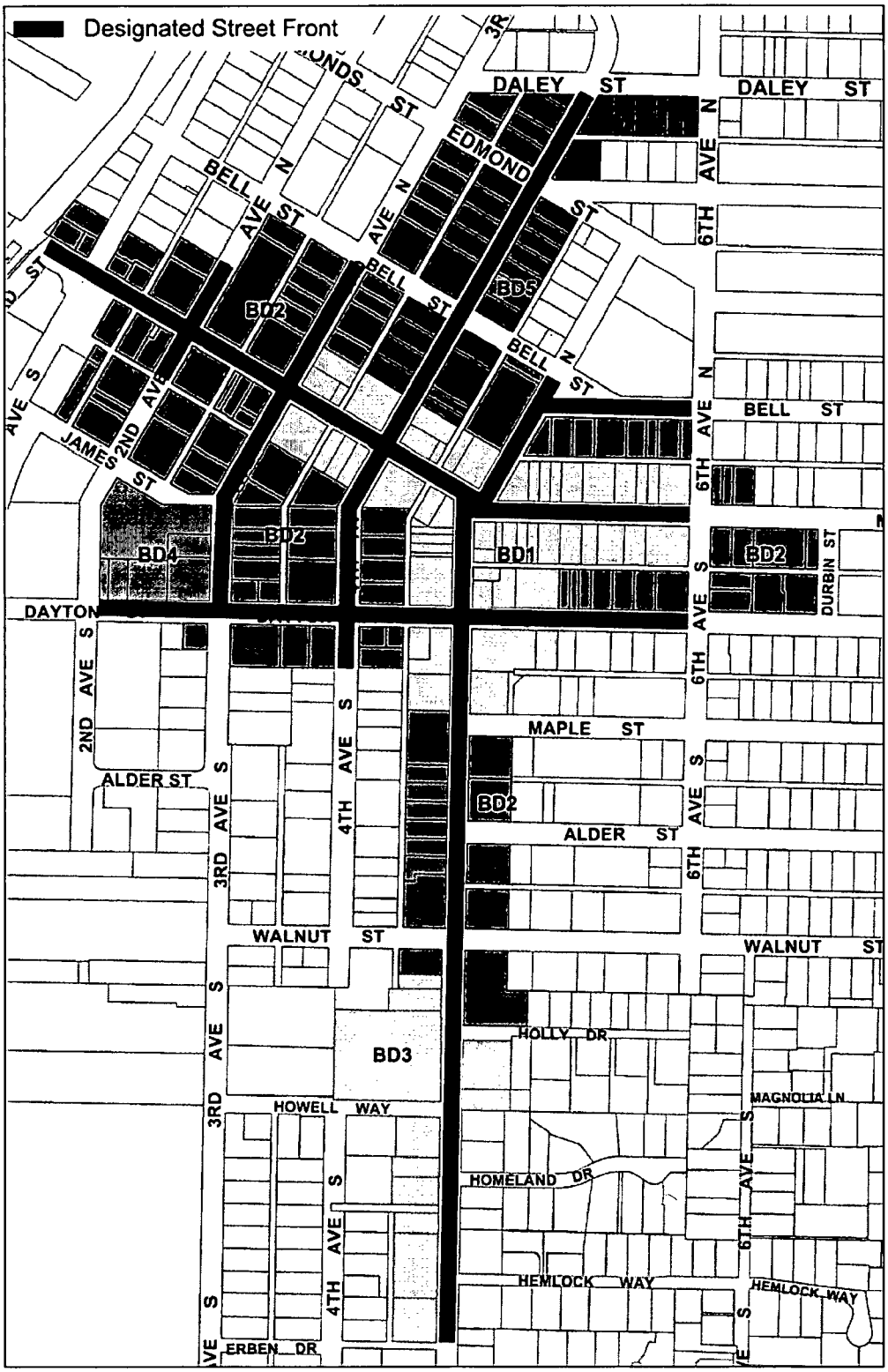
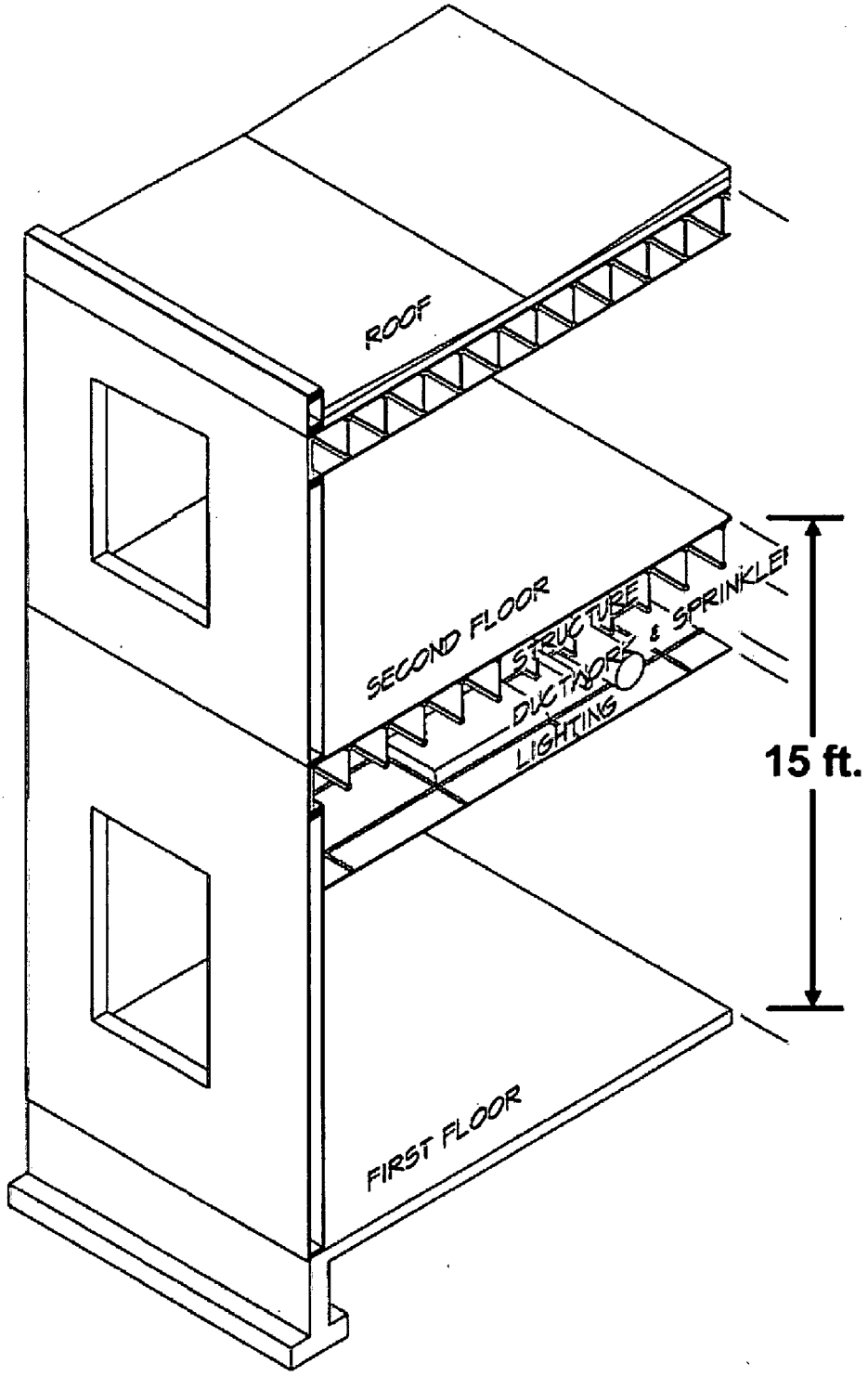


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zone~~s~~, ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

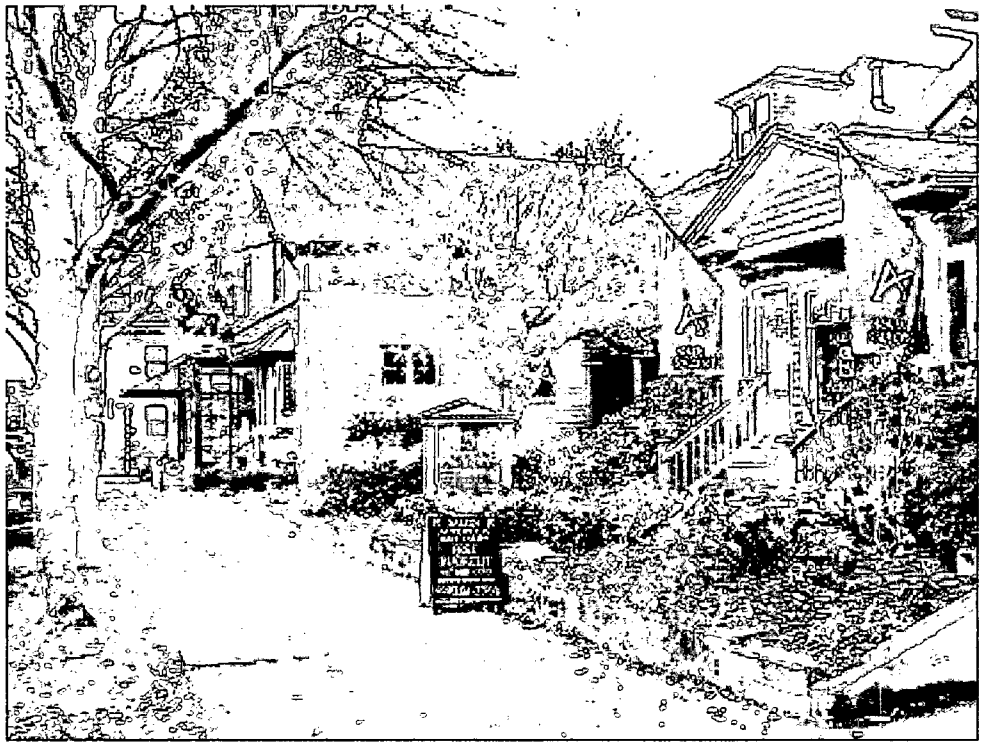
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~ 5 feet of any street front. Within the ~~15~~5-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a ~~15~~5-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

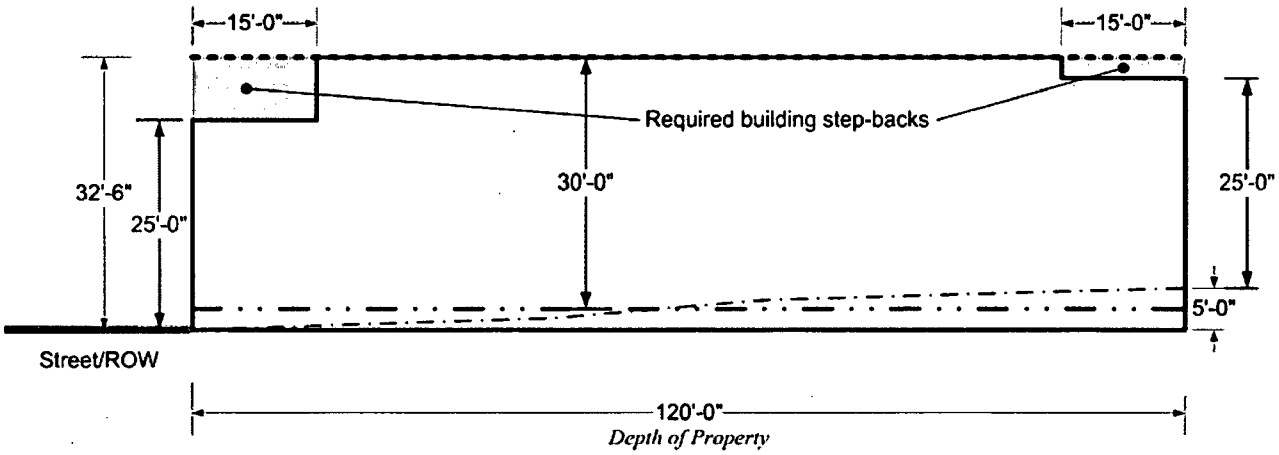
ii. A ~~15~~5-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a ~~15~~5-foot step-back is required on more than one street front, there is no ~~15~~5-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~10~~3-foot building step-back to meet the ~~15~~5-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

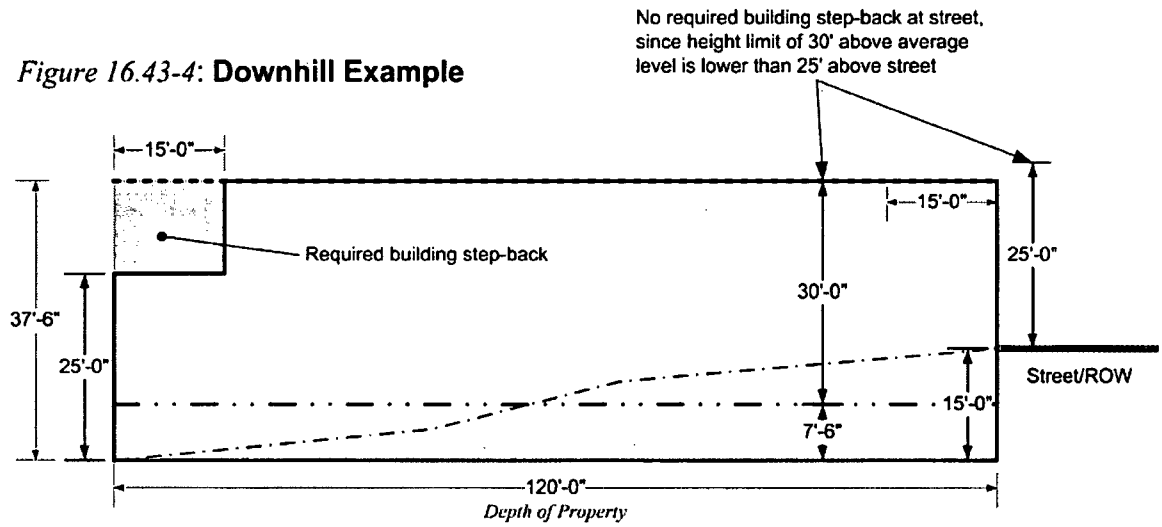
Note: the diagrams on this page must be changed to match any changes to required the step-back (e.g. 0 or 5 ft)

Figure 16.43-3: **Uphill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation
Original Grade
30' Height Limit from "average level"
Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

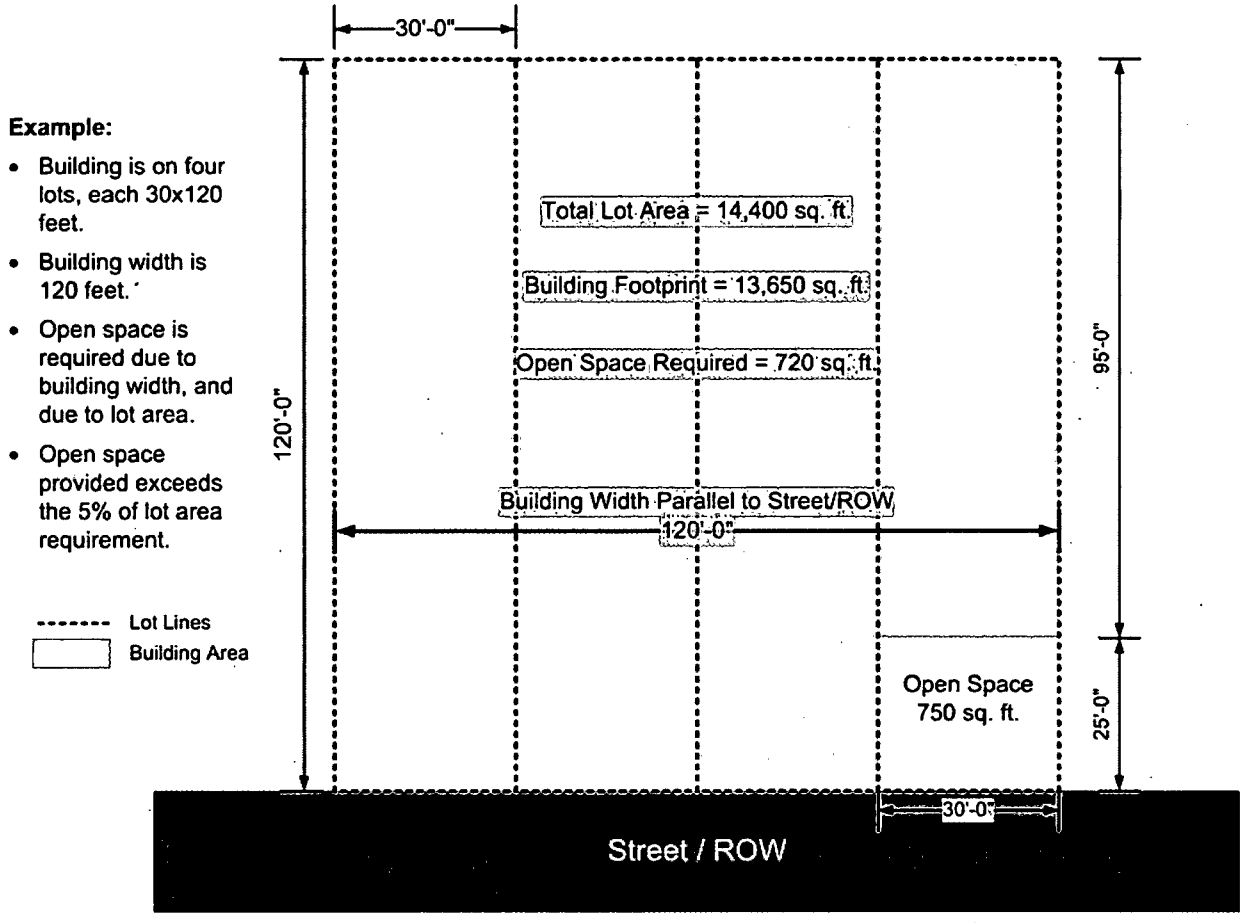
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040.

{The following Alternative to "B" is also being considered}

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35 feet or three stories, whichever is greater.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.

to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since

Attachment 3

that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be

considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr. Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.
- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks

Roger Hertrich, Edmonds, said he lives in a neighborhood located across the street from a true Neighborhood Business (BN) zone that serves the local neighborhood. The property is well-landscaped and the building is set back appropriately from the residential properties behind. The property was developed in full compliance with the code requirements, including the setback of the building so it is far enough back to allow for adequate sight distance when approaching the major intersection. Mr. Hertrich pointed out that the proposed amendment to reduce street setbacks would apply to all BN zones, large and small. He expressed his belief that the BN zones are different in character, and one setback requirement for all may not be appropriate. He observed that Westgate is a special area because it is located on a state highway (SR-104) and a major arterial (100th Avenue West). He said he envisions an opportunity in the future to widen the roadways and add a right-turn lane to make the intersection more efficient. However, allowing buildings to be constructed within five feet of the right-of-way would eliminate this possibility. If the 20-foot setback area is maintained, the roadway could potentially be expanded if necessary at some point in the future. He summarized that a 20-foot setback results in a good looking neighborhood and provides safety for pedestrians who use the sidewalks. Mr. Hertrich encouraged the Planning Board to use their influence to let the University of Washington team know they are interested in the concept of creating a new and specific zone for Westgate called the "neighborhood shopping area." Having a distinct and specific zoning designation would make it easier to accomplish the identified goals for Westgate.

DISCUSSION ON PROPOSED ADJUSTMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES

Mr. Chave reviewed that the Planning Board has discussed potential amendments to the downtown BD zones on at least two previous occasions. Draft amendments were prepared based on input from the Planning Board regarding four broad issues that have been raised by the staff, City Council and individual citizens. He referred to the draft amendments and invited the Board and Commission to provide additional direction.

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave advised that the proposed language would restrict the uses in the BD1 zone to retail only. While restaurants would be allowed, office and other types of service uses must be located outside the designated street front. If these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code. They would be allowed so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front or on upper floors of a building, but the emphasis going forward would be for retail and restaurant uses along the commercial street fronts within the BD1 zone.

Mr. Chave said that in the intervening years since the BD zones were adopted, issues have come up because numerous office and service uses have located in the BD1 zone. Staff believes these uses can be successfully located outside the designated street front areas or in other BD zones. He shared an example of a medical office that located in the BD1 zone. Because of privacy requirements, screens were placed in front of the windows. This is contrary to the City's goal of providing a pedestrian-friendly environment in the retail core. He reminded the Board that the City Council was reticent to make the BD1 zone retail only when the code language was initially adopted. However, staff is asking the Board to reconsider this position.

Vice Chair Reed pointed out that the proposed amendment would also prohibit drive-through businesses in the BD1 zone. Mr. Chave said the Board discussed this issue and agreed that drive-through businesses should no longer be allowed in the BD1 zone. Changes were made to Table 16.43.1 to implement the Board's direction.

Board Member Johnson said she conducted a windshield survey of the BD1 zone and found 10 finance, insurance and real estate (FIRE) offices, 10 health and beauty services, and two medical office buildings all within the ground level storefront area. These 22 businesses would theoretically become non-conforming if the proposed amendments are approved. She asked if similar businesses would be allowed to occupy these spaces if the current businesses leave. Mr. Chave said another service or office use would be allowed to occupy the space as a non-conforming use. However, if the space remains vacant for a year, service and/or office uses would no longer be allowed. He clarified that the proposed language is not intended to drive out the existing service and office uses from the BD1 zone, but it would enable the City stop further erosion of the retail core. Mr. Clifton said he has been contacted by numerous business owners who were interested in locating in the BD1 zone but were unable to find the right

were unable to find the right space.

Board Member Stewart recommended the code be amended to require a property owner to change the use to retail when an existing service and/or office use moves out. She expressed her belief that if the City truly wants to change the makeup of the BD1 zone, they need to help it along rather than waiting for change to occur. Vice Chair Reed asked if the code language could be written in such a way to restrict the types of uses allowed in the BD1 zone when the current service and office spaces become vacant. Mr. Chave agreed this is an option, but it would require an amendment to the non-conforming section of the code to specifically spell out the requirements for the BD1 zone. Normally, a non-conforming use would be allowed to continue unless the space is vacant for a long period of time. Mr. Clifton suggested another option would be to shorten the time period a space can remain vacant before it is required to comply with the retail use requirement.

Commissioner Hall observed that the purpose of the proposed restriction is to slow down the growth of service and office uses in the downtown so it can become more vibrant. He reminded the group that people come to downtown Edmonds to shop, and he encouraged them to move forward with the change. If a service or office use moves out of a space, the new use should be restricted to retail only.

Board Member Clarke pointed out that most of the space in the BD1 zone is smaller in size and older, which equates to lower rents. In addition, most of the blocks are divided into small ownership. He suggested that many downtown retailers would be unable to afford the higher rents that new development would require in order to pencil out. He referred to downtown Kirkland and explained that much of the retail space in the newer mixed-use developments is vacant because small businesses cannot afford to pay the high rents.

Commissioner Yamamoto agreed that most of the retailers in the BD1 zone are small and require between 1,000 and 1,500 square feet of space. Businesses prefer to locate in the downtown core were foot traffic is significantly greater. He expressed concern that some of these retail spaces are currently occupied by service and office uses that do not depend on foot traffic.

Board Member Clarke said he would prefer to allow flexibility for a property owner to fill space in the BD1 zone with something other than retail, depending on market demand. Otherwise, spaces could remain vacant for long periods of time, resulting in blight. Commissioner Yamamoto pointed out that the City has never tried to limit the BD1 zone to retail uses. He said he knows of business owners who want space in the retail core, but there is none available because it is occupied by service and office uses. He expressed his belief that if the code is amended to restrict the uses in the BD1 zone, the spaces would be filled quite quickly with retail uses.

Commissioner Pierce said Board Member Clarke has a valid point that prohibiting service and office uses could result in vacant buildings because the space would only be marketable to a narrow group of business types. He pointed out that much of the first floor commercial space in the newer buildings in downtown has remained vacant because the older buildings offer more flexibility and lower rents. He expressed his belief that restricting the uses in the BD1 zone would be a bad idea because it would eliminate potential tenants. Board Member Clarke noted that rents for the newly renovated Old Mill Town are triple the previous rates. Much of the space is vacant at this time because rents are too high and the spaces are too large for the typical tenant who wants to locate in downtown Edmonds. He said the same would be true for any new mixed-use development. Rents would have to be significantly higher in order to make the proforma pencil out. He expressed concern that eliminating some of the potential tenants could make new development unfeasible. He felt the code should allow flexibility for other types of uses if spaces are not marketable for retail. Otherwise, the City could eliminate a property owner's ability to lease space.

Mr. Clifton said his predecessor, Jennifer Gerend, shared her experience that allowing too many office-related uses along the storefront can kill the retail core. He suggested there needs to be a balance. At what point should the City say no to office uses in the ground floor storefront areas. He reminded the group that the proposed amendment would not exclude office uses in the BD1 zone, but they would have to locate outside of the ground floor storefront areas or on the upper floors. Board Member Clarke said he does not believe that financial, insurance and real estate businesses would want to occupy space that is located behind a storefront, with no visibility from the street. He expressed his belief that these uses fill a demand in the community. Mr. Clifton said some businesses have chosen not to locate in Edmonds because they cannot find space in the most desirable location (BD1

most desirable location (BD1 zone). He suggested that having more restaurant and retail uses would make the downtown more attractive. He said he understands Board Member Clarke's concern, but at some point there is a tipping point where the downtown goes downhill because there are not enough retail and restaurant businesses to attract people to the area.

Mr. Chave shared an example of a medical office locating in the BD1 zone. Because the code does not allow them to cover the windows, they put up screens inside the space to provide privacy for their patients. He said he does not believe this is an ideal situation for the downtown retail core. He explained that office uses are important to a downtown because they provide employees to use the retail businesses. However, it is not so important that they have a street presence because they are not directly related to the people on the sidewalk. Typically, offices use blinds to close their space off so that people cannot see in from the street. Because of this, medical offices are not generally compatible with retail uses, and should not be encouraged in the BD1 zone.

Board Member Johnson said some service uses can benefit the downtown because they draw people to the area. Mr. Chave agreed but cautioned that if service uses are allowed to expand in the BD1 zone, they could eventually overpower and undermine the retail uses.

Council Member Buckshnis said Port Townsend is a good example of a vibrant downtown. If the City wants to move forward in tourism and retail, they must change the look of the downtown. While barber shops and other service uses are important, more retail is also needed. She said she would like the City to become an artist and tourist destination within the next five years, and parameters should be added to the code to move in that direction.

Board Member Johnson suggested they start by prohibiting office uses within designated street front areas. Mr. Chave agreed that the code language could make it clear that professional office uses are prohibited within the designated street front areas, and existing businesses could be allowed to continue in their current locations. However, if the space remains vacant for an extended period of time, it must be converted to a retail use. Another option would be to identify the specific service uses that are compatible with retail uses and prohibit all others within the BD1 zone. He reminded the group that the BD1 zone is intended to have a retail focus. However, this was never specifically spelled out in the code language, and the City Council was reticent about limiting the BD1 zone to retail uses.

Board Member Cloutier reminded the group that the City's goal is to raise retail presence in the downtown core, and prohibiting service and office uses would be a step in the right direction. However, they must be careful not to damage the economic viability of the downtown in the process. He suggested the code language should be written in such a way to allow service uses if the real estate market cannot support enough retail uses to fill the available spaces. Property owners should not be forced to leave the space vacant. On the other hand, he cautioned that a developer's bad choices should not set the City's policy.

Mr. Chave said the Hartland Study that was conducted approximately eight years ago indicated that it would not be feasible to redevelop the BD1 zone based on the current zoning requirements, regardless of the types of uses allowed. He said he does not anticipate significant redevelopment in the BD1 zone in the near future. Board Member Clarke agreed that redevelopment is so costly that developers must charge significantly higher rents to make projects pencil out. Small retailers do not typically generate enough revenue to pay these higher rents and still remain successful.

Vice Chair Reed suggested that perhaps they should break down the different types of service uses into categories. Some categories may be more appropriate for the BD1 zone than others. Perhaps the more compatible service uses could be allowed in the BD1 zone as secondary or conditional uses. Mr. Chave explained that allowing a service use as a secondary use to a primary use that is allowed would merely add an additional step to the process. The City could allow service uses in the BD1 zone as a conditional use. However, unless there are clear criteria in place to innumerate the conditions that must be met, every application would be automatically approved.

Mr. Chave suggested the group either continue their discussion on this item to the next meeting or make a decision to move forward with a public hearing based on two different options: prohibit professional office uses only or prohibit any uses except retail. It may be helpful to invite public feedback on both options.

Mr. Clifton suggested that to address the concerns raised by Board Members Cloutier and Clarke, the code could be amended to require a property owner to replace a vacant space with a retail use. However, if the space remains vacant for an extended period of time, the City could grant an exemption to allow the space to be leased for service or office uses. He agreed that no property owner wants a commercial space to remain vacant for an extended period of time, and an exemption provision would address these situations. It would also help the BD1 zone transition over time to retail uses without having a lot of vacant space.

Commissioner Witenberg asked if the conditional use requirement could be keyed to a specific percentage of retail space that must be maintained. Service uses could be allowed as long the total amount of retail space remains at or above the required percentage. Mr. Chave cautioned that this approach would require the City to maintain a detailed inventory of the uses in the BD1 zone. He suggested that Mr. Clifton's recommendation would be more useful. If a property owner can prove he/she has been unsuccessful in renting the space for a retail use, the City could grant an exception and allow the space to be filled with a service use. Commissioner Pierce agreed there should be some mechanism that protects property owners who are unable to lease their space for retail uses. He cautioned against establishing restrictions that can push property owners into a negative financial situation.

Change the Commercial Depth Requirements to be the same for all BD zones

Mr. Chave advised that the proposed language would change the commercial depth requirements to a consistent 45 feet. In addition, the depth requirement would be directly tied to the expanded Designated Street Front Map (Map 16.43-1) covering all BD zones. He explained that, at this time, the BD1 zone has a 30-foot commercial depth requirement, but the commercial depth requirement for all other BD zones is 30 feet. He explained that staff believes the 30-foot standard is too small to ensure adequate commercial space. However, it makes no sense to require a greater standard outside the retail core. He reminded them that the BD1 zone is intended to be the downtown's strongest commercial district.

Mr. Chave reported that staff conducted a walking survey a few years ago to measure the depth of the commercial spaces in the BD1 zone. They found that nearly all of the spaces had a commercial depth of at least 60 feet. Therefore, a 45-foot commercial depth requirement would not be asking too much of the current property owners. He emphasized that the new requirement would not be applied to existing spaces, which would be allowed to continue as non-conforming uses. However, newly created commercial spaces would be required to provide 45 feet of commercial space along the designated street front. As proposed, the front 45 feet of space along the street front must be reserved for retail commercial uses.

Mr. Chave advised that the proposed amendments also include an update of the Designated Street Front Map (Map 16.43-1), which identifies all designated street fronts within the BD zones for which the commercial depth requirement would be applicable. He noted that the map was originally adopted for the BD1 zone, but staff is recommending to include all BD zones. Chair Lovell said that although the map identifies 4th Avenue north of Bell Street as a designated street front area, the Board previously agreed that the proposed amendments would not be applicable to the BD5 zone (4th Avenue Cultural Corridor). Mr. Chave explained that although this area would be identified as a designated street front, the criteria would be somewhat different than for other BD zones. He reminded the Board that once the Westgate and Five Corners zoning proposals have been adopted as examples of form-based zoning, they agreed to consider the option of also applying the form-based zoning concept to the 4th Avenue Cultural Corridor since the initial design work has already been done. The Board agreed to address specific criteria for the 4th Avenue Cultural Corridor (BD5 zone) as a separate issue later in the year.

Adopt Language to Allow Development Agreements

Mr. Chave reported that the Board discussed development agreements in some detail on March 23rd and authorized staff to prepare the draft code amendment language found in Edmonds Community Development Code (ECDC) 16.43.030.A and 16.43.050. He noted that the language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Board has had discussions about whether these are the right criteria and whether the development agreement option should be available in all BD zones. They specifically discussed not allowing development agreements in the BD5 zone.

Mr. Chave explained that development agreements are allowed in the code, but can only condition or limit what a developer is already allowed to do in the zone. They cannot give any additional flexibility. Because of the location, configuration, topography, etc. of some properties in the BD2 zone, staff is recommending the Board entertain options that are somewhat different than the standard zoning requirements. He referred to the draft language (ECDC 16.43.050), which would allow standard development within the BD zones as specified in the current code language. However, a developer could also submit an application for a development agreement that would ask for certain code variances if certain criteria can be met. He pointed out that Section B describes what can be approved as part of a development agreement. As proposed, a development agreement could vary any of the site development standards contained in ECDC 16.43.030, 16.43.035 or 16.43.040. An alternative to Section B would only allow a development agreement to vary the step back requirements and adjust the height to a maximum of 35 feet. He noted that the alternative language was created in response to the City Attorney's counsel that the language should specifically identify the standards that can be varied.

Mr. Chave referred to Section C, which lists the criteria that must be met for approval of a development agreement. As currently proposed, a development would have to be designed to attain at least a LEED Silver or equivalent level of green building certification. In addition, it would have to meet two of the following three criteria:

1. Designed to attain at least a LEED Gold or equivalent of green building certification.
2. Incorporate one or more of the following uses designed to further the City's economic development goals: hotel, post office, and studio work space, housing or live-work space for artists.
3. Include enhanced public space and amenities.

Mr. Chave explained that development agreements would involve a public process, with public hearings before the Planning Board and the City Council. The City Council would make the final decision. A developer may request a bonus for height, setbacks, etc. in exchange for providing a number of community benefits. Mr. Clifton added that applicants would be required to state why they are asking for modifications and identify what would be provided in exchange. The City Council would make the ultimate decision about whether the items offered by the applicant warrant the proposed modifications. Mr. Chave said the burden of proof would be on the applicant to show how their proposal would meet the criteria found in ECDC 16.43.050.C.

Commissioner Pierce observed that, as drafted, Section.3 does not define what the enhanced services and amenities would be. For example, would an applicant be required to dedicate a certain percentage of open space based on the size of the project? He suggested the required open space be clearly defined.

Commissioner Senderoff said it is his understanding that when a developer submits an application for a development agreement, the final design of the project would already be done. The City Council's ultimate decision regarding the development agreement would be based on the actual design. He suggested that this be clearly stated in the proposed language so the public is aware that the final decision would be based on a specific design.

Commissioner Senderoff suggested that Section C.3 should provide more information about what is meant by "public amenities." He said he is generally in favor of the development agreement concept, but he felt they should consider additional criteria besides the three items listed in Section C. For example, only one hotel and post office are needed in the downtown. Once both of these uses have been developed, Criteria C.2 would no longer be an option. Mr. Chave pointed out that, as proposed, an application would only be required to meet two of the three criteria.

Commissioner Pierce questioned the difference between a development agreement and a contract rezone. Mr. Chave said development agreements are intended to replace the contract rezone mechanism, and there is a significant difference between the two concepts. Only the applicant had the ability to propose and approve modifications to a contract rezone proposal, and there was no opportunity for the City to negotiate with the applicant. A development agreement involves a contractual discussion process that allows the City to negotiate the various elements of the agreement with the developer. He summarized that a development agreement offers the City more control in the process.

Chair Lovell referenced Revised Code of Washington (RCW) 36.70B.170, which authorizes development agreements. It states that development agreements must be specific to a project. Commissioner Senderoff observed that this would be consistent with his earlier comment that development agreements would be based on final design proposals. Mr. Chave clarified that while development agreements would be based on actual development proposals, they would not be based on exact designs because the design review process could potentially modify the design further. He concluded that a developer would not be able to go straight from a development agreement to a building permit because design review would be required. Chair Lovell summarized that a development agreement would spell out the specific requirements of the proposal at the programmatic design stage.

Commissioner Senderoff questioned how the City would ensure that designs are not modified so much that they are no longer consistent with an approved development agreement. Mr. Chave said staff would ensure that a developer adheres to the requirements identified in the development agreement. The design that is provided as part of the development agreement process is intended to describe what the project would generally look like, but would not identify every detail. Changes would likely be made as part of the design review process that would come later.

Commissioner Pierce asked if the development agreement criteria and code standards would be applied uniformly for every development agreement proposal. Mr. Chave answered that he does not anticipate a significant number of development agreement applications, but each one would be different to address the unique circumstances of each site. However, every development agreement proposal would be evaluated against the Comprehensive Plan policies and the adopted design guidelines for the BD zones.

Mr. Clifton said that when he served on the City of Seattle's Design Review Board for three years, he found that those projects that were designed at the 80% to 90% level were typically approved more than those that included simple building envelope sketches. He concluded that developers who refine their sketches will be more likely to gain acceptance from the public, the Planning Board, and the City Council. If applicants expect to gain approval to modify a development standard, they will have to build exceptional projects.

Council Member Buckshnis suggested the criteria (Section C) should be expanded to be more global so it does not appear to specifically apply to a single property. For example, Section C.2 could also include the option of developing a farmer's market. Mr. Chave said it was not staff's intent to create language that is only applicable to one property. The proposed language was intended to include the uses previously identified as desirable by the City Council, the Planning Board, the Economic Development Commission, and the public. He agreed that a farmer's market would be a good addition to Section C.2. He cautioned against leaving the criteria open ended and undefined, but he agreed that the list could be expanded to include other desirable uses the City wants to encourage in the downtown.

Board Member Clarke observed that the community has struggled with the height limit in the downtown for a number of years, and 30 feet appears to be a sacred line. If the proposed language is adopted as proposed, a developer would be allowed to propose additional height as part of a development agreement in order to provide adequate height on the first floor for retail space, with two residential stories above. Although the applicant could provide evidence that the additional height is needed in order for the project to pencil out, the City Council could ultimately deny the development agreement because it calls for increasing the height limit above 30 feet.

Mr. Clifton said staff does not believe the community and/or City Council would support the development agreement concept if it allows heights to be adjusted significantly. He suggested the language may be more acceptable to the community if it identifies a cap for building height.

Board Member Clarke asked staff to provide visual photographs to illustrate various building heights to help the public and the decision makers understand that the visual difference of a few extra feet would be minimal. He reminded the group of the City's goal to have unique and modern architecture. Greater ceiling heights result in buildings that are more marketable and their values are enhanced. For example, third floor residential units with taller ceilings command a significantly higher real estate value. In addition, modern building design requires more space for mechanical equipment. He expressed his belief that it would be difficult to visually see the difference between a three-story building that is 37 feet and one that is 33 feet. He suggested the language focus on the number of floors allowed rather than a specific height limit. He further suggested the City allow some bonus for

City allow some bonus for architectural creativity of facades rather than just straight boxes.

Board Member Clarke suggested they also consider allowing for the transfer of development rights. For example, the City's goal is to promote the 4th Avenue Arts Corridor by providing public amenities. Rather than developing public amenities on site, a developer could be allowed to put dollars into a fund to pay for public amenities and enhancement of this unique corridor.

Board Member Stewart said she likes the idea of allowing three-story developments that are aesthetically pleasing. She referred to the site development standards (Table 16.43-2), which identify a 15-foot minimum ceiling height requirement for ground floor space in the BD1 zone. She reminded the group that incorporating green building design, particularly higher energy upgrades, requires more space. Green roofs also require more space so the structure can be properly reinforced, but they offer a very good insulating component and are very attractive. She summarized that if the City is going to require developments to meet LEED Silver or equivalent, they need to reconsider the practicality of the current code limitations.

Board Member Stewart suggested that in addition to identifying the types of developments they would like to encourage in the BD zones as part of the criteria for obtaining a development agreement, the language should also emphasize the City's goal of creating a consistent and connected look in the downtown. The City's goals also include enhancing the pedestrian experience, creating a lively cultural and civic campus, and preserving history. She expressed concern that if each development is considered separately, piecemeal development would result. Mr. Chave pointed out that all of these goals are identified in the Comprehensive Plan, and all development agreements must be consistent with the policies and goals of the Comprehensive Plan. Therefore, there is no need to call out the goals separately in ECDC 16.43.050.

Commissioner Pierce expressed concern about allowing development up to three stories high rather than setting a specific height limit. He felt this would encourage developers to build to the maximum extent possible because there would be no cap on height. Board Member Clarke agreed but noted that it would also result in more attractive roof design than just boxes. Commissioner Pierce noted that a three-story development would be allowed by the proposed 35-foot maximum height limit. He said he believes there needs to be a defined limit for height. Board Member Clarke disagreed and suggested the City should be more concerned about the overall building design instead of just the height. Again, he expressed his belief that it would be difficult to distinguish between 35 and 37-foot buildings. Again, he reminded the group that taller ceilings and creative window design enhances the marketability of third-floor residential units, and he felt it would be very short-sided for the City to limit the height to 35 feet.

Commissioner Faires said that, conceptually, the development agreements are interesting because of the flexibility they allow. However, given the context of Edmonds and the current political climate, he suggested that having an absolute height limit would be necessary in order to successfully incorporated the development agreement concept into the code language.

Commissioner Zagorski said she likes the flexibility afforded by development agreements. She said she would also support a proposal that would address bulk and mass by the number of stories allowed rather than a specific height limit. She agreed with Board Member Clarke that using a three-story requirement would allow for creativity and flexibility.

Commissioner Hall emphasized that if they want Edmonds to become a vibrant town, they need to make changes now and not wait. He observed that developers are doing wonderful projects in other locations. He cautioned that if Edmonds is not ready when the economy improves, they will be left behind and their downtown will suffer.

Board Member Reed referred to the Economic Development Commission's January 19th minutes in which Mr. Spee presented his plans for a new development in the BD2 zone. He pointed out that Mr. Spee could develop up to three stories using the existing height limit, and increasing the maximum height limit to 35 feet could allow him to accommodate four stories. If the proposed language for 16.43.050 is approved, Mr. Spee would not be able to develop the four stories he has indicated he might prefer. He said he could consider supporting the concept of eliminating the maximum height limit and allowing three stories. Two and three story development would be consistent with the current Comprehensive Plan. However, a baseline height limit must be established so the community has some assurance about what is being proposed. He suggested that perhaps they use language such as "three stories not to exceed ____." He noted that topography plays a significant role when determining the number of stories allowed on a site based on the current code.

Chair Lovell requested clarification about the step back requirement and whether or not the standard could be modified by a development agreement. Mr. Clifton reminded the group that the purpose of the standards is to create buildings that relate well to the streetscape, have architectural interest, etc. He suggested that allowing flexibility might encourage developers to produce the types of buildings they are looking for in the downtown. He said he does not understand why a step back is required in all BD zones except the BD1 zone where development is supposed to be of a more intimate scale. He suggested the step back requirement should apply to all BD zones. The proposed language would allow a developer to modify the requirement via a development agreement.

Board Member Johnson observed that the problem they are trying to address is lack of flexibility and the impact this has on economic development. Development agreements would allow staff, the City Council and Planning Board to consider flexibility. In addition to achieving certain objectives like public art or a farmer's market, development agreements can enhance economic development. She suggested the language should specifically identify economic development as a purpose of development agreements. This would make the development agreement provision consistent with the Comprehensive Plan goals and policies related to economic development. Board Member Stewart pointed out that zoning is already tied to the Comprehensive Plan goals and policies, so there is no need to specifically call out economic development in the proposed language. Mr. Chave added that the development agreement language actually identifies the goals of the Comprehensive Plan as criteria that must be met.

Vice Chair Reed requested clarification of whether staff is recommending approval of Section B or the alternative language. Mr. Clifton said staff prefers the language in B, which would allow all zoning standards to be modified through a development agreement subject to the criteria. Chair Lovell agreed and commented that there is no sense creating the development agreement provision if they are not going to allow flexibility.

Vice Chair Reed cautioned against allowing 16.43.050 and thus development agreements to override all design guidelines. Mr. Clifton clarified that staff is not advocating that the design guidelines and Comprehensive Plan goals and policies be modified via a development agreement. Vice Chair Reed pointed out that ECDC 16.43.135 refers to ECDC 22.43, which is the BD Design Guidelines. Mr. Clifton agreed to research this issue further and report back to the Commission.

Commissioner Senderoff said he is attracted to the development agreement concept because it would be driven by the City rather than the developer. Development agreements would also allow the City to focus on certain uses that create the different business zones they want to achieve.

Commissioner Zagorski voiced her belief that the boundaries of the BD3 zone extend too far south. She briefly described the current development and noted that once you start up the hill at Howell Street, the properties are not really desirable locations for commercial uses. She asked the Board to consider changing the boundaries at some point in the future to address the existing conditions and site constraints.

DISCUSSION ON PROPOSED AMENDMENT TO REDUCE STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE

- Mr. Chave reported that staff presented an interim ordinance to the City Council on April 5th to potentially amend the City's BN zones to reduce required street setbacks from the current 20 feet down to a 5-foot minimum The intent of the proposal is to better align the neighborhood business zones with City policies and design guidelines. Even though it would be ideal to wait for the planning process to be completed for the Five Corners and Westgate areas, preliminary discussions with a prospective developer for a key Westgate intersection is prompting staff to make a code proposal now. Without the code change, development would continue to be recessed into building sites, removing opportunities for improving the streetscape and enhancing pedestrian access.

Mr. Chave further reported that the City Council elected not to adopt the proposed interim zoning ordinance but inquired whether the issue could be "fast tracked" to get a recommendation returned to the City Council. If considered by the Board, the same amendment would be reconfigured as a permanent zoning change.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He

again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th

However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work

moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

APPROVED MARCH 23RD

CITY OF EDMONDS
PLANNING BOARD MINUTES

March 9, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT
Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF FEBRUARY 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The Board placed their review of the downtown BD zones (Item 7b) before their continued discussion on amendments to the wireless communication facilities regulations (Item 7a). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Doug Spee, Woodway, commented that negative comments were made at the Board's February 9th meeting regarding mixed-use development in Kirkland that includes a big-box store and a mixture of smaller commercial uses. He reminded the Board that mixed-use developments often start with a main tenant, with other commercial space built around it. For example, his proposed project would start with a main tenant, the post office. Having a long-term commitment from a main tenant allows mixed-use developments to be successful. He said comments were also made at the last meeting that if the existing building height in the downtown was good enough to support development in the 1990's, it is good enough now, too. However, it is important to keep in mind that the market and economy are very different now. While a two-story building in downtown would likely pencil out if the upper story was dedicated to high-end residential space, the market is screaming for affordable living options. It is not possible to develop affordable housing in downtown Edmonds given the current height limit, which only allows two stories of development. Mr. Spee summarized that, although it is fashionable to bash development in Kirkland, it is unfair. He suggested the Board look at other neighboring jurisdictions that are similar to Edmonds such as Winslow on Bainbridge Island, which is a small town with a ferry dock. They allow a height limit of 30 feet for mixed-use development, and up to 45 feet if underground parking is provided. He offered to drive the Board Members on a tour of Winslow.

PLANNING BOARD REVIEW OF DOWNTOWN BD ZONES

Chair Lovell encouraged the Board to discuss the issues and proposals identified in the Staff Report and provide direction about how broad an approach they want to take at this point, and how they can work with staff to amend the zoning regulations to accomplish their identified goals. While full implementation of a form-based code will take a longer period of time, the Board can

time, the Board can consider short-term changes that would expedite development proposals in downtown Edmonds.

Mr. Chave explained that the topics for discussion have been broken into four general topics. The Staff Report provides background information and options for the Board to consider for each topic. Staff is seeking direction from the Board regarding the options they would like to explore further so that action language can be prepared for the Board's next discussion on March 23rd. Staff anticipates that a public hearing could be scheduled as early as April 13th. If necessary, he noted that the Board could hold a hearing on more than just one option to solicit feedback from the public before making a recommendation to the City Council. He reviewed each of the topics of discussion as follows:

Development Agreements

Mr. Chave said the City Council and Economic Development Commission (EDC) have discussed the possibility of using development agreements to provide flexibility to encourage certain types of uses in the downtown. He explained that development agreements can provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site in order to accommodate a desired use, to achieve desired levels of "green" development, encourage buildings that enhance the downtown streetscape, etc. He explained that development agreements are authorized in the Revised Code of Washington (RCW) and in City's Development Code (ECDC 20.08), but they are not directly authorized in any of the BD zones. He requested feedback from the Board on whether they support the development agreement concept. If so, do they want to identify specific criteria all development agreements would be required to meet at the onset? He noted that a development agreement would be a legislative process, which would include a public hearing before both the Planning Board and the City Council. The process would allow the Board and City Council to negotiate with a developer to obtain certain public benefits in exchange for allowing flexibility for certain code requirements.

Mr. Chave emphasized that, generally, development agreements cannot allow something that is not allowed by the underlying zoning. For example, if the height limit is 30 feet, the City would not be able to grant a 35-foot height limit as part of a development agreement, unless the code specifically states that this additional bonus could be applied via a development agreement. He said staff believes it makes sense to allow development agreements to vary at least some of the code standards. This could include flexibility for the height limit, or they could place a cap on the height limit at 30 feet. He suggested it might be appropriate to conduct a hearing on both options to solicit feedback from the public about whether they are interested in allowing the City Council to have this flexibility or if there should be an absolute height limit. Again, he emphasized that development agreements would be discretionary items, with hearings at both the Planning Board and City Council levels.

Board Member Cloutier said he supports the development agreement concept because it would give the City Council the means to respond quickly to development proposals. In addition, the public would have an opportunity to weigh in on development agreements proposal prior to their approval. Development agreements provide the City Council with more options to meet the City's economic development needs without opening the flood gates to unreasonable development proposals.

Board Member Clarke suggested that rather than having a specific height limit, a development agreement could allow development not to exceed three useable floors. This would allow flexibility for a developer to provide higher ceiling heights on the upper floors, vaulted ceilings, different window designs, etc. The development agreement could require a developer to provide a pitched rather than flat roof and to screen the HVAC equipment that is located on the roof in exchange for the additional height. This would encourage more creative and attractive architecture. Mr. Chave agreed the code language could be written in such a way to authorize this level of flexibility. In fact, the code could be amended to allow any of the standards to be varied via a development agreement. It would be the proponent's responsibility to convince the City Council and Planning Board that the changes are in the City's best interest. He explained that the development agreement goals could be specifically spelled out in the code language, or by default, development agreements could be evaluated relative to Comprehensive Plan goals and policies such as sustainability, economic development, etc. If the Board and City Council finds that varying the standards would result in a better project, a development agreement could be approved.

Board Member Clarke asked if the City could grant bonus options if a developer provides certain functions. Mr. Chave said this would make the development agreement process more complicated. He said he would bring back additional information to illustrate what a development agreement would look like if it is more open ended and what it would look like if the City identifies certain goals they want to achieve. He suggested they could advertise both options for the public hearing, or they could decide upon a single approach to pursue at the hearing.

Chair Lovell suggested the Board prepare a menu of goals they would like development agreements to meet. Mr. Chave suggested that language be added to the BD zones, outlining what standards could be varied via a development agreement. They could even go so far as to allow building heights that exceed the height limit of the underlying zone if a proposal meets the goals of the City. However, in order for the City to make these adjustments via a development agreement, the code language must specifically provide this level of flexibility. This could be done with a general statement that allows the City to vary any of the standards contained in the zone, or they could attach criteria that all development agreements would be required to meet. It would be up to the applicant to demonstrate how a proposal would further the City's goals, and the City Council has the ability to deny applications that are not in the public's interest. Chair Lovell suggested the statement be as general as possible, and that the criteria address issues such as sustainability, appropriateness for the character of the downtown, etc.

Board Member Stewart suggested the Board consider the following criteria for development agreements:

- Promote sustainable design and green building practices.
- Respect history of place and encourage respect for the history of the downtown.
- Provide public gathering spaces and easy access to non-motorized transportation.
- Designate a certain percentage of the development as affordable housing in exchange for a density bonus. Providing a variety of housing options will ensure the community remains vibrant with a good cross section of demographics.

Board Member Clarke said that in his experience, when cities attempt to socially engineer value systems into development agreements or zoning codes, developments typically fail. He recalled that he spoke out against the public space requirement for the mixed-use development at Firdale Village. He did not feel it was appropriate to require a 15,000 square foot development to provide a public space that would not likely be used. He said he recently did a mixed-use development on Bainbridge Island that required public space, which was developed but is not used. He noted that requiring that 10% of a development be dedicated for public space increases development costs with very little, if any, value to the community. He suggested that a better option would be to require developers to contribute to public art funds to provide art throughout the City for everyone to enjoy.

Board Member Clarke said he has done a lot of public subsidized multi-family developments that have been failures. He cautioned against requiring developers to create affordable housing. Although these components sound good, they do not typically work well. He suggested it is better to let developers figure out how to make projects that are economically viable without making affordable housing a mandate.

Board Member Clarke said he noticed that a development on Second Avenue has a plaque in front of the building commemorating the location of a historic building that was replaced by the existing condominium development in the 1970's. He cautioned against requiring a developer to maintain into perpetuity and build around a historic building. He expressed his belief that historic overlays diminish flexibility for building plans. He summarized that positive flexibility is the key to allowing market forces to react. He referred to a new development on Edmonds Way that is in the final stages of construction. While it is the newest building in the City, it is one of the most unimaginative. He expressed his belief that the code needs to be flexible enough to allow a variety of building materials, designs and facades to make developments unique and different.

Board Member Stewart said she can appreciate Board Member Clarke's comments about public space and said her comments were related more to open space and connections to buildings where people can share conversation and kids can play. Providing open space would not increase construction costs. She agreed, however, that requiring a developer to provide public space inside a building may not be appropriate. She said she would also like to encourage smaller, more durable construction. They need to look at development long term. Building materials come from the earth, and they are rapidly losing their resources. They need to

losing their resources. They need to reuse materials and older buildings rather than starting from scratch. She noted that some historic buildings are not attractive and should not necessarily be preserved in their present form. However, she hopes the Architectural Design Board will have some input into design so that new construction fits with the character of the surrounding historic buildings. She agreed to provide information on the Town of Winslow's approach for providing affordable housing in the hope that she can inspire the Board to consider affordable housing as a possible goal.

Vice Chair Reed said it is important to make sure the code revisions related to development agreements are consistent with the Comprehensive Plan. Chair Lovell suggested the Board could utilize the language found in the Comprehensive Plan, which is quite flexible and meaningful. It provides the necessary flexibility, yet spells out what they are looking for without getting too specific. He cautioned that if the requirements for a development agreement are too specific and restrictive, they could end up with another development like Firdale Village. He suggested that the development agreement provision should reference the specific goals and policies in the Comprehensive Plan, specifically those related to the downtown/waterfront area. Mr. Chave questioned whether it would be necessary to innumerate the goals in the new language since each development agreement proposal would be evaluated based on the goals and policies found in the Comprehensive Plan.

Vice Chair Reed asked how the proposed development agreement provision would interact with the fairly extensive strategic planning process that will begin in the near future. Mr. Chave explained that strategic planning is much broader than code revisions and talks about the relationship between the City's various priorities. He cautioned against calling a halt to all other code revisions waiting for the strategic plan to be finished. To answer Vice Chair Reed's inquiry, Mr. Clifton advised that a Request for Qualifications for a strategic planning consultant has been prepared, and a copy of the document was forwarded to each of the Board Members for comment. Vice Chair Reed asked if reviewing and updating the entire downtown zoning code is the only alternative to development agreements. Mr. Chave agreed that development agreements are the only option available without updating the entire BD zoning code. He explained that the State of Washington has offered development agreements as an alternative to contract rezones, which are no longer allowed. He noted that the Planning Board and City Council would have an opportunity to negotiate the terms of a development agreement with the applicant to address various City goals and policies. Contract rezones were either approved or denied, and there was no opportunity to negotiate with an applicant.

Mr. Clifton said that from the perspective of someone who has written and administered codes, development agreements have the potential to result in more creative development than prescriptive zoning. Development agreements are reviewed by the Planning Board and the public is invited to react. It involves a negotiation process between the City and the developer, with the City Council making the ultimate decision. Development agreements allow for much more public process than the City's current prescriptive zoning. It is important for the community to have the opportunity to discuss development proposals collectively. He summarized that he views development agreements as an advantage rather than a disadvantage.

Board Member Johnson asked what staff is proposing for development agreements that is different than what is already authorized. Mr. Clifton said the code must identify the standards that can be negotiated as part of a development agreement. Mr. Chave added that while the current code language allows development agreements to restrict development, it does not allow the City to modify a standard beyond what the code allows. The language must specifically state that certain standards can be modified via a development agreement.

Board Member Clarke referred to Option 2, which would exclude the BD5 zone (4th Avenue Arts Corridor) from the development agreement provision. Since this zone would be addressed as part of a separate study, he agreed it would be appropriate to exclude it from the proposed revision. The remainder of the Board concurred. Board Member Clarke also suggested the development agreement provision should allow flexibility to accommodate up to three stories of development.

The Board directed staff to bring back code language to add a provision to the downtown BD zones, except BD5, that authorizes development agreements that can vary all BD zone standards.

Retail versus General Commercial Uses in the Retail Core

Mr. Chave explained that the BD1 zone represents the City's downtown retail core and runs generally for one or two blocks in each direction from the fountain. Because the regulations do not prohibit non-retail commercial uses, banks and various

professional offices have located within the BD1 zone in recent years. He expressed concern that if the trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area. Staff is proposing an amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They are also recommending that drive-through business be prohibited. He recalled that the Board originally recommended that drive-through facilities not be permitted in the BD1 zone. However, the City Council decided it would be appropriate to allow them as a conditional use.

Board Member Clarke expressed concern that many of the ground floor windows at Old Mill Town are screened to provide privacy for the professional offices, which discourages pedestrians from circulating throughout this area. He suggested the City's goal should be to encourage more people to explore the downtown/waterfront area in all directions by creating more retail synergy within the corridor. He also suggested the City consider opportunities to encourage developers to provide public restrooms within the downtown area as part of their proposals.

Board Member Stewart said it is also important that the downtown retail core is welcoming to people with children. She suggested that uses that are family friendly should be allowed to occur in the retail core in order to bring a variety of people to the area. She summarized that while retail uses are important, they should not prohibit other kinds of uses that could bring the downtown alive.

The Board directed staff to prepare a draft code amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They also asked staff to remove the possibility of permitting drive-through businesses as a conditional approval.

Commercial Depth Requirements and Designated Street Fronts

Mr. Chave advised that the designated street fronts are mapped for the BD1 zones, but not for the other BD zones. At this time, the BD1 zone has a 30-foot commercial depth requirement, while elsewhere the requirement is 60 feet. Staff is recommending the provisions have a more consistent framework. For example, the mapping should expand to cover other BD zones, and the commercial depth requirement should not be greater in the BD zones outside of BD1. He reported that staff surveyed the existing commercial space in the BD1 zone and found that most is at least 60 feet deep. He recommended that the commercial depth requirement should be 45 feet in all BD zones. He referred the Board to a map showing the current designated street fronts for the BD1 zone. He also provide a map of potential street front designations for the remainder of the BD zones. He recommended the designated street fronts map be expanded to include all commercial zones except for the BD5 zone (4th Avenue Cultural Corridor).

Chair Lovell referred to an email the Board Members received from Council Member Petso regarding this item.

Chair Lovell asked if the street front map would identify the minimum commercial space requirement. Mr. Chave answered affirmatively. Chair Lovell asked if criteria is available to help the City determine the proper depth for commercial space in the BD zones. Mr. Chave noted that most of the commercial space in the downtown has a depth of 60 feet, but he acknowledged that some are smaller so the code must be flexible. Staff believes that a 30-foot depth requirement would be too shallow and 60 feet would be too deep. They are recommending a 45-foot depth requirement as a happy medium.

Board Member Cloutier asked if staff has raised this issue with the Downtown Edmonds Merchant's Association (DEMA) and the Chamber of Commerce. Mr. Chave said these groups would be included in the anticipated outreach program. Board Member Cloutier agreed with Mr. Chave that no designated street fronts should be identified for the 4th Avenue Cultural Corridor (BD5 zone).

Board Member Clarke observed that although Starbucks is currently celebrating 50 years in business, their location in Edmonds is too small and is constrained by the existing building size. He advised that the more shallow the depth of a commercial space, the more constrained it will be for future retail uses. He said he supports the idea of requiring something more than 30 feet, but allowing enough flexibility to have something less than 60 feet. This would allow for market fluctuation. He invited Mr. Spee, who owns several properties in the downtown, to comment regarding the proposed change.

Doug Spee, Woodway, said there is more to the equation than just the minimum depth requirement. Because some development extends all the way to the alley, there is often the assumption that the alley is a street and the designated street front extends around the corner into the alley. That means that commercial space would be required on the ground floor along the alley, which is typically where the parking, garbage enclosure, etc. are located. He said it appears that expanding the designated street front map to include other BD zones would address this issue. He said he does not have a specific number for the appropriate depth requirement. In his buildings, a 60-foot requirement is too much for some types of uses.

Mr. Chave explained that staff has been exploring form-based zoning models over the past few years, and the BD zones have started edging into this method of coding. He said it would be fairly simple to focus a little more on the streetscape and relation of uses to the public street. In order to accomplish this goal, the City must define streets differently, and that is the purpose of the designated street front map.

The Board discussed the option of not designating a minimum depth requirement. Mr. Chave cautioned that this approach could result in numerous projects with very minimal commercial space along the street front, particularly if the commercial component is not driving the project. This can result in undesirable commercial space that is not rentable, which can erode the downtown retail core over time. Setting an appropriate minimum depth requirement would allow the City to remain steady throughout changing market conditions so that a viable downtown core can be maintained.

Board Member Clarke referred to several three-story buildings in the downtown where commercial space was constructed below grade, and pedestrians much go down stairs in order to access the ground level. He suggested these situations are a function of the current height restrictions and the developer's desire to design for residential instead of commercial space. He noted there is no commercial space on 2nd Avenue from Main Street north except the post office. Requiring retail space in this location does not make sense. It is challenging to designate commercial areas and what kinds of commercial uses should be allowed and encouraged, and a form-based zoning approach would allow the City to consider the unique character of the environment. Mr. Chave advised that the 4th Avenue Cultural Corridor would probably be the first area in the downtown where true form-based zoning is implemented, but this would not occur until the latter part of the year.

The Board asked staff to prepare code language that identifies a minimum commercial depth requirement of 45 feet for the BD1, BD2 and BD4 zones. They also asked staff to expand the designated street front map to include all BD zones, except BD5.

Street Design and Step Backs

Mr. Chave reviewed that a 15-foot step back is required in the BD2, BD3 and BD4 zones. On some lots, this large step back requirement can preclude interior courtyards or other building features that are desirable, particularly on north-south streets where lots are shallow. He suggested there are a number of other options for addressing this issue such as providing for a smaller building step back if certain criteria (streetscape improvements, green building features, etc.) can be met. Another option is to enable the step back issue to be addressed case-by-case using the development agreement process. The Board could also recommend reducing or eliminating the step back requirement entirely. Mr. Chave expressed his belief that a 15-foot step back requirement is too much, and a 5-foot step back would be adequate. He agreed to provide photographs at the next Board meeting to illustrate how a 5-foot and 15-foot step back requirement would be implemented.

Chair Lovell observed that in the process of creating redevelopment plans for Harbor Square, Five Corners, and Westgate, this issue is being addressed more as an item of building façade articulation as opposed to specific step backs. He said it is important that a building's façade is articulated both in depth and building materials to break it up, but this does not necessarily require step backs. He recommended the issue be addressed on a case-by-case basis as part of a development agreement.

Board Member Stewart referred to the 2005 study completed by Mark Hinshaw, which suggests a number of architectural approaches to differentiate the first floor of a development from the upper floors in an attractive way. Mr. Chave said the step back approach was originally adopted by the City Council as a way to differentiate between 25 and 30-foot buildings. They settled on the step back approach as a compromise solution. However, he acknowledged there are other options that would accomplish the same goal and buildings can be attractively designed with no step back. He specifically referred to the Beeson and

and Chanterelle buildings, which provide good examples of other ways to address the issue.

Board Member Stewart suggested that rather than talk about height, the City could identify design goals that must be met as part of a development agreement. The City Council could then negotiate the final decision with the developer. They should focus on the function of a building rather than the specific height. Board Member Clarke agreed and suggested that most people have difficulty visioning height. Somehow the community has gotten stuck on a numerical figure to address the height issue rather than a visual understanding of what a development would look like. This approach must change if they want to promote a unique and attractive environment.

The Board directed staff to prepare draft code language that would enable the step back issue to be addressed on a case-by-case basis using the development agreement process.

Mr. Chave summarized that staff would prepare draft code language as directed by the Board. The draft proposal would be presented to the Board for additional review on March 23rd. It is anticipated a public hearing would be scheduled for April 13th.

THE BOARD TOOK A BREAK AT 8:35 P.M. THEY RECONVENED THE MEETING AT 8:45 P.M.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 18.05 AND 20.15 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (FILE NUMBER AMD-2010-0004)

Mr. Clugston reviewed that the Board has held multiple meetings on this topic since April 2010, and their work has led to the creation of completely revised draft regulation, which was distributed for Board review on November 10, 2010. The Board discussed various refinements of the draft regulation in detail at their January 12, 2011 meeting. In addition, the Architectural Design Board reviewed the document on February 16, 2011. Overall, they were satisfied with the proposed language, but they offered some additional clarification. Using input from both the Planning Board and the Architectural Design Board, staff worked with the City Attorney to further refine the draft (Attachment 3). He specifically highlighted the following changes:

1. The term "ground-mounted facilities" was changed to "monopole facilities" for clarity since other possible ground-mounted facilities like lattice towers and guyed towers are specifically prohibited.
2. Upon the recommendation of the City Attorney, the definitions would be included with the chapter as opposed to placing them in a different title.
3. Section 20.50.050.N (landscaping and screening) was updated to better reflect existing landscaping code (ECDC 20.13).
4. The Planning Board's recommended language for location and height of building-mounted wireless facilities was included in ECDC 20.50.090, and their recommended language for structure-mounted antennas was included in ECDC 20.50.100.
5. Table 20.50.080.2 was eliminated and monopole height and setbacks were aligned to Chapter 16 (zoning).

Mr. Clugston referred the Board to an email from Council Member Petso asking the Board to consider the fact that she has heard comments from neighbors about service vehicles parking on lawns and landscaped areas. He pointed out that ECDC 20.50.050.F states that any application must demonstrate there is sufficient space for temporary parking for regular maintenance of the proposed facility. Problems would be dealt with on a complaint basis. Vice Chair Reed asked if Council Member Petso's concern is a result of access problems or just bad manners. Mr. Clugston said it is probably the latter. However, he noted that in some situations, private residential property owners have located landscaping or lawn area within public rights-of-way.

Board Member Clarke asked if it would be possible to address the problem by providing signage to identify the parking space for service vehicles. Mr. Chave pointed out that parking is generally located within the right-of-way and they typically try to pull the vehicles as far off the road as possible. He acknowledged that this can impinge on landscaping that has been planted by private property owners in the rights-of-way. He suggested this is an operational issue and property owners may have to remind service

Main Street and 5th Avenue, but not in the rest of the BD zones. It ruins any chance to stack the floor plan of the two levels of residential unless all floors are held back from the podium edge. The problem here is that you simply don't have the height that would make a smaller footprint make sense.

The step back rule also is simplistic in that it encourages a clone of the same design, with many colors of the same wedding cake. The step back rule produces building designs that have no similarity whatsoever to the existing downtown core. The biggest proof that it is a poor choice for getting the extra five feet of height is the simple statistic of the number of new designs that have been proposed and constructed in the years since the rule was enacted; zero, nothing, not a single project. This three-year dead zone in Edmonds' history has had a ripple effect from an idle building department to pointless meetings by the functioning committees that are supposed to be considering design issues and making decisions. I ask the Board to start rethinking this rule, even tonight, and consider a tray of choices other than just the step back for developers to create projects in the BD zones that can include the critically needed five feet above the 25-foot limit. If you need a place to start, my project is ready now to be critiqued and discussed."

Ron Wambolt, Edmonds, thanked the Planning Board for the work they do. They do a lot of hard work, and sometimes not even the City Council appreciates their efforts. He referred his comments to the post office property, which he believes is an unprecedented opportunity to get attention focused on the entire area, particularly the south side of the block from 2nd to 3rd Avenues. He noted that the last development in this general area was in 1996, when the mixed-use building on the west side was constructed. Astonishingly, there has not been a single mixed-use project in any BD zones since they were created in 2006. The post office project needs to be done right in order to inspire other developers. The project would not have a sunken first floor, but would have a first floor with ceilings tall enough to accommodate people other than midgets. It would also be solidly constructed. However, the project would not be allowed sufficient height to accommodate three floors of apartments in the first phase of the project. This is a shame because that additional floor would only require four more feet of height allowance above code for a total of 34 feet. Four more feet would allow about 17 more apartments, and the sales tax from the construction would be at least $200,000. Property taxes from the project would be about $20,000 more each year.

Mr. Wambolt recalled that Mr. Spee has publicly stated that a third floor would allow him to fit the monthly rates for all apartments $200 lower than what the rates would be without a third floor. He reminded the Board that one of the City's goals is to foster more affordable housing, and this would be a very tangible step in the right direction. He expressed his belief that the current City Council would like to see three floors of apartments on this site. He strongly urged the Board to collaborate with staff to quickly get the codes changed in order to allow the project to proceed with three floors of apartments. Everyone recognizes the City needs economic development, and he encouraged the Board to be proactive and maximize this great opportunity.

REVIEW AND DISCUSSION ON POTENTIAL UPDATES TO BD ZONING PROVISIONS

Mr. Chave advised that staff recently met with the City Council's Development Services/Community Services Committee to identify several potential amendments that would improve the BD zones, including:

1. **Designated Street Front.** The BD1 zone has a map associated with it that clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area. For example the post office is on a site opposite a commercial area, so it makes sense to continue that, but multi-family and single-family development is located further down the block. It may not be appropriate to force commercial all along that block on the ground floor.

2. **Commercial Depth Requirement.** The commercial depth requirement in the BD1 zone is 30 feet on the ground floor. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the "right" number and should it be 30 feet?, and (2) shouldn't the requirement be consistent in, or possibly even higher, in the BD1 zone versus the other BD zones? For example, staff does not believe it makes sense to have a higher standard in the BD2 zone as opposed to the BD1 zone.

3. **4th Avenue Cultural Corridor.** The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor, linking downtown to the Edmonds Center for the Arts. The 4th Avenue Cultural Corridor Design Implementation and Funding Plan was adopted after the BD5 zone was created. If the City wants to get serious about implementing the study, they should review the zoning and make the appropriate changes to implement the plan. For example, they may want to consider adopting all or portions of the study into the code as design guidelines. This project may require more time than the first two items discussed above, so it may be reasonable to work on Items 1 and 2 before taking up the 4th Avenue Cultural Corridor review.

4. **Additional Items.** The issues raised earlier in the meeting by private citizens may be relevant issues to consider as they review the BD zones.

Board Member Reed noted that the City Council's Development Services/Cultural Services Committee also considered additional changes related to green building incentives, which were forwarded to the Citizen Economic Development Commission. Mr. Chave noted that this is a much broader topic that is not specific to the BD zones, and the Board will be part of the team that working on this issue.

Chair Lovell said that much of what is contained in the current zoning requirements is based on current development. It does not provide for a degree of flexibility or departure from the specific requirements such as first floor depth and building heights. He questioned if the Board should focus their discussion on the three items raised by staff and the issues raised earlier by the citizens and recommend "band aid" amendments, or should they review the entire BD zoning code to come up with something that makes more sense for the 21st Century.

Mr. Chave said that one goal of the University of Washington studies of Westgate and Five Corners is to come up with a new kind of template for form-based zoning. If it works in those areas, the City should logically be able to apply the same concept in other areas such as downtown. He explained that form-based zoning allows the City to address form, scale and appearance in a more holistic and less formulaic way. There would not be a specific height or setback requirement. Instead, the requirements would be tailored to a particular location or street. The City's current one-size-fits-all zoning does not accomplish this goal. However, he does not anticipate the Westgate and Five Corner Business studies would be completed until the end of the year. The Board could continue to study the options but hold off on their recommendation until the form-based zoning option is further along. The second option would be to review the proposed adjustments right now and forward a recommendation to the City Council and then continue their discussion regarding form-based zoning options next year. He suggested the Board seek feedback from the City Council at their upcoming joint meeting.

Mr. Chave again said he believes the form-based zoning that is created for Westgate and Five Corners could also be applicable to the downtown zones. He suggested that people are most concerned about design, street front, character and appearance. If these issues are adequately addressed, the specific height of a development is secondary.

Chair Lovell suggested staff provide an abbreviated narrative and a pictorial diagram to demonstrate the problems that have come up with the existing language and how staff is proposing to address the issues. Mr. Chave agreed that staff could provide more information regarding the three items outlined in the staff report. However, he emphasized that because of the down economy, there has been very little development in the BD zones since they were created. Therefore, staff does not know what works and what does not. He suggested the Board invite Mr. Spee to share his experience working with the existing code and the demands of perspective tenants. Chair Lovell noted that he and Board Members Johnson and Reed were present when Mr. Spee made his presentation to the Citizens Economic Development Commission.

Board Member Reed said he does not have a problem dealing with each of the three items referred to them by the Development Services/Community Services Committee. He suggested the Board form a subcommittee to review the 4th Avenue Cultural Corridor Design Implementation and Funding Plan and identify the types of changes that are needed for the BD5 zone. He expressed his belief that now is a good time to start this joint discussion with the City Council and Planning Board.

Board Member Clarke stressed the importance of considering all aspects of zoning and land use issues related to the downtown. He emphasized that he does not have any pre-formed ideas about what building heights in the City should be, but he gets a little weary of individuals who acquire property for redevelopment without clearly understanding the laws of economics. They often create a project proposal that is financially non-feasible unless they obtain greater building heights. He reviewed that in the 1980's three new buildings were constructed on the Edmonds waterfront, and each were three stories in height with restaurants on the top floor. Two of the restaurants were converted to office space because the restaurants were not viable. The third still has an operative restaurant. Two-story office buildings have been built on 5th Avenue South between the fountain and Walnut Street, and all were economically viable when they were constructed. Building heights had nothing to do with financial viability. Office buildings were constructed throughout the 1990's on the west side of 2nd Avenue from Main Street to Dayton Street. They consist of two-story construction with condominiums on the second floor and office space on the first floor, with below grade parking. The building at 110 Main Street also has parking on grade, with one floor of office and one floor of condominiums. All these developments were accomplished with a 25-foot height limit, and all were economically viable. They all sold well as condominiums and leased well as office buildings. He summarized his belief that the need to go three to four stories is not a requirement for financial viability if the site is purchased for the right price and construction prices are low.

Board Member Clarke expressed his belief that they should review zoning code flexibility in relationship to depths, need and placement of commercial space. He noted that the character of the area on 2nd Avenue north of Main Street is different than Main Street, and it does not make sense to require commercial development in this area. He summarized that the real estate market ebbs and flows in cycles, and they cannot blame building heights on real estate cycles. They are experiencing the worst real estate cycle since the depression. They need to recognize that things are bad. There is no panacea of developing four, five or six-story buildings because they will all sit vacant. He suggested they drive through downtown Kirkland and note how the ground floor commercial space in the mixed-use projects is sitting vacant because tenants cannot afford to pay rent. He noted that none of the buildings in Mill Creek are greater than two stories except one mixed-use building that has condominiums at the top. Even the Swedish at Mill Creek building is not four stories in height. He said he does not believe that four-story buildings are necessary to be economically viable. He cautioned against the idea of increasing the City's tax base becoming the basis for doing real estate development. Instead, they should blend land-use economics, land-use laws and current zoning concepts to make something that works in the marketplace and that is attractive. He suggested they get past the issue of building height and look at what makes sense. He felt they should move forward with a discussion of the issues raised in the staff report.

Chair Lovell said he presented the Planning Board's report to the City Council at their retreat on February 4th. It was received without any specific comments. He suggested that Mayor Cooper reestablish the regular meetings he used to have with the Board Chair and Vice Chair. The Mayor agreed this would be helpful. He said he also addressed the matter of short circuited communication between the Planning Board and City Council. He pointed out to the City Council that all of the various plans and ideas that are currently being considered related to land use will eventually come before the Planning Board for a public hearing and a recommendation to the City Council. He suggested that the Board and City Council should meet jointly and perhaps establish a task force to help expedite the process by addressing some of the sore points so the plans can move forward.

Again, Mr. Chave suggested the Board start conversations related to form-based zoning and what they want to achieve so that when a template is in place later in the year the information can be translated into the template.

Board Member Reed questioned how the downtown zoning discussion originated. Mr. Chave said the BD zones were created to implement the updated Downtown Waterfront Plan Element of the Comprehensive Plan. He recalled that the step back requirement was intended as a compromise between those that wanted a 25-foot height limit and those who felt the height limit should be 30 feet. Because there has been very little development, staff does not have a clear understanding of whether the concept is workable or not. This would be a good time for the Board to review the concept again and determine if it is something they want to retain or if they want something a little different.

Board Member Cloutier expressed his belief that implementing form-based zoning and addressing the issues raised in the staff report are not mutually exclusive approaches. The decisions that are made related to the issues raised by staff could become part of whatever form-based zoning code is implemented in the future. He suggested the Board begin the process of addressing the

addressing the issues outlined by staff, but also start conservations about the bigger approach for implementing form-based zoning that holistically addresses all the BD zones.

Board Member Clarke commented that real estate exists for human activity. Sometimes they forget about the elements they would like to have in the City. For example, a hotel on the post office site could be a great amenity for the City. This type of use could require a greater building height in order to make it a viable structure. They need to look at the various land uses as part of a global picture for the downtown and ask the question of what they are trying to create, and what kind of buildings would need to be designed to accommodate these human activities. He felt this would give the community a broader incentive to make changes so redevelopment could be more attractive, livable and sustainable in the future. For example, they need to look at how to reuse existing buildings, create parking that works, etc.

Chair Lovell questioned if a professional consultant would be required to help the Board through the process. Again, Mr. Chave suggested the Board have a discussion with Mr. Spee and his professionals to find out what they have been doing. He said he is not sure it would be necessary to hire a consultant to work with the Board at this stage.

Chair Lovell referred to the Downtown Waterfront Plan that was adopted in 1994 and is available via the City's website. Mr. Chave said this plan was updated in 2005. Chair Lovell pointed out that many of the recommendations in the plan have already been done. The document can be used as a reference and he recommended the Board Members all review it. Vice Chair Reed noted that much of the language in the Comprehensive Plan was taken from the Downtown Waterfront Plan.

The Board agreed to discuss potential updates to the BD zoning provisions at a joint meeting with the City Council. Chair Lovell agreed to contact the City Council President to schedule the joint meeting. Chair Lovell and Vice Chair Reed also agreed to meet with the City Council President to discuss the joint meeting agenda. Chair Lovell indicated he would contact Mr. Boyer to obtain additional information about the changes proposed by Mr. Spee.

Board Member Clarke pointed out that Leavenworth has specific design standards for their city. Mr. Chave said they have what is called a design theme. Board Member Clarke noted that other communities use design themes, as well. He asked if this concept could enter into the discussion about the BD zones. Mr. Chave expressed his belief that the community has never gotten past the height discussions to talk about actual design. He suggested they flip the discussion to talk about design first, and height should follow as a result. He acknowledged that this would not be an easy task.

VACANT PLANNING BOARD POSITIONS

Chair Lovell reported that Mayor Cooper has received four applications for the vacant Planning Board positions. He agreed to contact the Mayor to find out more about the process and timeline for candidate selection.

REVIEW OF EXTENDED AGENDA

There was no discussion related to the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell said that in his presentation to the City Council he reminded them that the Board's charge is to work in concert with the Citizens Economic Development Commission to create a more sustainable Edmonds for the future, environmentally, economically and livability wise. As planners and participants in the process, they must get beyond the idea of just building LEED buildings. There are many other aspects of sustainability that can be implemented.

Chair Lovell agreed to contact the Chair of the Citizens Economic Development Commission and Mr. Clifton, Community Services/Economic Development Director to discuss how to proceed with their joint economic development report to the City Council.

APPROVED JUNE 22nd

CITY OF EDMONDS
PLANNING BOARD MINUTES

June 8, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT
John Reed, Vice Chair (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CLARKE MOVED THAT THE MINUTES OF MAY 25, 2011 BE APPROVED AS AMENDED. BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

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

PUBLIC HEARING ON POTENTIAL AMENDMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES (FILE NUMBER AMD20110003)

Mr. Chave reviewed each of the proposed amendments as follows:

Designated Street Front and Commercial Depth Requirements:

Mr. Chave referred the Board to the proposed map of Designated Street Fronts for BD Zones (Map 16.43-1), which has been expanded to include all BD zones, not just the BD1 zone. The purpose of the map is to clarify where the primary pedestrian areas and commercial uses are intended to be oriented within the BD Zones. He explained that ground floor of properties along designated street fronts would be required to meet the commercial height and depth requirements. At this time, the commercial height requirement for the ground floor space of properties along the designated street fronts is 12 feet. The

proposed language identifies a consistent commercial depth requirement of 45 feet, which replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere in the BD zones. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater standard of 60 feet outside the retail core (BD1). He reminded the Board that multi-family residential and professional offices would be allowed to locate on the portions of ground floor space located outside of the designated street front areas and on the upper floors of all buildings in the BD Zones.

Mr. Chave said the Board is specifically seeking feedback from the public about the proposed amendment to the commercial depth requirement, as well as the proposed Designated Street Front Map. He advised that staff measured a large number of commercial spaces in the BD zones in 2005 and 2006, with particular focus on the BD1 zone. They found that the vast majority of the commercial spaces had a depth of at least 60 feet. Therefore, they believe that a 45-foot commercial depth requirement would be reasonable to ensure an adequate amount of ground floor commercial space. Again, he emphasized that this requirement would only apply to properties located along designated street fronts.

Step-Back Requirement:

Mr. Chave explained that, currently, there is no step-back requirement in the BD1 zone, but there is a 15-foot step-back requirement in all other BD zones. In order to increase the height of a building from 25 to 30 feet, a 15-foot step-back is required for the portion of the structure above 25 feet. This requirement results in a significant loss in the amount of developable area and ends up prohibiting buildings from actually being constructed within the established downtown height limits. He said the proposed language provided for the hearing identifies a reduced step-back requirement from 15 feet to 5 feet. However, the Board is also considering the option for removing the step-back requirement entirely from all BD zones. The logic is that if the 30-foot height limit is adequate in the BD1 zone, it should be adequate for all BD zones. In addition, the step-back requirement does not really add any additional protection that is not already addressed by the existing Design Guidelines for the BD zones. He said the Board is seeking feedback on whether or not the step-back requirement should be reduced or eliminated.

Uses in the BD1 (Retail Core) Zone:

Mr. Chave explained that the area one to two blocks radiating out from the fountain is known as the downtown retail core or BD1 zone. Members of the Planning Board surveyed the existing uses in this area and found that it is predominately retail and restaurant uses, with a fair amount of service uses that are generally compatible with retail uses. However, there are some uses that are not compatible, such as medical offices and/or other types of offices that do not have walk-in customers. These uses tend to want to wall off their businesses from the street front, which discourages pedestrian activity. If more of these types of uses are located in the retail core, they could undermine the viability of the existing retail uses. He particularly noted that medical uses are required to provide privacy to their patients. Because they have not been allowed to close off their front windows, they have used privacy screens inside, which have had the same affect.

Mr. Chave said the Board has discussed the idea of prohibiting certain types of uses that are incompatible with the retail core. As per the proposed amendment in Table 16.43.020, retail, restaurant and service businesses would be allowed, but office and/or professional office uses would only be located outside the 45-foot designated street front. Another option being considered by the Board would be even more restrictive to prohibit office and service uses in the designated street front areas in the BD zone. Only retail and restaurant uses would be allowed. He emphasized that the BD1 zone occupies only a small portion of the downtown, and the use restrictions would only apply to the designated street front areas. Office uses would still be allowed elsewhere in the building behind the front retail-oriented uses or on the upper floors of the building. He noted that if the proposed language is adopted, existing nonconforming uses would be dealt with via the nonconforming rules in the zoning code. They would be allowed to continue as the same type of use so long as they remain occupied.

Development Agreements:

Mr. Chave explained that a development agreement is similar to the "contract rezone" concept, which is no longer used by the City. As proposed, the development agreement concept would allow flexibility for a developer to propose modifications to the development standards in exchange for providing a public benefit. He referred to the proposed code language in Section

16.43.050, which includes sample criteria and authorizes what can be modified by a development agreement. The Board is seeking specific feedback about whether the criterion is appropriate and whether development agreements should be available in all BD zones. They would also like feedback about whether specific conditions should be attached to development agreements, as well as what development standards could be varied, and to what extent.

Mr. Chave said that, as proposed in Section A, development agreements would be reviewed by the Planning Board as part of a public hearing process. The Board would forward a recommendation to the City Council, and the City Council would conduct another public hearing before making a final decision. The Board's recommendation and the City Council's final decision would be based on whether or not a proposal is consistent with the City's economic development and Comprehensive Plan goals and the downtown Design Guidelines.

Mr. Chave reviewed that Section B outlines what can be approved as part of a development agreement. The language includes two options. One would allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040. An alternative would be to allow a development agreement to vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height limits would only be allowed to increase to 35 feet or three stories, whichever is greater. He recalled that the Board specifically discussed the concept of using "stories" to address height. He explained that the topography in downtown Edmonds makes this approach difficult. Because of topographical changes, development on a single lot could accommodate up to three stories on one side, but four on another. He said the Board is particularly interested in hearing public feedback regarding this concept.

Mr. Chave referred to the criteria for approval of development agreements, which is outlined in the proposed language for Item C. As proposed, in addition to attaining at least a LEED Silver or equivalent level of green building certification, a development would be required to meet at least two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the follow uses designed to further the City's economic development goals: a hotel, a post office, a farmer's market, and/or studio work space, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave observed that, typically, sidewalks in the downtown are narrow and buildings are constructed right to the sidewalk. A developer could propose an expanded sidewalk or plaza area to enhance the pedestrian space, which would meet one of the criteria for a development agreement. He reminded the Board that a development agreement must be consistent with the goals and policies in the Comprehensive Plan and the downtown Design Guidelines.

Chair Lovell referred to the proposed Designated Street Front Map (Map 16.43-1) and recalled the Board previously discussed that a portion of the street front on 5th Avenue between Howell Way and Erben Drive has a steep topography and is not really an ideal location for retail uses. It was suggested that this area should not be designated as commercial street front. Mr. Chave recalled this was discussed by the Board and the Citizens Economic Development Commission (CEDC) at a joint meeting. He said staff recommends that the designated street front extend all the way up 5th Avenue to the end of the BD3 zone. Otherwise, the area would be made available for other types of uses that are not compatible with retail and/or commercial uses.

Chair Lovell pointed out that Footnote 3 on Page 5 should be amended to identify a 45-foot commercial depth requirement in rather than a 60-foot requirement.

Board Member Ellis requested further information about how nonconforming uses would be addressed. While he understands the uses would be allowed to continue for a time after the amendments are approved, he asked when they would lose their nonconforming status. Board Member Johnson answered that the businesses would be allowed to continue as nonconforming uses as defined in ECDC 17.40. However, they would not be allowed to expand in any way, including the number of employees, equipment and/or hours of operation, except as provided in ECDC 17.40.050. If a nonconforming uses ceases for a period of six continuous months, any later use of the property occupied by the former nonconforming use would be required to conform to the zoning ordinance. In laymen's terms, the property could be rented to another similar business or to a permitted use. However, if the building is vacant for six months, it may only be used for conforming uses in the code.

Board Member Clarke suggested that the Designated Street Front Map does not accurately represent how the City is legally platted into lots. Rather, it represents ownership. Mr. Chave explained that the map is divided into tax parcels, which are different than legal lots. In some cases, multiple lots are combined into a single tax parcel. As an example, Board Member Clarke specifically referred to the properties on the south side of Main Street between 2nd and 3rd Avenues South. The property to the west of the alley is divided into three lots, and the same size of property to the east of the alley is identified as a single lot because it is under the same ownership. Board Member Clarke pointed out that requiring a 15-foot step-back on narrow lots for portions of a building above 25 feet makes development challenging, if not impossible. The stepped-back portion of the buildings would be nonfunctional. Mr. Chave explained that the step-back requirement is particularly onerous for properties that have two street fronts (the main street front and the alley). These buildings are required to step back 15 feet on each side. Board Member Clarke referred to the property located just west of 3rd Avenue South at the northwest corner of the alley and questioned if it is legally possible to redevelop just one of the lots based on the current step-back requirement. Mr. Chave agreed that redeveloping just one of the lots would be very challenging.

Doug Spee, Woodway, said he has an office on Bell Street. He expressed his belief that the proposed code amendments are well written and would benefit all property owners in the BD zones. They do not favor any particular land owner. He said that while the step-back concept works well for high-rise development in downtown Seattle, the Board should keep in mind that development in downtown Edmonds is limited to three stories. Asking a developer to step back the top floor can kill the design and make a project unfeasible. He expressed his belief that a step-back requirement is the wrong choice to prequalify a developer for the additional 5 feet in height. Another option would be to allow the additional 5 feet in height if a building is modulated. He pointed out that the Architectural Design Board has the ability to effectively control whether a proposed building provides enough modulation to warrant the additional 5 feet in height. A step back should not be the only way a developer can obtain the additional height.

Mr. Spee referred to the proposed development agreement language (ECDC 16.43.050) and noted that the alternative language for Item B could be interpreted to allow building heights much greater than 35 feet if a developer proposes a 3-story building with tall ceiling heights on each floor. He suggested the language be clarified or that the reference to the number of stories be eliminated altogether.

Ron Wambolt, Edmonds, thanked the Board for the time and effort they have spent to work through the proposed amendments. He said he hopes that when they are presented to the City Council, they will be in a good frame of mind to support the Board's recommendation. He said he supports most of the changes as proposed. He specifically said he believes development agreements would stimulate economic development in downtown Edmonds. He noted there has been no new development in downtown Edmonds since the BD zoning was implemented in early 2006. While the economy is partially to blame, he believes the other cause is the rigid BD development standards. Currently, the only flexibility allowed in the BD zones is through a variance, which requires a developer to meet six criteria. While the variance concept is well intended, it generally curbs the granting of any variance. He said he believes the development agreement provision would open new opportunities for controlled flexibility. Developers would have more flexibility, but the flexibility would be controlled by the City Council. It sets up the opportunity for a win-win situation where the developer has to give something in order to get something in return. He said he hopes the Board can reach a unanimous decision and forward their recommendation to the City Council as soon as possible.

Stephen Clifton, Community Services/Economic Development Director, referred to the Planning Board's minutes of April 13th, which incorrectly quoted him as stating that "the step-back requirement should be applied in all BD zones." His intent was to suggest that he did not see the logic of applying a 15-foot step back in any of the BD zones.

Karen Wiggens, Edmonds, said she supports the Board's proposal to prohibit office uses in the BD1 zone. It is important for the retail area to be pedestrian friendly. However, she is not sure she supports the idea of prohibiting service uses, as well. Many people who visit the nail and hair salons walk to their destinations. She said she also supports the proposal to change the commercial depth requirement to 45 feet for all BD zones and to eliminate the step-back requirement. She explained that she owns a building on 2nd Avenue South and James Street, and they are currently negotiating a 10-year lease with Landau Associates, which will be good for her and for the City. Part of the reason she can negotiate the new lease is because she can offer additional space on the third floor, which can be expanded on the east side of the building. There is no reason for a 15-

foot step back on her building. If she was not allowed to expand her building to the street front, the City would lose a good business, and she is not the only property owner in this type of situation. She said that while she supports the development agreement concept, she cautioned that the proposed language appears to address one specific property, which can be a dangerous approach.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Chair Lovell requested clarification of Mr. Spee's comment related to the proposed language in Alternative B in ECDC 16.43.050 (height versus stories). He said he does not interpret the language to allow a 3-story building that is greater than 35 feet in height. Mr. Spee said he supports the concept of limiting building height to 35 feet. However, his interpretation of Alternative B is that a 3-story building could actually be much greater than 35 feet if each of the floors had a 16-foot ceiling height. He said he does not believe the language, as currently drafted, defines the maximum building height allowed.

Board Member Clarke observed that Ms. Spee is a successful developer in other jurisdictions in the Puget Sound area. He asked him explain how a developer could construct a 4-story building when the height is limited to 35 feet, particularly given the height required to provide a 12-foot ground floor commercial space, as well as space to locate the mechanical equipment. Mr. Spee answered that if a lot is sloped, it may be possible to construct four stories on one side. He said that if the proposed Designated Street Front Map is approved as presented, his property would qualify for four stories because a portion of the development would be outside the designated street front area. Therefore, he would not be required to provide 12-foot ceiling heights for the ground floor space. He briefly explained how a 4-story development could be accomplished on his particular lot.

Board Member Clarke reminded the Board that the objective of development agreements is to enhance flexibility. The development standards do not take lot size and topography into consideration, and applying a one-size-fits-all approach does not allow flexibility for developers to explore other options that would enhance overall development without creating a monstrous development that the community does not want. He recalled that the purpose of the height limit is to avoid massive buildings. Mr. Spee pointed out that a 30-foot high building could not be considered large. He suggested that one aspect that is missing from the conversation is that topography creates a stadium setting as you approach the downtown. The one-size-fits-all approach does not acknowledge that a slightly taller building on 4th Avenue South and Main Street would not look different from uphill. Development agreements would offer flexibility for the City to allow slightly taller buildings that do not block view from uphill. They also allow developers an opportunity to try and sell something that makes better sense to the public and the City Council. He said he has spent several months trying to offer ideas for how his development could provide more benefits to the community, but the current code language does not allow flexibility to implement any of the ideas.

Board Member Clarke pointed out that Mr. Spee also owns property in Redmond near their town center, which has potential for redevelopment. Mr. Spee said he purchased the property in July of 2008 and the permits to construct an 85-foot tall building were obtained in December of 2010. He said that while Redmond's development standards are different, they are not necessarily any better. However, they do not have a building height requirement for their town center zone.

The Board reviewed each of the proposed amendments and took action as follows:

Uses in the BD1 (Retail Core) Zone:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE REVISED TABLE IN ECDC 16.43.020 AS PROPOSED BY STAFF. BOARD MEMBER CLOUTIER SECONDED THE MOTION.

Mr. Chave referred to the proposed table and noted that the only term currently defined in the code is "office," which means "a building or separate defined space within a building used for a business which does not include on-premises sales of goods or commodities." He noted that this definition is not particularly helpful, and that is why staff provided more descriptive language for office and service uses. He advised that the Board would review all the use classifications after the University of Washington Team has worked out their proposal for form-based zoning for the Westgate and Five Corners commercial areas. He referred to the handout that matches the 1987 Standard Industrial Classification (SIC) Codes to the 1997 North American

Industry Classification System (NAICS), which identifies very different kinds of service categories. He recalled the Board has talked about allowing personal service uses in the BD1 zone. He summarized that while they must deal with use definitions at some point in the future, the proposed amendment is workable because it includes terms that are used throughout the Development Code.

Board Member Ellis recalled the Board previously discussed the option of prohibiting both office and service uses in the BD1 zone. However, the motion currently on the floor would only restrict office uses from being located in the designated street front areas within the BD1 zone.

Board Member Stewart reviewed the updated results of the survey she and Board Member Johnson conducted to identify the current uses in the BD1 zone. They found that 35% of the designated street fronts were retail uses, 5% were art, and 23% were restaurant and food services. That means a total of 63% of the uses were retail and/or food related. In addition, 25% of the space was occupied by beauty and wellness uses, finance, insurance and real estate uses, and professional offices. Other uses occupied 4% of the space, and 8% of the space was vacant. Mr. Chave observed that professional offices occupy only a small percentage of the designated street front space in the BD1 zone. However, adopting the proposed language would eliminate the possibility of more of these uses locating in these critical retail areas.

Board Member Cloutier recalled the Board's previous discussion about what options a land owner would have if they are unable to rent their space for a retail use. If a space cannot be rented within a 6-month time period, he suggested it would be better to allow the space to be rented for a professional office use rather than remain vacant. He questioned how this need could be addressed. Mr. Chave said the proposed amendment would offer no option for other types of uses, and a development agreement would not be allowed to modify the allowed uses, either. Board Member Stewart suggested the purpose of the proposed amendment is to serve a greater City need. Landowners have the option of adjusting their rent and/or terms to attract retail tenants. Mr. Chave recalled an experience shared earlier by Mr. Clifton in which he encouraged a property owner to think more carefully about the types of businesses he/she was trying to recruit. The property owner assumed the space was more suitable for office use, but he was able to convince him/her that a retail food business would be a better choice. The property owner was able to successfully recruit this type of use. Board Member Stewart emphasized that getting more retail uses in the BD1 zone will be positive for the landowners, too.

Board Member Johnson pointed out that changing the uses allowed in the BD1 zone would not require a successful office use to terminate now. However, she felt the proposed amendment would be appropriate if the City's intent is to have retail uses in the BD1 zone. She agreed that service uses such as nail and hair salons could be part of the retail mix. She would even support allowing all service uses, but medical and other professional office uses should be prohibited.

Board Member Cloutier agreed the City's goal is to have retail uses in the BD1 zone. However, he cautioned against limiting the property owners' ability to rent their space too much. There should be some provision that allows nonconforming uses if that is the only type of use interested in the space. Allowing a nonconforming use would be better than an empty store front. Mr. Chave pointed out that the hardship to property owners would be mitigated by the fact that the use restrictions would only apply to the portions of buildings located within the designated street front. The limited use would apply to just a very small portion of the downtown area, and he would advocate holding firm on the areas that matter (BD1 zone).

Board Member Clarke said it appears that the vacant properties in the BD1 zone are designed for retail rather than professional office uses. Mr. Chave added that much of the vacant space is in space that has never been occupied but was constructed for retail uses. Board Member Clarke said he cannot foresee a situation in which the proposed amendment would place a hardship on a property owner. He expressed his belief that the proposed amendment represents the best interest of the public and provides a fair balance between the needs of the landowners and the current economic conditions.

Board Member Johnson pointed out that, as proposed, drive-through businesses would no longer be allowed in the BD1 zone. The Board has generally agreed with this approach. However, as she reviewed the table of permitted uses, her attention was drawn to hotel and motel uses, both of which are permitted primary uses in the BD1 zone. She explained that a motel is designed for auto travelers, and a hotel is defined in Chapter 21 as containing five or more separately-occupied rooms. A boarding house is a use that contains not more than four rooms for lodgers and boarders. She expressed her belief that hotel and boarding house uses seem to be more consistent for the BD1 zone, but perhaps motels should be excluded. Motels

require an additional driveway access, which is similar to a drive-through business. If one is permitted and the other is not, it appears to be contrary to the desired pedestrian environment in the BD1 zone. Mr. Chave acknowledged that, at one time, the terms "hotel" and "motel" were defined differently, but now there is much less distinction. He reminded the Board that the BD1 development standards prohibit additional curb cuts, which would address issues related to access. Board Member Johnson pointed out that the definitions she provided came directly from the existing ECDC. Mr. Chave agreed but said the definitions are old and need to be reviewed and updated at some point in the near future. Board Member Clarke explained that the term "drive-through" references the fact that a user is maintaining their auto in the rendering of the service such as a coffee stand, a fast-food restaurant, etc. People are served while they remain in their cars. On the other hand, people who visit motels are required to park their cars to access their rooms. In the transient lodging world, which covers hotels, motels, etc., there is no such thing as a drive-through motel. Therefore, he suggested that motels are unrelated to drive-through uses. He summarized his belief that the City should not prohibit transient lodging facilities in the BD1 zone.

THE MOTION CARRIED UNANIMOUSLY.

Designated Street Front and Commercial Depth Requirements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE AMENDMENT TO ECDC 16.43.030 TO CHANGE THE COMMERCIAL DEPTH REQUIREMENT TO 45 FEET IN ALL BD ZONES AS PROPOSED BY STAFF WITH THE CORRECTION TO FOOTNOTE 3 (CHANGE 60 FEET TO 45 FEET). HE FURTHER MOVED THE BOARD RECOMMEND APPROVAL OF THE DESIGNATED STREET FRONT FOR BD ZONES MAP AS PROPOSED BY STAFF. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Step-Back Requirements:

CHAIR LOVELL MOVED THAT THE BOARD RECOMMEND THAT THE STEP-BACK REQUIREMENT BE ELIMINATED IN ALL BD ZONES. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Chair Lovell said the logic behind his motion is that the Comprehensive Plan and Design Guidelines provide that building design shall include façade articulation and/or modulation. Using changes in textures, materials and articulation can achieve the same aesthetic result as requiring a step back. He expressed his belief that even a 5-foot step back would be too much when multiplied by the entire width of the lot.

Board Member Clarke observed that there is no step-back requirement in the BD1 zone. Similar to how the commercial depth requirement was changed to be consistent for all BD zones, he said he would support a consistent step-back requirement. He said the existing architecture in the BD zones reflects the uniformity of no step-back requirement since no new development has occurred since the step-back requirement was implemented. As examples, he noted the Windermere Building, City Hall, the Harbor Building, and the condominiums built in downtown. He concluded that the step-back provision has not proven to be a valuable contribution to the building code. For uniformity and to be consistent with how the City is currently developed, he recommended the step-back requirement be eliminated.

Board Member Ellis said he supports the motion to eliminate the step-back requirement for the same reasons that were stated by Board Member Clarke and Chair Lovell. He said he does not see why they should have a different step-back requirement for any of the BD zones. The current requirement is too blunt an instrument to accomplish its goal.

Chair Lovell referred to written comments submitted by Vice Chair Reed, which state, "I think the step-back change is good, though upper floor step-backs are a good design feature that I would hope is still used. Otherwise, we could end up with shoe boxes for the sake of maximizing square footage."

THE MOTION CARRIED UNANIMOUSLY.

Development Agreements:

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD ADOPT THE PROPOSED LANGUAGE FOR ECDC 16.43.050 AS PRESENTED BY STAFF, USING ALTERNATIVE B. CHAIR LOVELL SECONDED THE MOTION.

Board Member Cloutier referred to Mr. Spee's earlier concern that using the term "story" could result in building that are significantly taller than 35 feet if a developer chooses to construct three stories that are each 16 feet tall. He reminded the Board that the additional height would only be allowed via an approved development agreement, which would be reviewed by both the Planning Board and the City Council. If the proposed height of a development is unreasonable, the City would not be obligated to approve the development agreement. A developer would have to make a strong case to support why each story would have to be so tall, and each request would be weighed against the Downtown Design Guidelines and the Comprehensive Plan policies.

Board Member Cloutier recalled that one Board Member expressed concern that if all provisions in ECDC 16.43.030 and 16.43.040 can be altered with the exception of height, these two code sections would be meaningless. He reminded the Board that any code diversion would have to be approved by the City Council as part of a development agreement. Mr. Chave added that a developer would have to make a case to support his request to modify a development standard. Board Member Cloutier said a Board Member also raised the question of what would happen if a developer chooses not to meet one of the requirements of ECDC 16.43.030 or 16.43.040 after a development agreement has been approved. Mr. Chave answered that the developer would be required to either amend the development agreement or request an entirely new development agreement, both of which would require a public process and final approval by the City Council. These inconsistencies should be caught during the development permit review, and no development permit would be issued for a project that does not meet all of the code requirements as outlined in the development agreement.

While he actually recommended including the reference to "stories" in Alternative B, Board Member Clarke questioned if it is needed if the goal is to create flexibility. He asked if the 35-foot maximum height limit would provide enough safeguard that someone would not be able to build a taller structure. If so, then reference to "stories" is irrelevant. Mr. Chave agreed and noted that height has traditionally been regulated based on a specific height and not stories. The language related to stories was added at the request of the Board. It is not really necessary. Board Member Clarke said it is possible for a development that is 35-feet high to include a taller first floor to accommodate the mechanical equipment and a taller third story to provide a greater ceiling height for residential units. This would allow for development that is architecturally unique and different than a standard box. He noted that other municipalities are allowing flexibility in their codes for this type of development. He said he would support the motion, but he would like to amend it to delete the reference to "three stories."

Board Member Ellis suggested it would make more sense to change Alternative B to read, "A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 except building height may only be increased to 35 feet." Board Member Chave agreed that would be appropriate and would not alter the intent of the proposed language.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO DELETE THE WORDS "OR THREE STORIES, WHICHEVER IS GREATER" FROM ITEM B.1. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Board Member Clarke said he appreciates that the City Council takes the time to read the Board's minutes because they have spent a lot of time on this issue. That is one of the reasons he has taken the time to have the discussion about building heights versus stories and the combination of the two. This discussion helps to lay the foundation so the City Council can see the complexity of the problem they face in the BD zones and offer a solution that meets the Design Guidelines and Comprehensive Plan Policies to encourage positive economic development and suitability to the community in long-term investments with the anticipation of providing economic benefits for all stakeholders in the community. Board Member Clarke said it is important for the City Council and the public to have a clear understanding of the concept of highest and best use of the development of real estate. He explained that there are four criteria for evaluating the highest and best use of a piece of property:

1. Potential Development. The potential development must be physically possible based on current construction standards and standards associated with the site.
2. Legally Permissible. This falls directly under the zoning code and development standards to create the elasticity on legally permissibility. Flexibility in the code enables the highest and best use to expand and adapt to different market conditions, which is critical in the development arena.
3. Financially Feasible. This is a key concept for the community to consider. For example, if the cost of land and the cost of construction are both high, these costs must be covered by the economic feasibility of the proposed project. This is one reason why the step-back requirement is onerous. It reduces a developer's opportunity to spread the financial viability over a larger footprint. The Board has enhanced the concept of highest and best use by recommending that the step-back requirement be eliminated and by establishing a uniform commercial depth requirement of 45 feet. Both of these amendments allow for more flexibility for the types of land uses that can be put in the BD zones. It also enhances the arena for financial feasibility.
4. Maximum Productivity. Maximum productivity is based on opportunity costs. If a developer has two alternatives, they must determine which one produces the maximum productivity of the asset. The zoning code helps the developer be able to choose the best of all the land uses based on economics at the time of development.

Board Member Clarke summarized that if all four criteria can be met, there is a high probability that the project will be sustainable over the long term and improve the return to all stakeholders through increased tax revenues and enhanced use of the property by the community. He said the Board has worked hard to create an environment that meets and exceeds the goals of the Comprehensive Plan with respect to the economic sustainability of the community. Developers will be able to speak to all four points with more flexibility, and there will be more opportunities for return to the community.

Chair Lovell referred to Vice Chair Reed's written concern about changes that occur after a development agreement has been approved. Mr. Chave clarified that the staff cannot unilaterally change a development agreement. Changes would have to go back to the City Council for approval.

Board Member Stewart pointed out that the proposed amendment incentivizes the City's goal of being sustainable by requiring Silver and/or Gold LEED or equivalent for all development agreements. It is also important to consider the concept of adaptive reuse so that the uses of buildings can be altered as the market changes without requiring substantial redevelopment. In addition, new construction should use local materials and other sustainable resources, be energy efficient, maximize day lighting to reduce electricity requirements, and safeguard the indoor environmental quality by eliminating the use of toxic materials. She summarized that return on investment is not just about construction costs, it also includes reducing operating costs over the life of a building. These measures will help improve the economic and social sustainability of the City.

Board Member Ellis questioned how the Board came up with the four uses outlined in Item C.2. Mr. Chave said these uses were identified in discussions with the Planning Board and CEDC as priorities for promoting tourism in the downtown. Board Member Ellis asked if this list is intended to be exclusive of the things that are desirable or if additional uses could be added. Mr. Chave agreed that the four items may not be the only important and desirable uses, but they represent those that have been identified thus far. Board Member Ellis questioned if specifically identifying these uses would preclude other desirable uses in the future. Mr. Chave pointed out that the language could be amended in the future if more uses are identified. Board Member Ellis suggested that a better option would be to identify the four uses as potential examples, but not all inclusive. Mr. Chave cautioned against leaving the language so extremely open ended.

Board Member Clarke suggested another option would be to add "or characteristics" after "uses," and then include a provision that allows the Planning Board to make recommendations to the City Council for uses or other characteristics that may be considered in the future. This would allow the document to be more flexible rather than restricted to just those four uses. Mr. Chave pointed out that this process would really be no less time consuming than a development code amendment to add another use.

Board Member Clarke said it is important for the City Council to see that this concept was considered by the Board and their intent is that it not be limited to the four uses identified in Item C.2. Neither is the language intended to apply to the needs of

just one property owner. Mr. Chave said the items on the list have been pursued and talked about at various levels for quite some time. He said the list is intended to represent the uses that have been identified to this point. He noted that the City Council would also have the ability to add additional uses to the list prior to their final approval.

Board Member Johnson reminded the Board that in previous discussions with the CEDC, public restrooms were identified as a desired public amenity. She suggested that the words "public restrooms" be inserted into Item C.3 as an example of a potential public amenity.

Board Member Ellis requested clarification of how Criteria C.3 would be applied. Mr. Chave clarified that art features would only be required if the applicant chooses to utilize Criteria C.3, which calls for enhanced public space and amenities. Board Member Ellis suggested that the words "without limiting the scope of enhanced public space and amenities," be added at the beginning of the second sentence to make it clear that developers can propose public space and amenities that are not included on the list of examples.

BOARD MEMBER CLOUTIER MOVED THAT THE MOTION BE AMENDED TO CHANGE ITEM C.3 TO READ, "THE DEVELOPMENT INCLUDES ENHANCED PUBLIC SPACE AND AMENITIES. WITHOUT LIMITING THE SCOPE OF ENHANCED PUBLIC SPACE AND AMENITIES, EXAMPLES INCLUDE SUCH FEATURES AS PUBLIC RESTROOMS, ADDITIONAL BUILDING SETBACKS WHICH PROVIDE EXPANDED PUBLIC SIDEWALKS OR GATHERING SPACE, AND/OR COMBINED WITH EATING OR FOOD RETAIL SPACES WHICH INCLUDE OPEN AREAS ADJACENT TO THE SIDEWALK. ART FEATURES VISIBLE TO THE PUBLIC SHALL ALSO BE INCORPORATED INTO BUILDING AND/OR SITE DESIGN." BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MAIN MOTION TO RECOMMEND APPROVAL OF THE PROPOSED LANGUAGE FOR ECDC 16.43.050 WAS UNANIMOUSLY APPROVED AS AMENDED.

REVIEW OF EXTENDED AGENDA

Mr. Chave announced that the Board Members have been invited to attend the CEDC's June 15th meeting, at which the University of Washington/Cascade Land Conservancy Team will provide a final update on their work with the Five Corners and Westgate Commercial Centers before presenting their findings to the City Council. The Board would be invited guests of the CEDC and would not be voting on the item. He explained that after their presentation to the City Council, the Team would ask the City Council for authorization to begin the formal review of the Development Code and then the item will come before the Planning Board for review.

Mr. Chave advised that Mr. Lien would be present at the Board's June 22nd meeting to discuss the Shoreline Master Program Update.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart announced that the City of Bellingham is sponsoring their 9th Annual Imagine This! Home and Landscape Tour on June 25th and 26th from 10:00 a.m. to 5:00 p.m. She said she would not be able to attend the event. She encouraged Board members to visit http://sustainableconnections.org/events/9th-annual-home-and-landscape-tour for more information. She felt the event would be of interest to the Board given the City's goal of implementing green initiatives in Edmonds. She would like ideas for promotional events to show off green projects that have occurred in the City.

ADJOURNMENT

The Board meeting was adjourned at 9:20 p.m.

AI-3970 Item #: 6. a.

Planning Board Agenda

Date: 06/08/2011

Public Hearing on adjustments to downtown BD zones (File No. AMD20110003)

Staff Lead/Author: Rob Chave, Planning Manager

Department: Planning

Initiated By: City Council
City Staff

Information

Subject/Purpose

Public Hearing on potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals. (File #AMD20110003)

Staff Recommendation

Forward the Planning Board's recommendations on the amendments to the City Council for hearing and approval.

Previous Board Action

(See attached mintues)

Narrative

(See attached memo and code amendment draft language)

Attachments

Attachment 1: Staff memo

Attachment 2: Draft code amendment language

Attachment 3: Planning Board minutes

Item # 6a

Edmonds Planning Board Agenda Memo

Meeting Date:	June 8, 2011
Agenda Subject:	Public Hearing on draft amendments to downtown BD zones.
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

The Planning Board had discussions on potential amendments to the downtown BD zones during its meetings on March 9th, March 23rd , April 13th, and April 27th of this year. The draft amendment language prepared for the public hearing show what the BD zoning chapter would look like if the following features were included:

1. Uses in the BD1 (Retail Core) zone. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While retail, restaurants and service businesses are allowed, office or professional office uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to continue as that type of use so long as they are occupied. In addition, other kinds of office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on pedestrian-oriented retail, restaurant and service uses along commercial street fronts within the BD1 zone. Another option being considered by the Planning Board is to be even more restrictive, i.e. prohibiting office, professional office, *and service uses* in the 'designated street front' of the BD1 zone. Only retail and restaurant uses would be allowed along the street front.

2. Designated street front and commercial depth requirements. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater

standard (i.e. 60 feet) outside the retail core. The map of 'designated street fronts' is expanded in the code to include all BD zones, not just the BD1 zone. This helps clarify where the primary pedestrian areas are throughout the downtown BD zones.

3. Step-back requirements. The issue here is that it appears that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce. This in turn ends up prohibiting a building from actually being built within the established downtown height limits. In the sample draft provided for the hearing, step-backs are reduced from 15 feet to 5 feet. As another option, the Board is also considering removing the requirement entirely. Currently, there is no step-back requirement in the BD1 zone, but a 15-foot step-back is required in other BD zones.

4. Development Agreements. Development agreements are authorized in the current draft code amendment language (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and authorizes what can be modified by a development agreement. The Planning Board has been discussing whether these are the right criteria, and whether development agreements should be available in all BD zones. For example, the Board has discussed not allowing these types of development agreements in the BD5 zone (the Fourth Avenue Arts Corridor).

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000 Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010 Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices (including professional offices)	A[1]	A	A	A	A
Service uses (including banks and real estate businesses)	A	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

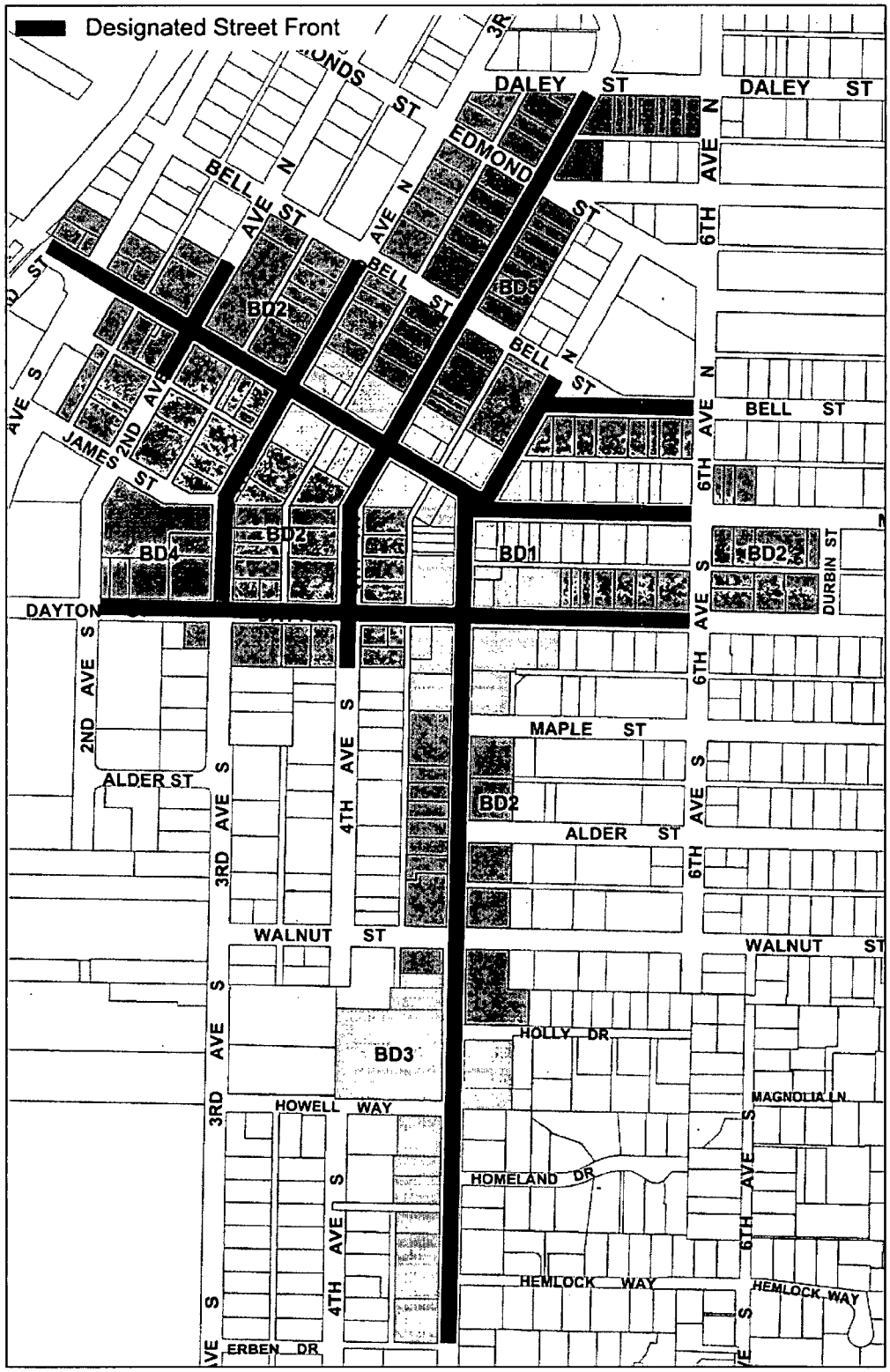
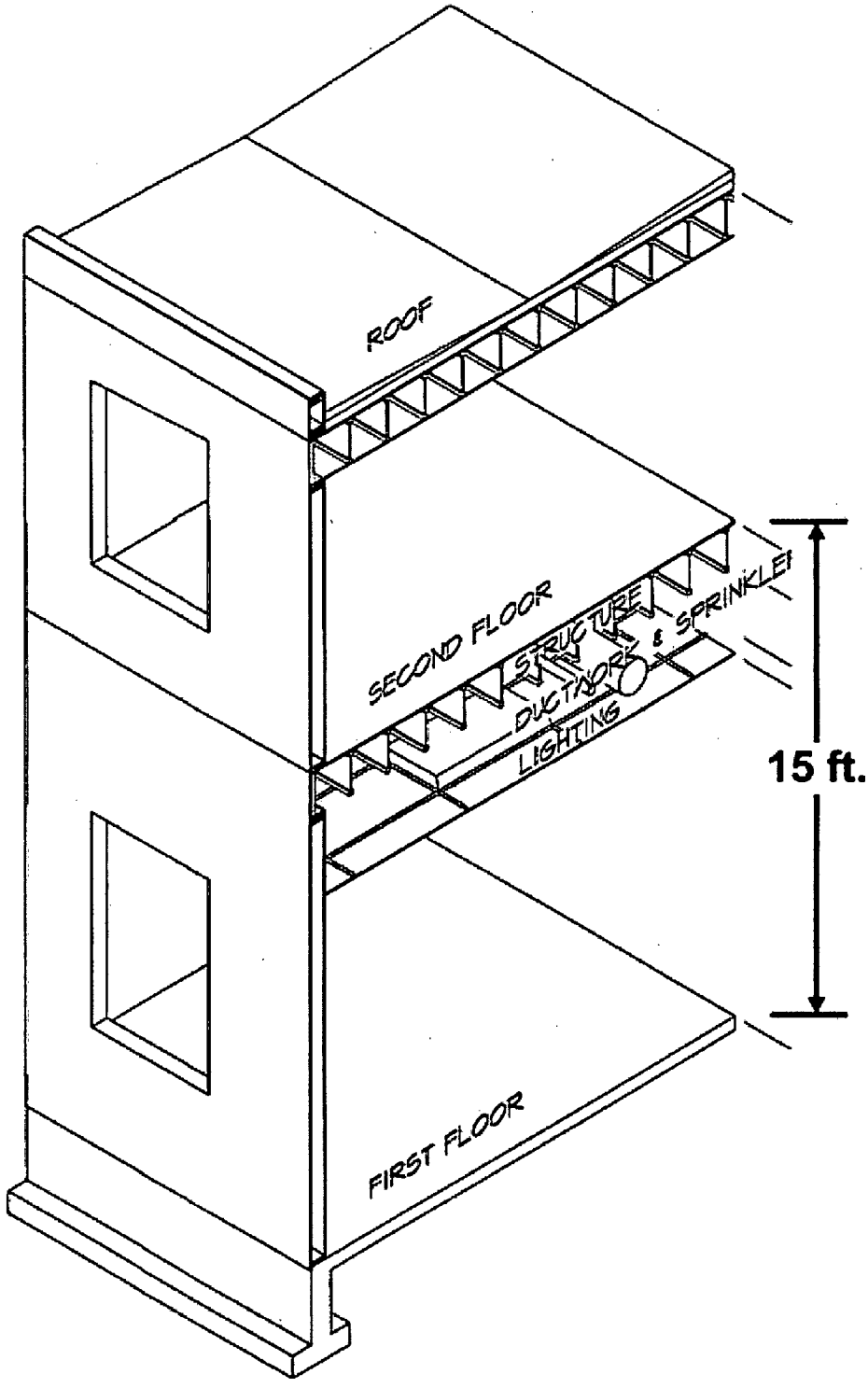


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~, which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

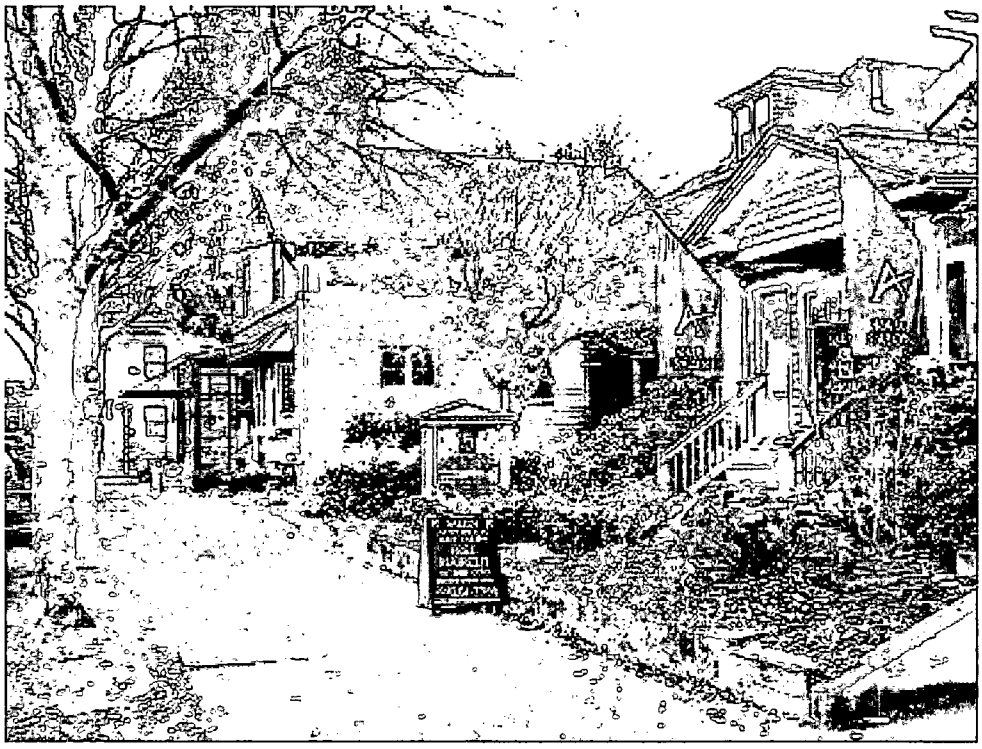
ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~ 5 feet of any street front. Within the ~~15~~5-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a ~~15~~5-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

ii. A ~~15~~5-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a ~~15~~5-foot step-back is required on more than one street front, there is no ~~15~~5-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~10~~3-foot building step-back to meet the ~~15~~5-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

Note: the diagrams on this page must be changed to match any changes to required the step-back (e.g. 0 or 5 ft)

Figure 16.43-3: **Uphill Example**

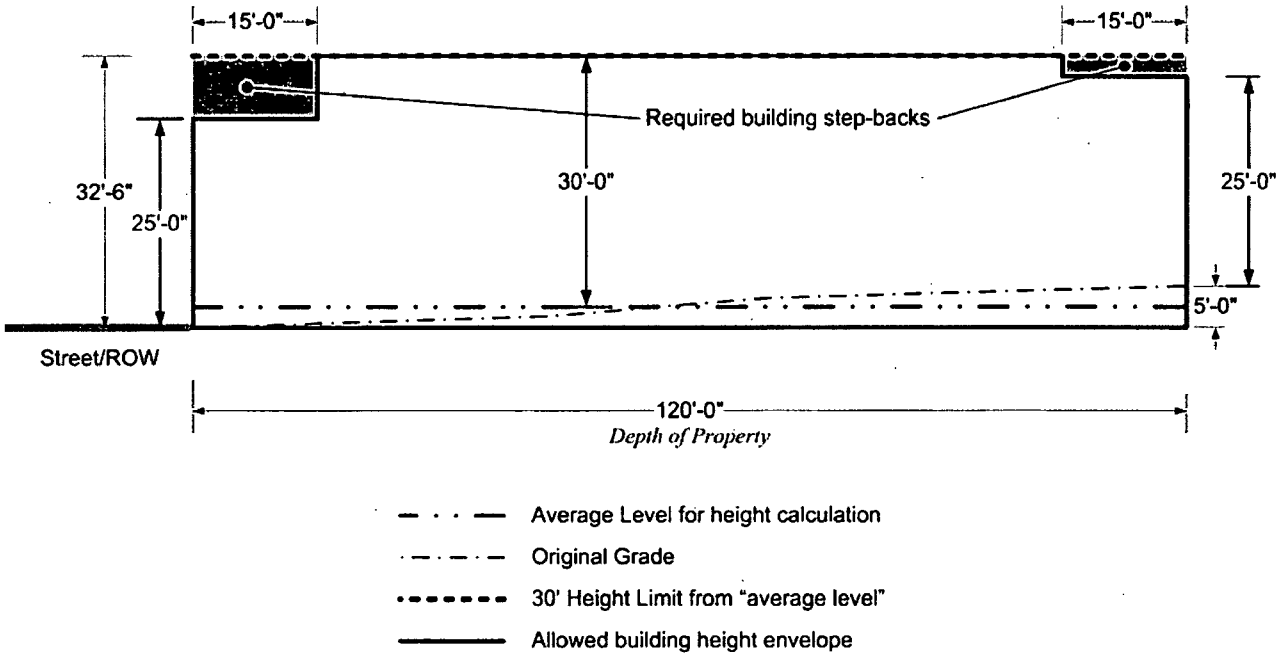
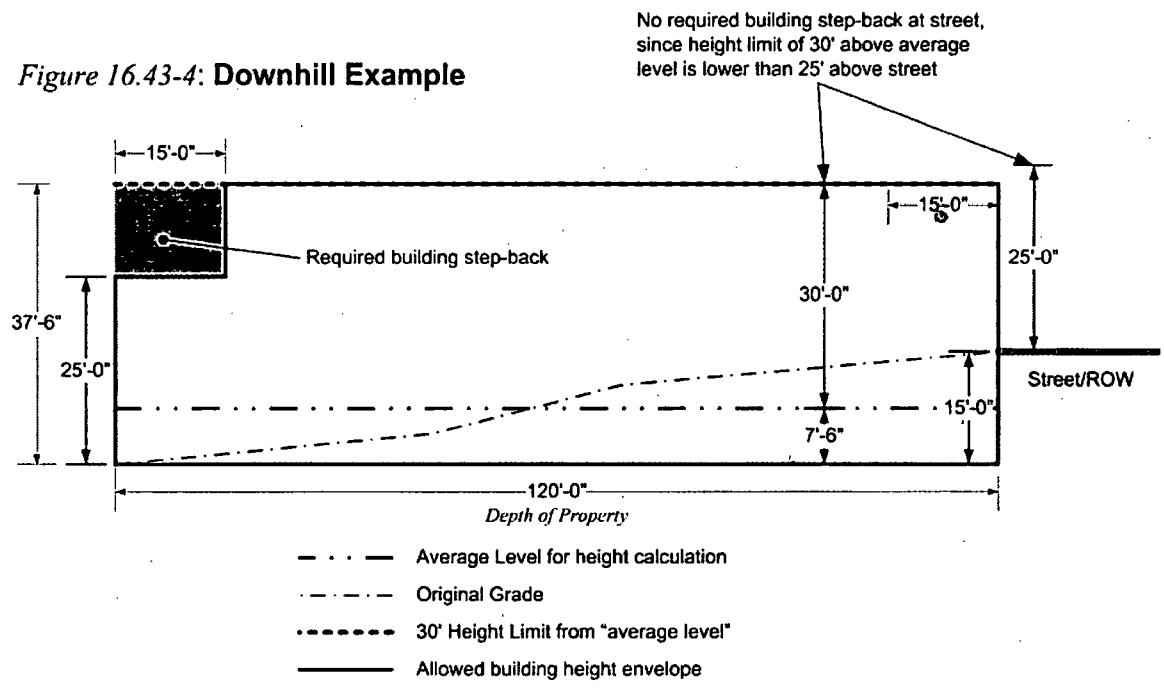


Figure 16.43-4: **Downhill Example**



3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

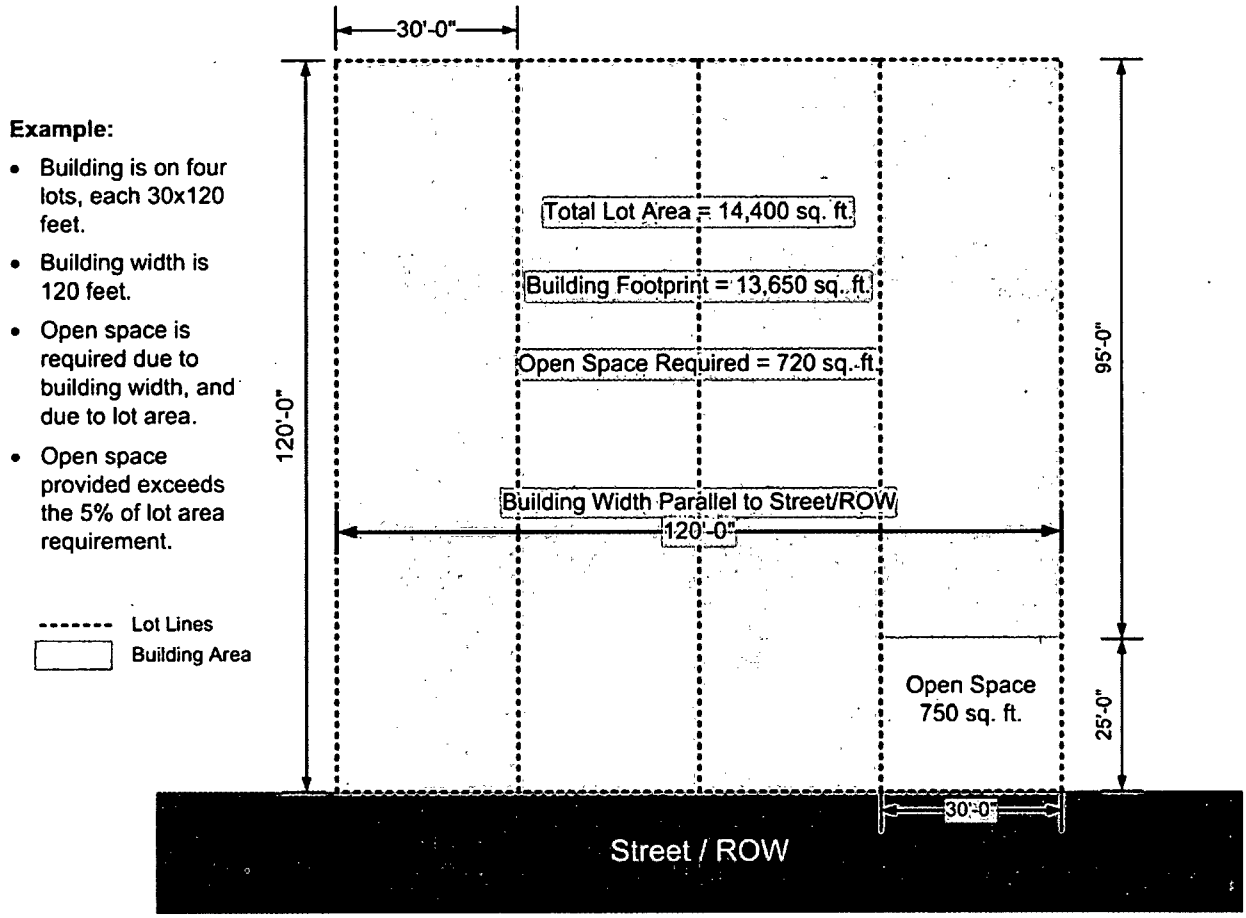
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040.

{The following Alternative to "B" is also being considered}

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030 or 16.43.040 subject to the following limitation:

1. Building height limits may be increased to a maximum height of 35 feet or three stories, whichever is greater.

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office;

c. a farmers market;

d. studio work space, housing or live-work space for artists.

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk. Art features visible to the public shall also be incorporated into building and/or site design.

to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since

that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be

considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr. Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.
- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks

Roger Hertrich, Edmonds, said he lives in a neighborhood located across the street from a true Neighborhood Business (BN) zone that serves the local neighborhood. The property is well-landscaped and the building is set back appropriately from the residential properties behind. The property was developed in full compliance with the code requirements, including the setback of the building so it is far enough back to allow for adequate sight distance when approaching the major intersection. Mr. Hertrich pointed out that the proposed amendment to reduce street setbacks would apply to all BN zones, large and small. He expressed his belief that the BN zones are different in character, and one setback requirement for all may not be appropriate. He observed that Westgate is a special area because it is located on a state highway (SR-104) and a major arterial (100th Avenue West). He said he envisions an opportunity in the future to widen the roadways and add a right-turn lane to make the intersection more efficient. However, allowing buildings to be constructed within five feet of the right-of-way would eliminate this possibility. If the 20-foot setback area is maintained, the roadway could potentially be expanded if necessary at some point in the future. He summarized that a 20-foot setback results in a good looking neighborhood and provides safety for pedestrians who use the sidewalks. Mr. Hertrich encouraged the Planning Board to use their influence to let the University of Washington team know they are interested in the concept of creating a new and specific zone for Westgate called the "neighborhood shopping area." Having a distinct and specific zoning designation would make it easier to accomplish the identified goals for Westgate.

DISCUSSION ON PROPOSED ADJUSTMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES

Mr. Chave reviewed that the Planning Board has discussed potential amendments to the downtown BD zones on at least two previous occasions. Draft amendments were prepared based on input from the Planning Board regarding four broad issues that have been raised by the staff, City Council and individual citizens. He referred to the draft amendments and invited the Board and Commission to provide additional direction.

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave advised that the proposed language would restrict the uses in the BD1 zone to retail only. While restaurants would be allowed, office and other types of service uses must be located outside the designated street front. If these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code. They would be allowed so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front or on upper floors of a building, but the emphasis going forward would be for retail and restaurant uses along the commercial street fronts within the BD1 zone.

Mr. Chave said that in the intervening years since the BD zones were adopted, issues have come up because numerous office and service uses have located in the BD1 zone. Staff believes these uses can be successfully located outside the designated street front areas or in other BD zones. He shared an example of a medical office that located in the BD1 zone. Because of privacy requirements, screens were placed in front of the windows. This is contrary to the City's goal of providing a pedestrian-friendly environment in the retail core. He reminded the Board that the City Council was reticent to make the BD1 zone retail only when the code language was initially adopted. However, staff is asking the Board to reconsider this position.

Vice Chair Reed pointed out that the proposed amendment would also prohibit drive-through businesses in the BD1 zone. Mr. Chave said the Board discussed this issue and agreed that drive-through businesses should no longer be allowed in the BD1 zone. Changes were made to Table 16.43.1 to implement the Board's direction.

Board Member Johnson said she conducted a windshield survey of the BD1 zone and found 10 finance, insurance and real estate (FIRE) offices, 10 health and beauty services, and two medical office buildings all within the ground level storefront area. These 22 businesses would theoretically become non-conforming if the proposed amendments are approved. She asked if similar businesses would be allowed to occupy these spaces if the current businesses leave. Mr. Chave said another service or office use would be allowed to occupy the space as a non-conforming use. However, if the space remains vacant for a year, service and/or office uses would no longer be allowed. He clarified that the proposed language is not intended to drive out the existing service and office uses from the BD1 zone, but it would enable the City stop further erosion of the retail core. Mr. Clifton said he has been contacted by numerous business owners who were interested in locating in the BD1 zone but were unable to find the right

were unable to find the right space.

Board Member Stewart recommended the code be amended to require a property owner to change the use to retail when an existing service and/or office use moves out. She expressed her belief that if the City truly wants to change the makeup of the BD1 zone, they need to help it along rather than waiting for change to occur. Vice Chair Reed asked if the code language could be written in such a way to restrict the types of uses allowed in the BD1 zone when the current service and office spaces become vacant. Mr. Chave agreed this is an option, but it would require an amendment to the non-conforming section of the code to specifically spell out the requirements for the BD1 zone. Normally, a non-conforming use would be allowed to continue unless the space is vacant for a long period of time. Mr. Clifton suggested another option would be to shorten the time period a space can remain vacant before it is required to comply with the retail use requirement.

Commissioner Hall observed that the purpose of the proposed restriction is to slow down the growth of service and office uses in the downtown so it can become more vibrant. He reminded the group that people come to downtown Edmonds to shop, and he encouraged them to move forward with the change. If a service or office use moves out of a space, the new use should be restricted to retail only.

Board Member Clarke pointed out that most of the space in the BD1 zone is smaller in size and older, which equates to lower rents. In addition, most of the blocks are divided into small ownership. He suggested that many downtown retailers would be unable to afford the higher rents that new development would require in order to pencil out. He referred to downtown Kirkland and explained that much of the retail space in the newer mixed-use developments is vacant because small businesses cannot afford to pay the high rents.

Commissioner Yamamoto agreed that most of the retailers in the BD1 zone are small and require between 1,000 and 1,500 square feet of space. Businesses prefer to locate in the downtown core were foot traffic is significantly greater. He expressed concern that some of these retail spaces are currently occupied by service and office uses that do not depend on foot traffic.

Board Member Clarke said he would prefer to allow flexibility for a property owner to fill space in the BD1 zone with something other than retail, depending on market demand. Otherwise, spaces could remain vacant for long periods of time, resulting in blight. Commissioner Yamamoto pointed out that the City has never tried to limit the BD1 zone to retail uses. He said he knows of business owners who want space in the retail core, but there is none available because it is occupied by service and office uses. He expressed his belief that if the code is amended to restrict the uses in the BD1 zone, the spaces would be filled quite quickly with retail uses.

Commissioner Pierce said Board Member Clarke has a valid point that prohibiting service and office uses could result in vacant buildings because the space would only be marketable to a narrow group of business types. He pointed out that much of the first floor commercial space in the newer buildings in downtown has remained vacant because the older buildings offer more flexibility and lower rents. He expressed his belief that restricting the uses in the BD1 zone would be a bad idea because it would eliminate potential tenants. Board Member Clarke noted that rents for the newly renovated Old Mill Town are triple the previous rates. Much of the space is vacant at this time because rents are too high and the spaces are too large for the typical tenant who wants to locate in downtown Edmonds. He said the same would be true for any new mixed-use development. Rents would have to be significantly higher in order to make the proforma pencil out. He expressed concern that eliminating some of the potential tenants could make new development unfeasible. He felt the code should allow flexibility for other types of uses if spaces are not marketable for retail. Otherwise, the City could eliminate a property owner's ability to lease space.

Mr. Clifton said his predecessor, Jennifer Gerend, shared her experience that allowing too many office-related uses along the storefront can kill the retail core. He suggested there needs to be a balance. At what point should the City say no to office uses in the ground floor storefront areas. He reminded the group that the proposed amendment would not exclude office uses in the BD1 zone, but they would have to locate outside of the ground floor storefront areas or on the upper floors. Board Member Clarke said he does not believe that financial, insurance and real estate businesses would want to occupy space that is located behind a storefront, with no visibility from the street. He expressed his belief that these uses fill a demand in the community. Mr. Clifton said some businesses have chosen not to locate in Edmonds because they cannot find space in the most desirable location (BD1

most desirable location (BD1 zone). He suggested that having more restaurant and retail uses would make the downtown more attractive. He said he understands Board Member Clarke's concern, but at some point there is a tipping point where the downtown goes downhill because there are not enough retail and restaurant businesses to attract people to the area.

Mr. Chave shared an example of a medical office locating in the BD1 zone. Because the code does not allow them to cover the windows, they put up screens inside the space to provide privacy for their patients. He said he does not believe this is an ideal situation for the downtown retail core. He explained that office uses are important to a downtown because they provide employees to use the retail businesses. However, it is not so important that they have a street presence because they are not directly related to the people on the sidewalk. Typically, offices use blinds to close their space off so that people cannot see in from the street. Because of this, medical offices are not generally compatible with retail uses, and should not be encouraged in the BD1 zone.

Board Member Johnson said some service uses can benefit the downtown because they draw people to the area. Mr. Chave agreed but cautioned that if service uses are allowed to expand in the BD1 zone, they could eventually overpower and undermine the retail uses.

Council Member Buckshnis said Port Townsend is a good example of a vibrant downtown. If the City wants to move forward in tourism and retail, they must change the look of the downtown. While barber shops and other service uses are important, more retail is also needed. She said she would like the City to become an artist and tourist destination within the next five years, and parameters should be added to the code to move in that direction.

Board Member Johnson suggested they start by prohibiting office uses within designated street front areas. Mr. Chave agreed that the code language could make it clear that professional office uses are prohibited within the designated street front areas, and existing businesses could be allowed to continue in their current locations. However, if the space remains vacant for an extended period of time, it must be converted to a retail use. Another option would be to identify the specific service uses that are compatible with retail uses and prohibit all others within the BD1 zone. He reminded the group that the BD1 zone is intended to have a retail focus. However, this was never specifically spelled out in the code language, and the City Council was reticent about limiting the BD1 zone to retail uses.

Board Member Cloutier reminded the group that the City's goal is to raise retail presence in the downtown core, and prohibiting service and office uses would be a step in the right direction. However, they must be careful not to damage the economic viability of the downtown in the process. He suggested the code language should be written in such a way to allow service uses if the real estate market cannot support enough retail uses to fill the available spaces. Property owners should not be forced to leave the space vacant. On the other hand, he cautioned that a developer's bad choices should not set the City's policy.

Mr. Chave said the Hartland Study that was conducted approximately eight years ago indicated that it would not be feasible to redevelop the BD1 zone based on the current zoning requirements, regardless of the types of uses allowed. He said he does not anticipate significant redevelopment in the BD1 zone in the near future. Board Member Clarke agreed that redevelopment is so costly that developers must charge significantly higher rents to make projects pencil out. Small retailers do not typically generate enough revenue to pay these higher rents and still remain successful.

Vice Chair Reed suggested that perhaps they should break down the different types of service uses into categories. Some categories may be more appropriate for the BD1 zone than others. Perhaps the more compatible service uses could be allowed in the BD1 zone as secondary or conditional uses. Mr. Chave explained that allowing a service use as a secondary use to a primary use that is allowed would merely add an additional step to the process. The City could allow service uses in the BD1 zone as a conditional use. However, unless there are clear criteria in place to innumerate the conditions that must be met, every application would be automatically approved.

Mr. Chave suggested the group either continue their discussion on this item to the next meeting or make a decision to move forward with a public hearing based on two different options: prohibit professional office uses only or prohibit any uses except retail. It may be helpful to invite public feedback on both options.

Mr. Clifton suggested that to address the concerns raised by Board Members Cloutier and Clarke, the code could be amended to require a property owner to replace a vacant space with a retail use. However, if the space remains vacant for an extended period of time, the City could grant an exemption to allow the space to be leased for service or office uses. He agreed that no property owner wants a commercial space to remain vacant for an extended period of time, and an exemption provision would address these situations. It would also help the BD1 zone transition over time to retail uses without having a lot of vacant space.

Commissioner Witenberg asked if the conditional use requirement could be keyed to a specific percentage of retail space that must be maintained. Service uses could be allowed as long the total amount of retail space remains at or above the required percentage. Mr. Chave cautioned that this approach would require the City to maintain a detailed inventory of the uses in the BD1 zone. He suggested that Mr. Clifton's recommendation would be more useful. If a property owner can prove he/she has been unsuccessful in renting the space for a retail use, the City could grant an exception and allow the space to be filled with a service use. Commissioner Pierce agreed there should be some mechanism that protects property owners who are unable to lease their space for retail uses. He cautioned against establishing restrictions that can push property owners into a negative financial situation.

Change the Commercial Depth Requirements to be the same for all BD zones

Mr. Chave advised that the proposed language would change the commercial depth requirements to a consistent 45 feet. In addition, the depth requirement would be directly tied to the expanded Designated Street Front Map (Map 16.43-1) covering all BD zones. He explained that, at this time, the BD1 zone has a 30-foot commercial depth requirement, but the commercial depth requirement for all other BD zones is 30 feet. He explained that staff believes the 30-foot standard is too small to ensure adequate commercial space. However, it makes no sense to require a greater standard outside the retail core. He reminded them that the BD1 zone is intended to be the downtown's strongest commercial district.

Mr. Chave reported that staff conducted a walking survey a few years ago to measure the depth of the commercial spaces in the BD1 zone. They found that nearly all of the spaces had a commercial depth of at least 60 feet. Therefore, a 45-foot commercial depth requirement would not be asking too much of the current property owners. He emphasized that the new requirement would not be applied to existing spaces, which would be allowed to continue as non-conforming uses. However, newly created commercial spaces would be required to provide 45 feet of commercial space along the designated street front. As proposed, the front 45 feet of space along the street front must be reserved for retail commercial uses.

Mr. Chave advised that the proposed amendments also include an update of the Designated Street Front Map (Map 16.43-1), which identifies all designated street fronts within the BD zones for which the commercial depth requirement would be applicable. He noted that the map was originally adopted for the BD1 zone, but staff is recommending to include all BD zones. Chair Lovell said that although the map identifies 4th Avenue north of Bell Street as a designated street front area, the Board previously agreed that the proposed amendments would not be applicable to the BD5 zone (4th Avenue Cultural Corridor). Mr. Chave explained that although this area would be identified as a designated street front, the criteria would be somewhat different than for other BD zones. He reminded the Board that once the Westgate and Five Corners zoning proposals have been adopted as examples of form-based zoning, they agreed to consider the option of also applying the form-based zoning concept to the 4th Avenue Cultural Corridor since the initial design work has already been done. The Board agreed to address specific criteria for the 4th Avenue Cultural Corridor (BD5 zone) as a separate issue later in the year.

Adopt Language to Allow Development Agreements

Mr. Chave reported that the Board discussed development agreements in some detail on March 23rd and authorized staff to prepare the draft code amendment language found in Edmonds Community Development Code (ECDC) 16.43.030.A and 16.43.050. He noted that the language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Board has had discussions about whether these are the right criteria and whether the development agreement option should be available in all BD zones. They specifically discussed not allowing development agreements in the BD5 zone.

Mr. Chave explained that development agreements are allowed in the code, but can only condition or limit what a developer is already allowed to do in the zone. They cannot give any additional flexibility. Because of the location, configuration, topography, etc. of some properties in the BD2 zone, staff is recommending the Board entertain options that are somewhat different than the standard zoning requirements. He referred to the draft language (ECDC 16.43.050), which would allow standard development within the BD zones as specified in the current code language. However, a developer could also submit an application for a development agreement that would ask for certain code variances if certain criteria can be met. He pointed out that Section B describes what can be approved as part of a development agreement. As proposed, a development agreement could vary any of the site development standards contained in ECDC 16.43.030, 16.43.035 or 16.43.040. An alternative to Section B would only allow a development agreement to vary the step back requirements and adjust the height to a maximum of 35 feet. He noted that the alternative language was created in response to the City Attorney's counsel that the language should specifically identify the standards that can be varied.

Mr. Chave referred to Section C, which lists the criteria that must be met for approval of a development agreement. As currently proposed, a development would have to be designed to attain at least a LEED Silver or equivalent level of green building certification. In addition, it would have to meet two of the following three criteria:

1. Designed to attain at least a LEED Gold or equivalent of green building certification.
2. Incorporate one or more of the following uses designed to further the City's economic development goals: hotel, post office, and studio work space, housing or live-work space for artists.
3. Include enhanced public space and amenities.

Mr. Chave explained that development agreements would involve a public process, with public hearings before the Planning Board and the City Council. The City Council would make the final decision. A developer may request a bonus for height, setbacks, etc. in exchange for providing a number of community benefits. Mr. Clifton added that applicants would be required to state why they are asking for modifications and identify what would be provided in exchange. The City Council would make the ultimate decision about whether the items offered by the applicant warrant the proposed modifications. Mr. Chave said the burden of proof would be on the applicant to show how their proposal would meet the criteria found in ECDC 16.43.050.C.

Commissioner Pierce observed that, as drafted, Section.3 does not define what the enhanced services and amenities would be. For example, would an applicant be required to dedicate a certain percentage of open space based on the size of the project? He suggested the required open space be clearly defined.

Commissioner Senderoff said it is his understanding that when a developer submits an application for a development agreement, the final design of the project would already be done. The City Council's ultimate decision regarding the development agreement would be based on the actual design. He suggested that this be clearly stated in the proposed language so the public is aware that the final decision would be based on a specific design.

Commissioner Senderoff suggested that Section C.3 should provide more information about what is meant by "public amenities." He said he is generally in favor of the development agreement concept, but he felt they should consider additional criteria besides the three items listed in Section C. For example, only one hotel and post office are needed in the downtown. Once both of these uses have been developed, Criteria C.2 would no longer be an option. Mr. Chave pointed out that, as proposed, an application would only be required to meet two of the three criteria.

Commissioner Pierce questioned the difference between a development agreement and a contract rezone. Mr. Chave said development agreements are intended to replace the contract rezone mechanism, and there is a significant difference between the two concepts. Only the applicant had the ability to propose and approve modifications to a contract rezone proposal, and there was no opportunity for the City to negotiate with the applicant. A development agreement involves a contractual discussion process that allows the City to negotiate the various elements of the agreement with the developer. He summarized that a development agreement offers the City more control in the process.

Chair Lovell referenced Revised Code of Washington (RCW) 36.70B.170, which authorizes development agreements. It states that development agreements must be specific to a project. Commissioner Senderoff observed that this would be consistent with his earlier comment that development agreements would be based on final design proposals. Mr. Chave clarified that while development agreements would be based on actual development proposals, they would not be based on exact designs because the design review process could potentially modify the design further. He concluded that a developer would not be able to go straight from a development agreement to a building permit because design review would be required. Chair Lovell summarized that a development agreement would spell out the specific requirements of the proposal at the programmatic design stage.

Commissioner Senderoff questioned how the City would ensure that designs are not modified so much that they are no longer consistent with an approved development agreement. Mr. Chave said staff would ensure that a developer adheres to the requirements identified in the development agreement. The design that is provided as part of the development agreement process is intended to describe what the project would generally look like, but would not identify every detail. Changes would likely be made as part of the design review process that would come later.

Commissioner Pierce asked if the development agreement criteria and code standards would be applied uniformly for every development agreement proposal. Mr. Chave answered that he does not anticipate a significant number of development agreement applications, but each one would be different to address the unique circumstances of each site. However, every development agreement proposal would be evaluated against the Comprehensive Plan policies and the adopted design guidelines for the BD zones.

Mr. Clifton said that when he served on the City of Seattle's Design Review Board for three years, he found that those projects that were designed at the 80% to 90% level were typically approved more than those that included simple building envelope sketches. He concluded that developers who refine their sketches will be more likely to gain acceptance from the public, the Planning Board, and the City Council. If applicants expect to gain approval to modify a development standard, they will have to build exceptional projects.

Council Member Buckshnis suggested the criteria (Section C) should be expanded to be more global so it does not appear to specifically apply to a single property. For example, Section C.2 could also include the option of developing a farmer's market. Mr. Chave said it was not staff's intent to create language that is only applicable to one property. The proposed language was intended to include the uses previously identified as desirable by the City Council, the Planning Board, the Economic Development Commission, and the public. He agreed that a farmer's market would be a good addition to Section C.2. He cautioned against leaving the criteria open ended and undefined, but he agreed that the list could be expanded to include other desirable uses the City wants to encourage in the downtown.

Board Member Clarke observed that the community has struggled with the height limit in the downtown for a number of years, and 30 feet appears to be a sacred line. If the proposed language is adopted as proposed, a developer would be allowed to propose additional height as part of a development agreement in order to provide adequate height on the first floor for retail space, with two residential stories above. Although the applicant could provide evidence that the additional height is needed in order for the project to pencil out, the City Council could ultimately deny the development agreement because it calls for increasing the height limit above 30 feet.

Mr. Clifton said staff does not believe the community and/or City Council would support the development agreement concept if it allows heights to be adjusted significantly. He suggested the language may be more acceptable to the community if it identifies a cap for building height.

Board Member Clarke asked staff to provide visual photographs to illustrate various building heights to help the public and the decision makers understand that the visual difference of a few extra feet would be minimal. He reminded the group of the City's goal to have unique and modern architecture. Greater ceiling heights result in buildings that are more marketable and their values are enhanced. For example, third floor residential units with taller ceilings command a significantly higher real estate value. In addition, modern building design requires more space for mechanical equipment. He expressed his belief that it would be difficult to visually see the difference between a three-story building that is 37 feet and one that is 33 feet. He suggested the language focus on the number of floors allowed rather than a specific height limit. He further suggested the City allow some bonus for

City allow some bonus for architectural creativity of facades rather than just straight boxes.

Board Member Clarke suggested they also consider allowing for the transfer of development rights. For example, the City's goal is to promote the 4th Avenue Arts Corridor by providing public amenities. Rather than developing public amenities on site, a developer could be allowed to put dollars into a fund to pay for public amenities and enhancement of this unique corridor.

Board Member Stewart said she likes the idea of allowing three-story developments that are aesthetically pleasing. She referred to the site development standards (Table 16.43-2), which identify a 15-foot minimum ceiling height requirement for ground floor space in the BD1 zone. She reminded the group that incorporating green building design, particularly higher energy upgrades, requires more space. Green roofs also require more space so the structure can be properly reinforced, but they offer a very good insulating component and are very attractive. She summarized that if the City is going to require developments to meet LEED Silver or equivalent, they need to reconsider the practicality of the current code limitations.

Board Member Stewart suggested that in addition to identifying the types of developments they would like to encourage in the BD zones as part of the criteria for obtaining a development agreement, the language should also emphasize the City's goal of creating a consistent and connected look in the downtown. The City's goals also include enhancing the pedestrian experience, creating a lively cultural and civic campus, and preserving history. She expressed concern that if each development is considered separately, piecemeal development would result. Mr. Chave pointed out that all of these goals are identified in the Comprehensive Plan, and all development agreements must be consistent with the policies and goals of the Comprehensive Plan. Therefore, there is no need to call out the goals separately in ECDC 16.43.050.

Commissioner Pierce expressed concern about allowing development up to three stories high rather than setting a specific height limit. He felt this would encourage developers to build to the maximum extent possible because there would be no cap on height. Board Member Clarke agreed but noted that it would also result in more attractive roof design than just boxes. Commissioner Pierce noted that a three-story development would be allowed by the proposed 35-foot maximum height limit. He said he believes there needs to be a defined limit for height. Board Member Clarke disagreed and suggested the City should be more concerned about the overall building design instead of just the height. Again, he expressed his belief that it would be difficult to distinguish between 35 and 37-foot buildings. Again, he reminded the group that taller ceilings and creative window design enhances the marketability of third-floor residential units, and he felt it would be very short-sided for the City to limit the height to 35 feet.

Commissioner Faires said that, conceptually, the development agreements are interesting because of the flexibility they allow. However, given the context of Edmonds and the current political climate, he suggested that having an absolute height limit would be necessary in order to successfully incorporated the development agreement concept into the code language.

Commissioner Zagorski said she likes the flexibility afforded by development agreements. She said she would also support a proposal that would address bulk and mass by the number of stories allowed rather than a specific height limit. She agreed with Board Member Clarke that using a three-story requirement would allow for creativity and flexibility.

Commissioner Hall emphasized that if they want Edmonds to become a vibrant town, they need to make changes now and not wait. He observed that developers are doing wonderful projects in other locations. He cautioned that if Edmonds is not ready when the economy improves, they will be left behind and their downtown will suffer.

Board Member Reed referred to the Economic Development Commission's January 19th minutes in which Mr. Spee presented his plans for a new development in the BD2 zone. He pointed out that Mr. Spee could develop up to three stories using the existing height limit, and increasing the maximum height limit to 35 feet could allow him to accommodate four stories. If the proposed language for 16.43.050 is approved, Mr. Spee would not be able to develop the four stories he has indicated he might prefer. He said he could consider supporting the concept of eliminating the maximum height limit and allowing three stories. Two and three story development would be consistent with the current Comprehensive Plan. However, a baseline height limit must be established so the community has some assurance about what is being proposed. He suggested that perhaps they use language such as "three stories not to exceed ____." He noted that topography plays a significant role when determining the number of stories allowed on a site based on the current code.

Chair Lovell requested clarification about the step back requirement and whether or not the standard could be modified by a development agreement.. Mr. Clifton reminded the group that the purpose of the standards is to create buildings that relate well to the streetscape, have architectural interest, etc. He suggested that allowing flexibility might encourage developers to produce the types of buildings they are looking for in the downtown. He said he does not understand why a step back is required in all BD zones except the BD1 zone where development is supposed to be of a more intimate scale. He suggested the step back requirement should apply to all BD zones. The proposed language would allow a developer to modify the requirement via a development agreement.

Board Member Johnson observed that the problem they are trying to address is lack of flexibility and the impact this has on economic development. Development agreements would allow staff, the City Council and Planning Board to consider flexibility. In addition to achieving certain objectives like public art or a farmer's market, development agreements can enhance economic development. She suggested the language should specifically identify economic development as a purpose of development agreements. This would make the development agreement provision consistent with the Comprehensive Plan goals and policies related to economic development. Board Member Stewart pointed out that zoning is already tied to the Comprehensive Plan goals and policies, so there is no need to specifically call out economic development in the proposed language. Mr. Chave added that the development agreement language actually identifies the goals of the Comprehensive Plan as criteria that must be met.

Vice Chair Reed requested clarification of whether staff is recommending approval of Section B or the alternative language. Mr. Clifton said staff prefers the language in B, which would allow all zoning standards to be modified through a development agreement subject to the criteria. Chair Lovell agreed and commented that there is no sense creating the development agreement provision if they are not going to allow flexibility.

Vice Chair Reed cautioned against allowing 16.43.050 and thus development agreements to override all design guidelines. Mr. Clifton clarified that staff is not advocating that the design guidelines and Comprehensive Plan goals and policies be modified via a development agreement. Vice Chair Reed pointed out that ECDC 16.43.135 refers to ECDC 22.43, which is the BD Design Guidelines. Mr. Clifton agreed to research this issue further and report back to the Commission.

Commissioner Senderoff said he is attracted to the development agreement concept because it would be driven by the City rather than the developer. Development agreements would also allow the City to focus on certain uses that create the different business zones they want to achieve.

Commissioner Zagorski voiced her belief that the boundaries of the BD3 zone extend too far south. She briefly described the current development and noted that once you start up the hill at Howell Street, the properties are not really desirable locations for commercial uses. She asked the Board to consider changing the boundaries at some point in the future to address the existing conditions and site constraints.

DISCUSSION ON PROPOSED AMENDMENT TO REDUCE STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE

Mr. Chave reported that staff presented an interim ordinance to the City Council on April 5th to potentially amend the City's BN zones to reduce required street setbacks from the current 20 feet down to a 5-foot minimum The intent of the proposal is to better align the neighborhood business zones with City policies and design guidelines. Even though it would be ideal to wait for the planning process to be completed for the Five Corners and Westgate areas, preliminary discussions with a prospective developer for a key Westgate intersection is prompting staff to make a code proposal now. Without the code change, development would continue to be recessed into building sites, removing opportunities for improving the streetscape and enhancing pedestrian access.

Mr. Chave further reported that the City Council elected not to adopt the proposed interim zoning ordinance but inquired whether the issue could be "fast tracked" to get a recommendation returned to the City Council. If considered by the Board, the same amendment would be reconfigured as a permanent zoning change.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He

again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th

However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work

moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

APPROVED MARCH 23RD

CITY OF EDMONDS
PLANNING BOARD MINUTES

March 9, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT
Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF FEBRUARY 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The Board placed their review of the downtown BD zones (Item 7b) before their continued discussion on amendments to the wireless communication facilities regulations (Item 7a). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Doug Spee, Woodway, commented that negative comments were made at the Board's February 9th meeting regarding mixed-use development in Kirkland that includes a big-box store and a mixture of smaller commercial uses. He reminded the Board that mixed-use developments often start with a main tenant, with other commercial space built around it. For example, his proposed project would start with a main tenant, the post office. Having a long-term commitment from a main tenant allows mixed-use developments to be successful. He said comments were also made at the last meeting that if the existing building height in the downtown was good enough to support development in the 1990's, it is good enough now, too. However, it is important to keep in mind that the market and economy are very different now. While a two-story building in downtown would likely pencil out if the upper story was dedicated to high-end residential space, the market is screaming for affordable living options. It is not possible to develop affordable housing in downtown Edmonds given the current height limit, which only allows two stories of development. Mr. Spee summarized that, although it is fashionable to bash development in Kirkland, it is unfair. He suggested the Board look at other neighboring jurisdictions that are similar to Edmonds such as Winslow on Bainbridge Island, which is a small town with a ferry dock. They allow a height limit of 30 feet for mixed-use development, and up to 45 feet if underground parking is provided. He offered to drive the Board Members on a tour of Winslow.

PLANNING BOARD REVIEW OF DOWNTOWN BD ZONES

Chair Lovell encouraged the Board to discuss the issues and proposals identified in the Staff Report and provide direction about how broad an approach they want to take at this point, and how they can work with staff to amend the zoning regulations to accomplish their identified goals. While full implementation of a form-based code will take a longer period of time, the Board can

time, the Board can consider short-term changes that would expedite development proposals in downtown Edmonds.

Mr. Chave explained that the topics for discussion have been broken into four general topics. The Staff Report provides background information and options for the Board to consider for each topic. Staff is seeking direction from the Board regarding the options they would like to explore further so that action language can be prepared for the Board's next discussion on March 23rd. Staff anticipates that a public hearing could be scheduled as early as April 13th. If necessary, he noted that the Board could hold a hearing on more than just one option to solicit feedback from the public before making a recommendation to the City Council. He reviewed each of the topics of discussion as follows:

Development Agreements

Mr. Chave said the City Council and Economic Development Commission (EDC) have discussed the possibility of using development agreements to provide flexibility to encourage certain types of uses in the downtown. He explained that development agreements can provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site in order to accommodate a desired use, to achieve desired levels of "green" development, encourage buildings that enhance the downtown streetscape, etc. He explained that development agreements are authorized in the Revised Code of Washington (RCW) and in City's Development Code (ECDC 20.08), but they are not directly authorized in any of the BD zones. He requested feedback from the Board on whether they support the development agreement concept. If so, do they want to identify specific criteria all development agreements would be required to meet at the onset? He noted that a development agreement would be a legislative process, which would include a public hearing before both the Planning Board and the City Council. The process would allow the Board and City Council to negotiate with a developer to obtain certain public benefits in exchange for allowing flexibility for certain code requirements.

Mr. Chave emphasized that, generally, development agreements cannot allow something that is not allowed by the underlying zoning. For example, if the height limit is 30 feet, the City would not be able to grant a 35-foot height limit as part of a development agreement, unless the code specifically states that this additional bonus could be applied via a development agreement. He said staff believes it makes sense to allow development agreements to vary at least some of the code standards. This could include flexibility for the height limit, or they could place a cap on the height limit at 30 feet. He suggested it might be appropriate to conduct a hearing on both options to solicit feedback from the public about whether they are interested in allowing the City Council to have this flexibility or if there should be an absolute height limit. Again, he emphasized that development agreements would be discretionary items, with hearings at both the Planning Board and City Council levels.

Board Member Cloutier said he supports the development agreement concept because it would give the City Council the means to respond quickly to development proposals. In addition, the public would have an opportunity to weigh in on development agreements proposal prior to their approval. Development agreements provide the City Council with more options to meet the City's economic development needs without opening the flood gates to unreasonable development proposals.

Board Member Clarke suggested that rather than having a specific height limit, a development agreement could allow development not to exceed three useable floors. This would allow flexibility for a developer to provide higher ceiling heights on the upper floors, vaulted ceilings, different window designs, etc. The development agreement could require a developer to provide a pitched rather than flat roof and to screen the HVAC equipment that is located on the roof in exchange for the additional height. This would encourage more creative and attractive architecture. Mr. Chave agreed the code language could be written in such a way to authorize this level of flexibility. In fact, the code could be amended to allow any of the standards to be varied via a development agreement. It would be the proponent's responsibility to convince the City Council and Planning Board that the changes are in the City's best interest. He explained that the development agreement goals could be specifically spelled out in the code language, or by default, development agreements could be evaluated relative to Comprehensive Plan goals and policies such as sustainability, economic development, etc. If the Board and City Council finds that varying the standards would result in a better project, a development agreement could be approved.

Board Member Clarke asked if the City could grant bonus options if a developer provides certain functions. Mr. Chave said this would make the development agreement process more complicated. He said he would bring back additional information to illustrate what a development agreement would look like if it is more open ended and what it would look like if the City identifies certain goals they want to achieve. He suggested they could advertise both options for the public hearing, or they could decide upon a single approach to pursue at the hearing.

Chair Lovell suggested the Board prepare a menu of goals they would like development agreements to meet. Mr. Chave suggested that language be added to the BD zones, outlining what standards could be varied via a development agreement. They could even go so far as to allow building heights that exceed the height limit of the underlying zone if a proposal meets the goals of the City. However, in order for the City to make these adjustments via a development agreement, the code language must specifically provide this level of flexibility. This could be done with a general statement that allows the City to vary any of the standards contained in the zone, or they could attach criteria that all development agreements would be required to meet. It would be up to the applicant to demonstrate how a proposal would further the City's goals, and the City Council has the ability to deny applications that are not in the public's interest. Chair Lovell suggested the statement be as general as possible, and that the criteria address issues such as sustainability, appropriateness for the character of the downtown, etc.

Board Member Stewart suggested the Board consider the following criteria for development agreements:

- Promote sustainable design and green building practices.
- Respect history of place and encourage respect for the history of the downtown.
- Provide public gathering spaces and easy access to non-motorized transportation.
- Designate a certain percentage of the development as affordable housing in exchange for a density bonus. Providing a variety of housing options will ensure the community remains vibrant with a good cross section of demographics.

Board Member Clarke said that in his experience, when cities attempt to socially engineer value systems into development agreements or zoning codes, developments typically fail. He recalled that he spoke out against the public space requirement for the mixed-use development at Firdale Village. He did not feel it was appropriate to require a 15,000 square foot development to provide a public space that would not likely be used. He said he recently did a mixed-use development on Bainbridge Island that required public space, which was developed but is not used. He noted that requiring that 10% of a development be dedicated for public space increases development costs with very little, if any, value to the community. He suggested that a better option would be to require developers to contribute to public art funds to provide art throughout the City for everyone to enjoy.

Board Member Clarke said he has done a lot of public subsidized multi-family developments that have been failures. He cautioned against requiring developers to create affordable housing. Although these components sound good, they do not typically work well. He suggested it is better to let developers figure out how to make projects that are economically viable without making affordable housing a mandate.

Board Member Clarke said he noticed that a development on Second Avenue has a plaque in front of the building commemorating the location of a historic building that was replaced by the existing condominium development in the 1970's. He cautioned against requiring a developer to maintain into perpetuity and build around a historic building. He expressed his belief that historic overlays diminish flexibility for building plans. He summarized that positive flexibility is the key to allowing market forces to react. He referred to a new development on Edmonds Way that is in the final stages of construction. While it is the newest building in the City, it is one of the most unimaginative. He expressed his belief that the code needs to be flexible enough to allow a variety of building materials, designs and facades to make developments unique and different.

Board Member Stewart said she can appreciate Board Member Clarke's comments about public space and said her comments were related more to open space and connections to buildings where people can share conversation and kids can play. Providing open space would not increase construction costs. She agreed, however, that requiring a developer to provide public space inside a building may not be appropriate. She said she would also like to encourage smaller, more durable construction. They need to look at development long term. Building materials come from the earth, and they are rapidly losing their resources. They need to

losing their resources. They need to reuse materials and older buildings rather than starting from scratch. She noted that some historic buildings are not attractive and should not necessarily be preserved in their present form. However, she hopes the Architectural Design Board will have some input into design so that new construction fits with the character of the surrounding historic buildings. She agreed to provide information on the Town of Winslow's approach for providing affordable housing in the hope that she can inspire the Board to consider affordable housing as a possible goal.

Vice Chair Reed said it is important to make sure the code revisions related to development agreements are consistent with the Comprehensive Plan. Chair Lovell suggested the Board could utilize the language found in the Comprehensive Plan, which is quite flexible and meaningful. It provides the necessary flexibility, yet spells out what they are looking for without getting too specific. He cautioned that if the requirements for a development agreement are too specific and restrictive, they could end up with another development like Firdale Village. He suggested that the development agreement provision should reference the specific goals and policies in the Comprehensive Plan, specifically those related to the downtown/waterfront area. Mr. Chave questioned whether it would be necessary to innumerate the goals in the new language since each development agreement proposal would be evaluated based on the goals and policies found in the Comprehensive Plan.

Vice Chair Reed asked how the proposed development agreement provision would interact with the fairly extensive strategic planning process that will begin in the near future. Mr. Chave explained that strategic planning is much broader than code revisions and talks about the relationship between the City's various priorities. He cautioned against calling a halt to all other code revisions waiting for the strategic plan to be finished. To answer Vice Chair Reed's inquiry, Mr. Clifton advised that a Request for Qualifications for a strategic planning consultant has been prepared, and a copy of the document was forwarded to each of the Board Members for comment. Vice Chair Reed asked if reviewing and updating the entire downtown zoning code is the only alternative to development agreements. Mr. Chave agreed that development agreements are the only option available without updating the entire BD zoning code. He explained that the State of Washington has offered development agreements as an alternative to contract rezones, which are no longer allowed. He noted that the Planning Board and City Council would have an opportunity to negotiate the terms of a development agreement with the applicant to address various City goals and policies. Contract rezones were either approved or denied, and there was no opportunity to negotiate with an applicant.

Mr. Clifton said that from the perspective of someone who has written and administered codes, development agreements have the potential to result in more creative development than prescriptive zoning. Development agreements are reviewed by the Planning Board and the public is invited to react. It involves a negotiation process between the City and the developer, with the City Council making the ultimate decision. Development agreements allow for much more public process than the City's current prescriptive zoning. It is important for the community to have the opportunity to discuss development proposals collectively. He summarized that he views development agreements as an advantage rather than a disadvantage.

Board Member Johnson asked what staff is proposing for development agreements that is different than what is already authorized. Mr. Clifton said the code must identify the standards that can be negotiated as part of a development agreement. Mr. Chave added that while the current code language allows development agreements to restrict development, it does not allow the City to modify a standard beyond what the code allows. The language must specifically state that certain standards can be modified via a development agreement.

Board Member Clarke referred to Option 2, which would exclude the BD5 zone (4th Avenue Arts Corridor) from the development agreement provision. Since this zone would be addressed as part of a separate study, he agreed it would be appropriate to exclude it from the proposed revision. The remainder of the Board concurred. Board Member Clarke also suggested the development agreement provision should allow flexibility to accommodate up to three stories of development.

The Board directed staff to bring back code language to add a provision to the downtown BD zones, except BD5, that authorizes development agreements that can vary all BD zone standards.

Retail versus General Commercial Uses in the Retail Core

Mr. Chave explained that the BD1 zone represents the City's downtown retail core and runs generally for one or two blocks in each direction from the fountain. Because the regulations do not prohibit non-retail commercial uses, banks and various

professional offices have located within the BD1 zone in recent years. He expressed concern that if the trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area. Staff is proposing an amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They are also recommending that drive-through business be prohibited. He recalled that the Board originally recommended that drive-through facilities not be permitted in the BD1 zone. However, the City Council decided it would be appropriate to allow them as a conditional use.

Board Member Clarke expressed concern that many of the ground floor windows at Old Mill Town are screened to provide privacy for the professional offices, which discourages pedestrians from circulating throughout this area. He suggested the City's goal should be to encourage more people to explore the downtown/waterfront area in all directions by creating more retail synergy within the corridor. He also suggested the City consider opportunities to encourage developers to provide public restrooms within the downtown area as part of their proposals.

Board Member Stewart said it is also important that the downtown retail core is welcoming to people with children. She suggested that uses that are family friendly should be allowed to occur in the retail core in order to bring a variety of people to the area. She summarized that while retail uses are important, they should not prohibit other kinds of uses that could bring the downtown alive.

The Board directed staff to prepare a draft code amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They also asked staff to remove the possibility of permitting drive-through businesses as a conditional approval.

Commercial Depth Requirements and Designated Street Fronts

Mr. Chave advised that the designated street fronts are mapped for the BD1 zones, but not for the other BD zones. At this time, the BD1 zone has a 30-foot commercial depth requirement, while elsewhere the requirement is 60 feet. Staff is recommending the provisions have a more consistent framework. For example, the mapping should expand to cover other BD zones, and the commercial depth requirement should not be greater in the BD zones outside of BD1. He reported that staff surveyed the existing commercial space in the BD1 zone and found that most is at least 60 feet deep. He recommended that the commercial depth requirement should be 45 feet in all BD zones. He referred the Board to a map showing the current designated street fronts for the BD1 zone. He also provide a map of potential street front designations for the remainder of the BD zones. He recommended the designated street fronts map be expanded to include all commercial zones except for the BD5 zone (4th Avenue Cultural Corridor).

Chair Lovell referred to an email the Board Members received from Council Member Petso regarding this item.

Chair Lovell asked if the street front map would identify the minimum commercial space requirement. Mr. Chave answered affirmatively. Chair Lovell asked if criteria is available to help the City determine the proper depth for commercial space in the BD zones. Mr. Chave noted that most of the commercial space in the downtown has a depth of 60 feet, but he acknowledged that some are smaller so the code must be flexible. Staff believes that a 30-foot depth requirement would be too shallow and 60 feet would be too deep. They are recommending a 45-foot depth requirement as a happy medium.

Board Member Cloutier asked if staff has raised this issue with the Downtown Edmonds Merchant's Association (DEMA) and the Chamber of Commerce. Mr. Chave said these groups would be included in the anticipated outreach program. Board Member Cloutier agreed with Mr. Chave that no designated street fronts should be identified for the 4th Avenue Cultural Corridor (BD5 zone).

Board Member Clarke observed that although Starbucks is currently celebrating 50 years in business, their location in Edmonds is too small and is constrained by the existing building size. He advised that the more shallow the depth of a commercial space, the more constrained it will be for future retail uses. He said he supports the idea of requiring something more than 30 feet, but allowing enough flexibility to have something less than 60 feet. This would allow for market fluctuation. He invited Mr. Spee, who owns several properties in the downtown, to comment regarding the proposed change.

Doug Spee, Woodway, said there is more to the equation than just the minimum depth requirement. Because some development extends all the way to the alley, there is often the assumption that the alley is a street and the designated street front extends around the corner into the alley. That means that commercial space would be required on the ground floor along the alley, which is typically where the parking, garbage enclosure, etc. are located. He said it appears that expanding the designated street front map to include other BD zones would address this issue. He said he does not have a specific number for the appropriate depth requirement. In his buildings, a 60-foot requirement is too much for some types of uses.

Mr. Chave explained that staff has been exploring form-based zoning models over the past few years, and the BD zones have started edging into this method of coding. He said it would be fairly simple to focus a little more on the streetscape and relation of uses to the public street. In order to accomplish this goal, the City must define streets differently, and that is the purpose of the designated street front map.

The Board discussed the option of not designating a minimum depth requirement. Mr. Chave cautioned that this approach could result in numerous projects with very minimal commercial space along the street front, particularly if the commercial component is not driving the project. This can result in undesirable commercial space that is not rentable, which can erode the downtown retail core over time. Setting an appropriate minimum depth requirement would allow the City to remain steady throughout changing market conditions so that a viable downtown core can be maintained.

Board Member Clarke referred to several three-story buildings in the downtown where commercial space was constructed below grade, and pedestrians much go down stairs in order to access the ground level. He suggested these situations are a function of the current height restrictions and the developer's desire to design for residential instead of commercial space. He noted there is no commercial space on 2nd Avenue from Main Street north except the post office. Requiring retail space in this location does not make sense. It is challenging to designate commercial areas and what kinds of commercial uses should be allowed and encouraged, and a form-based zoning approach would allow the City to consider the unique character of the environment. Mr. Chave advised that the 4th Avenue Cultural Corridor would probably be the first area in the downtown where true form-based zoning is implemented, but this would not occur until the latter part of the year.

The Board asked staff to prepare code language that identifies a minimum commercial depth requirement of 45 feet for the BD1, BD2 and BD4 zones. They also asked staff to expand the designated street front map to include all BD zones, except BD5.

Street Design and Step Backs

Mr. Chave reviewed that a 15-foot step back is required in the BD2, BD3 and BD4 zones. On some lots, this large step back requirement can preclude interior courtyards or other building features that are desirable, particularly on north-south streets where lots are shallow. He suggested there are a number of other options for addressing this issue such as providing for a smaller building step back if certain criteria (streetscape improvements, green building features, etc.) can be met. Another option is to enable the step back issue to be addressed case-by-case using the development agreement process. The Board could also recommend reducing or eliminating the step back requirement entirely. Mr. Chave expressed his belief that a 15-foot step back requirement is too much, and a 5-foot step back would be adequate. He agreed to provide photographs at the next Board meeting to illustrate how a 5-foot and 15-foot step back requirement would be implemented.

Chair Lovell observed that in the process of creating redevelopment plans for Harbor Square, Five Corners, and Westgate, this issue is being addressed more as an item of building façade articulation as opposed to specific step backs. He said it is important that a building's façade is articulated both in depth and building materials to break it up, but this does not necessarily require step backs. He recommended the issue be addressed on a case-by-case basis as part of a development agreement.

Board Member Stewart referred to the 2005 study completed by Mark Hinshaw, which suggests a number of architectural approaches to differentiate the first floor of a development from the upper floors in an attractive way. Mr. Chave said the step back approach was originally adopted by the City Council as a way to differentiate between 25 and 30-foot buildings. They settled on the step back approach as a compromise solution. However, he acknowledged there are other options that would accomplish the same goal and buildings can be attractively designed with no step back. He specifically referred to the Beeson and

and Chanterelle buildings, which provide good examples of other ways to address the issue.

Board Member Stewart suggested that rather than talk about height, the City could identify design goals that must be met as part of a development agreement. The City Council could then negotiate the final decision with the developer. They should focus on the function of a building rather than the specific height. Board Member Clarke agreed and suggested that most people have difficulty visioning height. Somehow the community has gotten stuck on a numerical figure to address the height issue rather than a visual understanding of what a development would look like. This approach must change if they want to promote a unique and attractive environment.

The Board directed staff to prepare draft code language that would enable the step back issue to be addressed on a case-by-case basis using the development agreement process.

Mr. Chave summarized that staff would prepare draft code language as directed by the Board. The draft proposal would be presented to the Board for additional review on March 23rd. It is anticipated a public hearing would be scheduled for April 13th.

THE BOARD TOOK A BREAK AT 8:35 P.M. THEY RECONVENED THE MEETING AT 8:45 P.M.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 18.05 AND 20.15 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (FILE NUMBER AMD-2010-0004)

Mr. Clugston reviewed that the Board has held multiple meetings on this topic since April 2010, and their work has led to the creation of completely revised draft regulation, which was distributed for Board review on November 10, 2010. The Board discussed various refinements of the draft regulation in detail at their January 12, 2011 meeting. In addition, the Architectural Design Board reviewed the document on February 16, 2011. Overall, they were satisfied with the proposed language, but they offered some additional clarification. Using input from both the Planning Board and the Architectural Design Board, staff worked with the City Attorney to further refine the draft (Attachment 3). He specifically highlighted the following changes:

1. The term "ground-mounted facilities" was changed to "monopole facilities" for clarity since other possible ground-mounted facilities like lattice towers and guyed towers are specifically prohibited.
2. Upon the recommendation of the City Attorney, the definitions would be included with the chapter as opposed to placing them in a different title.
3. Section 20.50.050.N (landscaping and screening) was updated to better reflect existing landscaping code (ECDC 20.13).
4. The Planning Board's recommended language for location and height of building-mounted wireless facilities was included in ECDC 20.50.090, and their recommended language for structure-mounted antennas was included in ECDC 20.50.100.
5. Table 20.50.080.2 was eliminated and monopole height and setbacks were aligned to Chapter 16 (zoning).

Mr. Clugston referred the Board to an email from Council Member Petso asking the Board to consider the fact that she has heard comments from neighbors about service vehicles parking on lawns and landscaped areas. He pointed out that ECDC 20.50.050.F states that any application must demonstrate there is sufficient space for temporary parking for regular maintenance of the proposed facility. Problems would be dealt with on a complaint basis. Vice Chair Reed asked if Council Member Petso's concern is a result of access problems or just bad manners. Mr. Clugston said it is probably the latter. However, he noted that in some situations, private residential property owners have located landscaping or lawn area within public rights-of-way.

Board Member Clarke asked if it would be possible to address the problem by providing signage to identify the parking space for service vehicles. Mr. Chave pointed out that parking is generally located within the right-of-way and they typically try to pull the vehicles as far off the road as possible. He acknowledged that this can impinge on landscaping that has been planted by private property owners in the rights-of-way. He suggested this is an operational issue and property owners may have to remind service

Main Street and 5th Avenue, but not in the rest of the BD zones. It ruins any chance to stack the floor plan of the two levels of residential unless all floors are held back from the podium edge. The problem here is that you simply don't have the height that would make a smaller footprint make sense.

The step back rule also is simplistic in that it encourages a clone of the same design, with many colors of the same wedding cake. The step back rule produces building designs that have no similarity whatsoever to the existing downtown core. The biggest proof that it is a poor choice for getting the extra five feet of height is the simple statistic of the number of new designs that have been proposed and constructed in the years since the rule was enacted; zero, nothing, not a single project. This three-year dead zone in Edmonds' history has had a ripple effect from an idle building department to pointless meetings by the functioning committees that are supposed to be considering design issues and making decisions. I ask the Board to start rethinking this rule, even tonight, and consider a tray of choices other than just the step back for developers to create projects in the BD zones that can include the critically needed five feet above the 25-foot limit. If you need a place to start, my project is ready now to be critiqued and discussed."

Ron Wambolt, Edmonds, thanked the Planning Board for the work they do. They do a lot of hard work, and sometimes not even the City Council appreciates their efforts. He referred his comments to the post office property, which he believes is an unprecedented opportunity to get attention focused on the entire area, particularly the south side of the block from 2nd to 3rd Avenues. He noted that the last development in this general area was in 1996, when the mixed-use building on the west side was constructed. Astonishingly, there has not been a single mixed-use project in any BD zones since they were created in 2006. The post office project needs to be done right in order to inspire other developers. The project would not have a sunken first floor, but would have a first floor with ceilings tall enough to accommodate people other than midgets. It would also be solidly constructed. However, the project would not be allowed sufficient height to accommodate three floors of apartments in the first phase of the project. This is a shame because that additional floor would only require four more feet of height allowance above code for a total of 34 feet. Four more feet would allow about 17 more apartments, and the sales tax from the construction would be at least $200,000. Property taxes from the project would be about $20,000 more each year.

Mr. Wambolt recalled that Mr. Spee has publicly stated that a third floor would allow him to fit the monthly rates for all apartments $200 lower than what the rates would be without a third floor. He reminded the Board that one of the City's goals is to foster more affordable housing, and this would be a very tangible step in the right direction. He expressed his belief that the current City Council would like to see three floors of apartments on this site. He strongly urged the Board to collaborate with staff to quickly get the codes changed in order to allow the project to proceed with three floors of apartments. Everyone recognizes the City needs economic development, and he encouraged the Board to be proactive and maximize this great opportunity.

REVIEW AND DISCUSSION ON POTENTIAL UPDATES TO BD ZONING PROVISIONS

Mr. Chave advised that staff recently met with the City Council's Development Services/Community Services Committee to identify several potential amendments that would improve the BD zones, including:

1. **Designated Street Front.** The BD1 zone has a map associated with it that clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area. For example the post office is on a site opposite a commercial area, so it makes sense to continue that, but multi-family and single-family development is located further down the block. It may not be appropriate to force commercial all along that block on the ground floor.

2. **Commercial Depth Requirement.** The commercial depth requirement in the BD1 zone is 30 feet on the ground floor. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the "right" number and should it be 30 feet?, and (2) shouldn't the requirement be consistent in, or possibly even higher, in the BD1 zone versus the other BD zones? For example, staff does not believe it makes sense to have a higher standard in the BD2 zone as opposed to the BD1 zone.

3. **4th Avenue Cultural Corridor.** The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor, linking downtown to the Edmonds Center for the Arts. The 4th Avenue Cultural Corridor Design Implementation and Funding Plan was adopted after the BD5 zone was created. If the City wants to get serious about implementing the study, they should review the zoning and make the appropriate changes to implement the plan. For example, they may want to consider adopting all or portions of the study into the code as design guidelines. This project may require more time than the first two items discussed above, so it may be reasonable to work on Items 1 and 2 before taking up the 4th Avenue Cultural Corridor review.

4. **Additional Items.** The issues raised earlier in the meeting by private citizens may be relevant issues to consider as they review the BD zones.

Board Member Reed noted that the City Council's Development Services/Cultural Services Committee also considered additional changes related to green building incentives, which were forwarded to the Citizen Economic Development Commission. Mr. Chave noted that this is a much broader topic that is not specific to the BD zones, and the Board will be part of the team that working on this issue.

Chair Lovell said that much of what is contained in the current zoning requirements is based on current development. It does not provide for a degree of flexibility or departure from the specific requirements such as first floor depth and building heights. He questioned if the Board should focus their discussion on the three items raised by staff and the issues raised earlier by the citizens and recommend "band aid" amendments, or should they review the entire BD zoning code to come up with something that makes more sense for the 21st Century.

Mr. Chave said that one goal of the University of Washington studies of Westgate and Five Corners is to come up with a new kind of template for form-based zoning. If it works in those areas, the City should logically be able to apply the same concept in other areas such as downtown. He explained that form-based zoning allows the City to address form, scale and appearance in a more holistic and less formulaic way. There would not be a specific height or setback requirement. Instead, the requirements would be tailored to a particular location or street. The City's current one-size-fits-all zoning does not accomplish this goal. However, he does not anticipate the Westgate and Five Corner Business studies would be completed until the end of the year. The Board could continue to study the options but hold off on their recommendation until the form-based zoning option is further along. The second option would be to review the proposed adjustments right now and forward a recommendation to the City Council and then continue their discussion regarding form-based zoning options next year. He suggested the Board seek feedback from the City Council at their upcoming joint meeting.

Mr. Chave again said he believes the form-based zoning that is created for Westgate and Five Corners could also be applicable to the downtown zones. He suggested that people are most concerned about design, street front, character and appearance. If these issues are adequately addressed, the specific height of a development is secondary.

Chair Lovell suggested staff provide an abbreviated narrative and a pictorial diagram to demonstrate the problems that have come up with the existing language and how staff is proposing to address the issues. Mr. Chave agreed that staff could provide more information regarding the three items outlined in the staff report. However, he emphasized that because of the down economy, there has been very little development in the BD zones since they were created. Therefore, staff does not know what works and what does not. He suggested the Board invite Mr. Spee to share his experience working with the existing code and the demands of perspective tenants. Chair Lovell noted that he and Board Members Johnson and Reed were present when Mr. Spee made his presentation to the Citizens Economic Development Commission.

Board Member Reed said he does not have a problem dealing with each of the three items referred to them by the Development Services/Community Services Committee. He suggested the Board form a subcommittee to review the 4th Avenue Cultural Corridor Design Implementation and Funding Plan and identify the types of changes that are needed for the BD5 zone. He expressed his belief that now is a good time to start this joint discussion with the City Council and Planning Board.

Board Member Clarke stressed the importance of considering all aspects of zoning and land use issues related to the downtown. He emphasized that he does not have any pre-formed ideas about what building heights in the City should be, but he gets a little weary of individuals who acquire property for redevelopment without clearly understanding the laws of economics. They often create a project proposal that is financially non-feasible unless they obtain greater building heights. He reviewed that in the 1980's three new buildings were constructed on the Edmonds waterfront, and each were three stories in height with restaurants on the top floor. Two of the restaurants were converted to office space because the restaurants were not viable. The third still has an operative restaurant. Two-story office buildings have been built on 5th Avenue South between the fountain and Walnut Street, and all were economically viable when they were constructed. Building heights had nothing to do with financial viability. Office buildings were constructed throughout the 1990's on the west side of 2nd Avenue from Main Street to Dayton Street. They consist of two-story construction with condominiums on the second floor and office space on the first floor, with below grade parking. The building at 110 Main Street also has parking on grade, with one floor of office and one floor of condominiums. All these developments were accomplished with a 25-foot height limit, and all were economically viable. They all sold well as condominiums and leased well as office buildings. He summarized his belief that the need to go three to four stories is not a requirement for financial viability if the site is purchased for the right price and construction prices are low.

Board Member Clarke expressed his belief that they should review zoning code flexibility in relationship to depths, need and placement of commercial space. He noted that the character of the area on 2nd Avenue north of Main Street is different than Main Street, and it does not make sense to require commercial development in this area. He summarized that the real estate market ebbs and flows in cycles, and they cannot blame building heights on real estate cycles. They are experiencing the worst real estate cycle since the depression. They need to recognize that things are bad. There is no panacea of developing four, five or six-story buildings because they will all sit vacant. He suggested they drive through downtown Kirkland and note how the ground floor commercial space in the mixed-use projects is sitting vacant because tenants cannot afford to pay rent. He noted that none of the buildings in Mill Creek are greater than two stories except one mixed-use building that has condominiums at the top. Even the Swedish at Mill Creek building is not four stories in height. He said he does not believe that four-story buildings are necessary to be economically viable. He cautioned against the idea of increasing the City's tax base becoming the basis for doing real estate development. Instead, they should blend land-use economics, land-use laws and current zoning concepts to make something that works in the marketplace and that is attractive. He suggested they get past the issue of building height and look at what makes sense. He felt they should move forward with a discussion of the issues raised in the staff report.

Chair Lovell said he presented the Planning Board's report to the City Council at their retreat on February 4th. It was received without any specific comments. He suggested that Mayor Cooper reestablish the regular meetings he used to have with the Board Chair and Vice Chair. The Mayor agreed this would be helpful. He said he also addressed the matter of short circuited communication between the Planning Board and City Council. He pointed out to the City Council that all of the various plans and ideas that are currently being considered related to land use will eventually come before the Planning Board for a public hearing and a recommendation to the City Council. He suggested that the Board and City Council should meet jointly and perhaps establish a task force to help expedite the process by addressing some of the sore points so the plans can move forward.

Again, Mr. Chave suggested the Board start conversations related to form-based zoning and what they want to achieve so that when a template is in place later in the year the information can be translated into the template.

Board Member Reed questioned how the downtown zoning discussion originated. Mr. Chave said the BD zones were created to implement the updated Downtown Waterfront Plan Element of the Comprehensive Plan. He recalled that the step back requirement was intended as a compromise between those that wanted a 25-foot height limit and those who felt the height limit should be 30 feet. Because there has been very little development, staff does not have a clear understanding of whether the concept is workable or not. This would be a good time for the Board to review the concept again and determine if it is something they want to retain or if they want something a little different.

Board Member Cloutier expressed his belief that implementing form-based zoning and addressing the issues raised in the staff report are not mutually exclusive approaches. The decisions that are made related to the issues raised by staff could become part of whatever form-based zoning code is implemented in the future. He suggested the Board begin the process of addressing the

addressing the issues outlined by staff, but also start conservations about the bigger approach for implementing form-based zoning that holistically addresses all the BD zones.

Board Member Clarke commented that real estate exists for human activity. Sometimes they forget about the elements they would like to have in the City. For example, a hotel on the post office site could be a great amenity for the City. This type of use could require a greater building height in order to make it a viable structure. They need to look at the various land uses as part of a global picture for the downtown and ask the question of what they are trying to create, and what kind of buildings would need to be designed to accommodate these human activities. He felt this would give the community a broader incentive to make changes so redevelopment could be more attractive, livable and sustainable in the future. For example, they need to look at how to reuse existing buildings, create parking that works, etc.

Chair Lovell questioned if a professional consultant would be required to help the Board through the process. Again, Mr. Chave suggested the Board have a discussion with Mr. Spee and his professionals to find out what they have been doing. He said he is not sure it would be necessary to hire a consultant to work with the Board at this stage.

Chair Lovell referred to the Downtown Waterfront Plan that was adopted in 1994 and is available via the City's website. Mr. Chave said this plan was updated in 2005. Chair Lovell pointed out that many of the recommendations in the plan have already been done. The document can be used as a reference and he recommended the Board Members all review it. Vice Chair Reed noted that much of the language in the Comprehensive Plan was taken from the Downtown Waterfront Plan.

The Board agreed to discuss potential updates to the BD zoning provisions at a joint meeting with the City Council. Chair Lovell agreed to contact the City Council President to schedule the joint meeting. Chair Lovell and Vice Chair Reed also agreed to meet with the City Council President to discuss the joint meeting agenda. Chair Lovell indicated he would contact Mr. Boyer to obtain additional information about the changes proposed by Mr. Spee.

Board Member Clarke pointed out that Leavenworth has specific design standards for their city. Mr. Chave said they have what is called a design theme. Board Member Clarke noted that other communities use design themes, as well. He asked if this concept could enter into the discussion about the BD zones. Mr. Chave expressed his belief that the community has never gotten past the height discussions to talk about actual design. He suggested they flip the discussion to talk about design first, and height should follow as a result. He acknowledged that this would not be an easy task.

VACANT PLANNING BOARD POSITIONS

Chair Lovell reported that Mayor Cooper has received four applications for the vacant Planning Board positions. He agreed to contact the Mayor to find out more about the process and timeline for candidate selection.

REVIEW OF EXTENDED AGENDA

There was no discussion related to the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell said that in his presentation to the City Council he reminded them that the Board's charge is to work in concert with the Citizens Economic Development Commission to create a more sustainable Edmonds for the future, environmentally, economically and livability wise. As planners and participants in the process, they must get beyond the idea of just building LEED buildings. There are many other aspects of sustainability that can be implemented.

Chair Lovell agreed to contact the Chair of the Citizens Economic Development Commission and Mr. Clifton, Community Services/Economic Development Director to discuss how to proceed with their joint economic development report to the City Council.

to the street setback. Staff is not proposing to modify the setbacks between BN properties and residential properties. He observed that there is a misconception that reducing the street setback would eliminate landscaping and other things that currently take place in the 20-foot setback area. However, parking and some required landscaping associated with the parking is typically all that takes place within the 20-foot setback area.

Board Member Ellis observed that the proposed language would not require a developer to place the building within five feet of the street front. Mr. Chave agreed. Board Member Ellis further observed that reducing the setback requirement would likely result in development that provides parking behind the buildings. Mr. Chave said it is more likely the parking would be located on the side of buildings and wrapped around to the back.

Board Member Clarke said he would not be present at the May 11th public hearing, but he would like his opinion to be part of the record that goes forward to the City Council. He said he strongly supports the proposed amendment. He said he visited each of the BN zones and observed that the properties on Olympic View are not large enough to redevelop into a large-scale development. The proposed language would allow redevelopment to occur either closer to the street or in its current location. Moving the buildings closer to the street would provide more distance between the commercial buildings and adjacent residential properties behind. He said he does not see a single negative impact to the surrounding properties. He observed that the small commercial site between Westgate and Firdale Village where the old Texaco gas station was located is small in size. The gas station use was established many years before the property was annexed into Edmonds. The City assigned reciprocal zoning of BN to this property when it was annexed in 1995. He summarized that Five Corners and Westgate would be the most impacted by the proposed change. Mr. Chave noted that there are other BN zoned parcels scattered throughout the City, but they are typically located adjacent to other commercial zones that have no setback requirement.

Board Member Clarke suggested the Board and other interested individuals visit Mill Creek Town Center and observe how the buildings are constructed up to the sidewalk, with landscape buffers. This has resulted in a pleasant walking environment. He expressed his belief that the proposed change would encourage redevelopment of this type.

Mr. Chave explained that the bank has indicated they would prefer to move the building closer to the street because it would give them more room to maneuver within the parking area. The current 20-foot setback requirement actually pushes the building back and constrains the location of the drive aisles. He summarized that the proposed change would not only benefit the property owner, but the City, as well.

Board Member Johnson asked if the bank has proposed a specific design for their project. Mr. Chave answered that the work is still in the preliminary stages. At some point, the applicant would submit a proposal for design review. However, at this time, the applicant is hesitant to bring forward any specific design concepts since this could give the impression of a development that is different than what is actually proposed.

Board Member Johnson said she went on line to the Snohomish County Assessor's web page and printed aerial photographs of the site. She handed out a copy that provides a sense of the scale of the site and the potential for redevelopment.

The Board agreed that, for public hearing purposes, the proposed amendment would apply to all BN zones, recognizing that their direction may change if the public testimony convinces them they should modify the language so it only applies to Westgate and Five Corners. They agreed that the Comprehensive Plan Design Guidelines should be used as guidance.

Board Member Stewart said she would not be present at the May 11th public hearing, either. However, she agreed with Board Member Clarke and Mr. Chave that the amendment should apply to all BN zones throughout the City. She felt it would result in more pedestrian-friendly, inviting, village-like development, which can only be a good thing for the City.

CONTINUED REVIEW OF PUBLIC HEARING PROPOSALS FOR BUSINESS DISTRICT (BD) ZONE CHANGES

Mr. Chave advised that the proposed amendments to the BD zone have been tentatively scheduled for a public hearing on May 25th. He reminded the Board that they last discussed this issue at a joint meeting with the Economic Development Commission (EDC) on April 13th. He pointed out that the last time the BD zoning language was updated was in 2005. Since

that time there has been little development as a result of the economy, but a few issues of concern have been raised and some adjustments might be appropriate to bring the regulations up to date. He reviewed the proposed changes as follows:

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave said the BD1 zone extends for about two blocks in all directions from the fountain. Although it is considered to be the retail core of the downtown, the regulations do not restrict the uses to retail only. Over the last few years, office and service type uses have located in the BD1 zone even though they are not really oriented towards retail and pedestrian uses. He reminded the Board of their previous discussion that allowing office and service uses in the BD1 zone may ultimately undermine its purpose.

Mr. Chave suggested that commercial uses in the BD1 zone could be categorized into three groups: retail, service-oriented, and professional offices. He explained that retail business owners typically want their shop fronts to be oriented towards the sidewalks and streets to invite customers to come in. They support an active street life. Service type businesses are frequently supportive of a pedestrian-friendly environment, but not always. For example, restaurants and beauty salons thrive on street activity, but banks do not rely as heavily on pedestrians. Professional office uses tend to be much less oriented towards the street. While they serve a purpose in the downtown, they do not need to be located along the primary street front. They could be just as successful if located outside of the designated street front area or in other BD zones.

Mr. Chave recalled that staff's original proposal was to allow only retail uses within the designated street front areas of the BD1 zone. However, the Planning Board and EDC discussed that perhaps service uses should be permitted, but not professional office uses. He reminded the Board that the current designated street front in the BD1 zone is 30 feet, and it is 60 feet in all other BD zones. The proposed amendment would establish a uniform designated street front width of 45 feet. As proposed, only retail would be allowed within the BD1 designated street front area, but other uses would be allowed in portions of the buildings located outside of the designated street front area. He invited the Board to provide specific direction for staff to prepare appropriate language for the public hearing.

Board Member Tibbott asked what type of use real estate offices would be considered. Mr. Chave answered that real estate offices are currently allowed in the BD1 zone, and the Board could continue to allow them by classifying them as service rather than professional office uses.

Mr. Chave recalled that the majority of Planning Board and EDC members indicated a desire to allow retail and service uses but not professional office uses within the designated street front areas of the BD1 zone. They further discussed the concept of allowing service uses if a property owner puts forth a good-faith effort to lease the property for retail uses, but is not successful. This would ensure that buildings do not remain unoccupied for long-periods of time waiting for retail uses.

Board Member Stewart reiterated the comment she made at the joint meeting that if the City's intent is to attract retail businesses to the downtown retail core, they must move in the direction of prohibiting service and professional offices within the designated street front areas. When non-conforming uses leave, the City will have an opportunity to move a step closer to a positive change. She expressed her belief that there are ways to attract tenants to vacant space such as offering lower rents. She reminded the Board that some business owners have indicated they relocated outside of Edmonds because rents were too high. She said she believes that once they get more retail in the downtown core, lease rates would increase and the downtown would become what they envision. Mr. Chave clarified that although restaurants are technically considered service uses, they would be included as an allowed use in the downtown retail core.

Mr. Chave reminded the Board of the experience Mr. Clifton shared at the joint meeting about his conversation with an owner of property at a key intersection in the BD1 zone who was attempting to recruit an office use. Mr. Clifton was able to convince him that a retail use would make more sense in that location, and now they are anticipating a new retail tenant. Mr. Chave suggested that misconceptions and lack of effort have resulted in more office and service uses in the BD1 zone. However, it is important to keep in mind that strengthening the retail core will help preserve the retail uses.

Board Member Ellis asked if there is a clear distinction between retail and service uses. For example, hair salons offer a service, but they also sell products. Mr. Chave said the distinction is based on the primary use. Hair salons would be

considered service uses because their primary use is for service. Selling beauty supplies would be a secondary use. Board Member Ellis asked if a movie theater would be an allowed use in the BD1 zone. Mr. Chave answered that movie theaters would be a special category that is called out separately and allowed in the BD1 zone. It would be considered a retail use because it primarily sells movie tickets. Board Member Ellis agreed that the City should encourage retail uses in the BD1 zone, but the regulations should not be so restrictive to eliminate the possibility of something that does not qualify as a retail use but would be a good addition to the City. Mr. Chave pointed out that the use table calls out specific uses that are unusual.

Board Member Stewart pointed out that there is plenty of room in the other BD zones for office and retail uses. Mr. Chave agreed there are locations for office and retail uses within close proximity of the BD1 zone.

Board Member Johnson recalled that at the joint meeting she reported on a windshield survey she did of the BD1 zone to find out how many non-conforming uses could be created if the BD1 zone is limited to retail uses only. She found two medical office buildings, 10 beauty related service uses, and 10 finance, insurance and real estate related uses. She suggested it would be useful to create a preference list for the types of uses allowed in the BD1 zone. For example: retail would be the most desirable uses, but restaurants and food-related uses would also be desirable. Hair and beauty type service uses may or may not support retail uses, as could finance, insurance and real estate uses. However, they could discourage professional office uses.

Board Member Johnson asked staff to provide more information about what would happen to uses that become non-conforming as a result of the proposed code amendment. Mr. Chave recalled that this issue was discussed at the joint meeting, and several ideas were considered. He suggested the Board specifically invite the public to share their thoughts regarding non-conforming uses as part of their comments at the public hearing. He suggested the hearing material could identify the issue and potential approaches for handling non-conforming uses.

The Board agreed to move forward with a public hearing for the proposed amendment to limit the uses in the BD1 zone to retail only, but also provide an alternative option that would allow some types of service uses.

Changing the Commercial Depth Requirement to be the Same for all BD Zones

Mr. Chave advised that the commercial depth requirement in the BD1 zone is 30 feet, but it is 60 feet for all other BD zones. He suggested it does not make sense to have a lower standard in the retail core (BD1). The proposed amendment would establish a standard 45-foot commercial depth requirement for all BD zones. He reminded the Board that in 2006 staff surveyed the existing structures in the BD1 zone and found that the majority have a commercial depth of 60 feet, so the proposed standard of 45 feet would not be a hardship to property owners. He said staff views this proposed amendment as more of a cleanup issue than a significant change. The purpose of the proposed change is to make the rules more consistent throughout the downtown zones.

Reduce Street Step Backs

Mr. Chave reported that there are no step back requirements in the BD1 zone, but the other BD zones require a 15-foot step back from the street for buildings that exceed the 25-foot height limit. He reminded the Board that at least one property owner has pointed out that the current requirement can create extreme situations, particularly when a building must be stepped back on two sides. The top floor, which is subject to the step back requirement, begins to disappear. Questions have been raised about the purpose of the 15-foot step back, given that there is no step back requirement in the BD1 zone. Mr. Chave reminded the Board that the step back requirement can be traced back to the City Council's discussion about height and their desire to maintain a low-level street appearance. However, it can be argued that the step back requirement is not the best approach to accomplish this goal. The Design Guidelines offer the best way to ensure that buildings are oriented towards the sidewalks and that they have a street presence. Given that Design Guidelines are already in place, staff is suggesting that the step back requirement may no longer be needed. He suggested the Board invite the public to respond to two options: eliminating the step back requirement or reducing it to five feet. The City could then rely on the design review to make sure the buildings have good street presence.

Chair Lovell pointed out that requiring a five-foot step back would reduce the square footage of the upper floor and this could jeopardize the proforma for the development. It could also limit the City's ability to work with a developer, via a development agreement, to create articulation in the building façade and recessed entrances that allow for more public areas. He said he supports elimination of the step back requirement in the BD zones. A lot can be done via a development agreement to meet the functional and proforma requirements as well as the public's desire. Board Member Stewart concurred.

Board Member Johnson agreed that the current 15-foot step back requirement is excessive and can result in poor building design. She asked if balconies above the 25-foot height limit would be allowed. Mr. Chave answered that deck railings are allowed within the step back areas.

Chair Lovell said it appears the constituency wants a number to limit the City's maximum exposure. Mr. Chave said step backs can work. The bigger question is whether they should be mandatory. Rather than eliminating the step back requirement, the Board could recommend a required five-foot step back, but allow the requirement to be modified through a development agreement.

Board Member Clarke cautioned that one negative aspect of allowing too much flexibility is that it can result in less uniformity and cohesive development. He suggested a better approach would be to eliminate the step back requirement entirely, and instead require attractive facades that have variety and show architectural thought. Mr. Chave agreed that is one option, but they would have to specifically reference the Design Guidelines for the BD zones as part of the public hearing. They need to make it clear that while they are proposing to eliminate the step back requirement, all of the Design Guidelines would still apply and would address issues such as building modulation, the building's relationship to the street, signage, etc. Board Member Clarke stressed the need for more creative design.

Adopt Language to Allow Development Agreements

Mr. Chave explained that, as proposed, development agreements would allow the City to vary a number of code standards if an applicant can convince them that their proposal would be an improvement over what would otherwise be required. A development agreement would involve an active process of negotiation between the City and the proponent. The City would have the ability to modify code standards in exchange for certain public benefits such as green building, public open space, etc. He reminded the Board that they have discussed this topic on two previous occasions, and staff is seeking guidance from them about which code standards could be modified via development agreements. The Board has discussed the idea of allowing all of the code standards to be modified, with the exception of the height limit. They have also discussed allowing the height limit to be modified up to a certain point. If the Board supports the idea of allowing the height limit to be modified, they should indicate exactly how much modification the City should entertain. He cautioned that the public would likely be skeptical if height limits can be modified more than five feet.

Mr. Chave explained that, as proposed, development agreements could only be entertained if a proponent meets certain criteria including: green building standards, a proposal that includes a certain set of uses, enhanced public open space and amenities. He pointed out that sidewalks in the downtown are very narrow, and it may be desirable to encourage developers to enhance the public spaces to make the pedestrian relationship stronger. He emphasized that a developer would not be required to meet all the requirements. They could choose two or more. He reminded the Board that the City Attorney previously cautioned that if they want to entertain the development agreement concept, they should clearly identify the goals the City wants to accomplish. He noted that while the current code allows development agreements, they can only be used to further restrict what the zone would otherwise allow. Rather than being more restrictive, the proposed development agreement language would be permissive and allow some liberty in the code in order to achieve a larger purpose.

Chair Lovell asked if it would be possible to modify the list of uses identified in the criteria as desirable in downtown Edmonds. Mr. Chave answered that the list could be modified at any point in the future via a Development Code amendment.

Board Member Ellis asked if the code modifications associated with a development agreement would be permanently attached to the development. Mr. Chave answered affirmatively. For example, if a hotel is developed to meet one of the criteria, the development would be restricted to the hotel use into the future.

Board Member Johnson expressed her belief that it is important to tie the development agreement concept to economic development. Although it is not necessary to add language related to economic development because it is already implied in the Comprehensive Plan, she felt it would be helpful to define the legislative intent of the development agreement process. They may want to specifically call out sustainability, as well. She stressed the importance of making the intended purpose of development agreements clear. Board Member Clarke agreed that they should emphasize that flexibility is a key component of economic development and sustainability.

Board Member Clarke once again suggested it would be appropriate to allow some flexibility in height to accommodate greater ceiling heights for the third floor spaces in exchange for other desirable components that improve the design of the façade. He said other communities have allowed this flexibility, and it has resulted in attractive buildings with top floor space that sells quickly. He suggested that rather than setting a 30-foot height limit, they should limit development to three stories. They should be more concerned about allowing three-story development rather than limiting the height to 30 feet.

Mr. Clifton said it is hoped that the development agreement process would actually encourage and help facilitate more creatively-designed buildings. He reminded the Board that staff has provided numerous pictures to illustrate how development agreements can be used to encourage more creative design. He stressed that when a developer asks for a modification to the underlying zoning standards, the community should ask for something in return. He would like to see some way of incorporating design related criteria into the development agreement language to ensure the resulting development is something the community can be proud of.

Board Member Clarke added that he does not support the live/work concept for the BD zones. Board Member Stewart agreed that live/work space above retail space may not pencil out. However, there may be opportunities to provide live/work space behind the required 45-foot commercial depth. She reminded the Board that people are struggling in the current economy, and live/work space is one more option for providing affordable housing. Board Member Clarke said he has observed situations in other cities where the commercial space is attached to the living space on the ground floor, with two floors of residential above. The residential component on the first floor often sits vacant because no one wants the commercial component. These types of uses would not generate the pedestrian traffic that is desired for the BD1 zone. However, he agreed that live/work situations might be more appropriate in the other BD zones. Mr. Chave agreed that live/work space is probably not appropriate in the BD1 zone, but it could be a desirable use in the other BD zones.

Board Member Stewart recalled that she provided a chart at a previous meeting that compared green building programs. The chart was intended to give the Board a sense of what an approximate equivalent to LEED Silver and Gold would be. She explained that the LEED program assigns points in each of the following categories:

- Innovative Design Process. Although innovate designs are frontloaded in terms of cost, there are future pay offs resulting from development that is more energy efficient, etc.
- Location and Linkage/Regional Priorities. Both the Growth Management Act and the City's Comprehensive Plan call out pedestrian improvements as important elements of design.
- Sustainable Sites. It is important to design sites in ways that make the most sense in terms of existing hydrology and natural features.
- Water Efficiency. There are numerous methods for improving water efficiency.
- Energy and Atmosphere. Innovative concepts such as space heating and daylighting versus electric lighting are being used to improve the energy efficiency of new development. It is also important to use renewable and/or alternative energy whenever possible.
- Materials and Resources. It is important to reuse existing materials and resources as much as possible.
- Indoor Environmental Quality. This component has to do with how occupants feel when inside a building.
- Awareness and Education. Green developments can be used as teaching opportunities and examples for other developers to follow.

Board Member Stewart explained that while each of the Green Building Programs weigh the various elements differently, she felt that LEED Silver or equivalent would be a good place for the City to start.

Board Member Clarke pointed out there are problems with the water table in the Downtown Waterfront Activity Center, which makes it difficult, if not impossible, to construct subterranean parking. He questioned how the Development Code could provide sufficient flexibility to allow developers to provide above grade parking and still meet the current building height limitations. He suggested the Board consider alternatives for parking that would open the log jam of potential redevelopment for a large portion of this under-improved area. Mr. Chave pointed out that if the development agreement language is approved for the BD zones and is found to be successful, it may be worthwhile for the Board to recommend the concept also be applied to the Downtown Waterfront Activity Center at some point in the future. Mr. Clifton agreed that a development agreement approach might be one way to make redevelopment on the old Safeway property work. A development agreement would allow the developer flexibility to do some creative things on the site while protecting view corridors at the same time.

Board Member Clarke emphasized that there is a difference between outdoor seating for the restaurants and space that is dedicated as public space. Public space means anyone in the public has access for any reason. Restaurants with outdoor dining space want to reserve this space for their customers. Mr. Chave said details of this type would be sorted out during the development agreement process. Perhaps a portion of the space could be dedicated to the restaurant use and a portion as a transition area that is open to the public. The two spaces could be designed to interact with each other.

Board Member Johnson recalled that the Board previously discussed that public art could also be considered an appropriate trade off for zoning code modifications. They also discussed whether the art would have to be located on site or if it could be placed in another location within the BD zones, such as along the 4th Avenue Arts Corridor.

Board Member Tibbott asked if future employees will be able to decipher the development agreement criteria. Mr. Chave reminded the Board that the Comprehensive Plan would be used by staff as the baseline for reviewing development agreement applications. He noted that the Comprehensive Plan contains extensive language related to the downtown area. Board Member Tibbott asked who would bring development agreement proposals forward. Mr. Chave said development agreements would be proposed by an applicant, but the process would be interactive. Unlike contract rezones, development agreements are created in an open record process with a lot of opportunity for the staff, the Planning Board and the City Council to negotiate with an applicant. Board Member Tibbott observed that development agreements also provide a greater opportunity for community involvement. Mr. Chave agreed and said that is why it is hard to find a down side because the City would be in control. There is more opportunity for negotiation and discussion to reach a solution that works for all parties.

Board Member Johnson said she likes the development agreement concept because it adds flexibility for the City's decision makers, as well as the applicants. It is important to have well-established criteria so the citizens do not think development agreements offer an open-ended process for developers to ask for unlimited modifications to the development standards. Mr. Chave agreed and pointed out that new criteria could be added as the City moves through their strategic planning process.

REVIEW OF EXTENDED AGENDA

There was no Board discussion about the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that the Economic Development Commission (EDC) has submitted a request for proposals in conjunction with the strategic planning and visioning process. They have asked for two volunteers from the Planning Board to participate on the review committee. Board Members Johnson and Stewart were given this assignment.

Chair Lovell announced that the City has hired a landscape architect and is starting preliminary designs for the City's smallest park in front of Old Mill Town. A Board Member has been invited to participate in the design review process. Meetings have been scheduled for May 19th and June 23rd. Board Member Johnson suggested that the Parks Department staff provide an update to the Board as the design process moves forward. Chair Lovell agreed to discuss this option with Parks

AI-3905 **Item #: 7. a.**

Planning Board Agenda

Date: 04/27/2011

Continued review of public hearing proposals for BN and BD zone changes.

Staff Lead/Author: Rob Chave

Department: Planning

Initiated By:

Information

Subject/Purpose

Continued review of public hearing proposals for BN and BD zone changes.

Staff Recommendation

Previous Board Action

Narrative

Please refer to the joint meeting minutes between Planning Board and Economic Development Commission. The purpose of this item is to move toward a draft to be used at public hearings in May.

Roger Hertrich, Edmonds, said he lives in a neighborhood located across the street from a true Neighborhood Business (BN) zone that serves the local neighborhood. The property is well-landscaped and the building is set back appropriately from the residential properties behind. The property was developed in full compliance with the code requirements, including the setback of the building so it is far enough back to allow for adequate sight distance when approaching the major intersection. Mr. Hertrich pointed out that the proposed amendment to reduce street setbacks would apply to all BN zones, large and small. He expressed his belief that the BN zones are different in character, and one setback requirement for all may not be appropriate. He observed that Westgate is a special area because it is located on a state highway (SR-104) and a major arterial (100th Avenue West). He said he envisions an opportunity in the future to widen the roadways and add a right-turn lane to make the intersection more efficient. However, allowing buildings to be constructed within five feet of the right-of-way would eliminate this possibility. If the 20-foot setback area is maintained, the roadway could potentially be expanded if necessary at some point in the future. He summarized that a 20-foot setback results in a good looking neighborhood and provides safety for pedestrians who use the sidewalks. Mr. Hertrich encouraged the Planning Board to use their influence to let the University of Washington team know they are interested in the concept of creating a new and specific zone for Westgate called the "neighborhood shopping area." Having a distinct and specific zoning designation would make it easier to accomplish the identified goals for Westgate.

DISCUSSION ON PROPOSED ADJUSTMENTS TO DOWNTOWN BUSINESS DISTRICT (BD) ZONES

Mr. Chave reviewed that the Planning Board has discussed potential amendments to the downtown BD zones on at least two previous occasions. Draft amendments were prepared based on input from the Planning Board regarding four broad issues that have been raised by the staff, City Council and individual citizens. He referred to the draft amendments and invited the Board and Commission to provide additional direction.

Restricting Uses in the BD1 Zone to Retail Only within the Designated Street Front Area

Mr. Chave advised that the proposed language would restrict the uses in the BD1 zone to retail only. While restaurants would be allowed, office and other types of service uses must be located outside the designated street front. If these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code. They would be allowed so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front or on upper floors of a building, but the emphasis going forward would be for retail and restaurant uses along the commercial street fronts within the BD1 zone.

Mr. Chave said that in the intervening years since the BD zones were adopted, issues have come up because numerous office and service uses have located in the BD1 zone. Staff believes these uses can be successfully located outside the designated street front areas or in other BD zones. He shared an example of a medical office that located in the BD1 zone. Because of privacy requirements, screens were placed in front of the windows. This is contrary to the City's goal of providing a pedestrian-friendly environment in the retail core. He reminded the Board that the City Council was reticent to make the BD1 zone retail only when the code language was initially adopted. However, staff is asking the Board to reconsider this position.

Vice Chair Reed pointed out that the proposed amendment would also prohibit drive-through businesses in the BD1 zone. Mr. Chave said the Board discussed this issue and agreed that drive-through businesses should no longer be allowed in the BD1 zone. Changes were made to Table 16.43.1 to implement the Board's direction.

Board Member Johnson said she conducted a windshield survey of the BD1 zone and found 10 finance, insurance and real estate (FIRE) offices, 10 health and beauty services, and two medical office buildings all within the ground level storefront area. These 22 businesses would theoretically become non-conforming if the proposed amendments are approved. She asked if similar businesses would be allowed to occupy these spaces if the current businesses leave. Mr. Chave said another service or office use would be allowed to occupy the space as a non-conforming use. However, if the space remains vacant for a year, service and/or office uses would no longer be allowed. He clarified that the proposed language is not intended to drive out the existing service and office uses from the BD1 zone, but it would enable the City stop further erosion of the retail core. Mr. Clifton said he has been contacted by numerous business owners who were interested in locating in the BD1 zone but were unable to find the right space.

Board Member Stewart recommended the code be amended to require a property owner to change the use to retail when an existing service and/or office use moves out. She expressed her belief that if the City truly wants to change the makeup of the BD1 zone, they need to help it along rather than waiting for change to occur. Vice Chair Reed asked if the code language could be written in such a way to restrict the types of uses allowed in the BD1 zone when the current service and office spaces become vacant. Mr. Chave agreed this is an option, but it would require an amendment to the non-conforming section of the code to specifically spell out the requirements for the BD1 zone. Normally, a non-conforming use would be allowed to continue unless the space is vacant for a long period of time. Mr. Clifton suggested another option would be to shorten the time period a space can remain vacant before it is required to comply with the retail use requirement.

Commissioner Hall observed that the purpose of the proposed restriction is to slow down the growth of service and office uses in the downtown so it can become more vibrant. He reminded the group that people come to downtown Edmonds to shop, and he encouraged them to move forward with the change. If a service or office use moves out of a space, the new use should be restricted to retail only.

Board Member Clarke pointed out that most of the space in the BD1 zone is smaller in size and older, which equates to lower rents. In addition, most of the blocks are divided into small ownership. He suggested that many downtown retailers would be unable to afford the higher rents that new development would require in order to pencil out. He referred to downtown Kirkland and explained that much of the retail space in the newer mixed-use developments is vacant because small businesses cannot afford to pay the high rents.

Commissioner Yamamoto agreed that most of the retailers in the BD1 zone are small and require between 1,000 and 1,500 square feet of space. Businesses prefer to locate in the downtown core were foot traffic is significantly greater. He expressed concern that some of these retail spaces are currently occupied by service and office uses that do not depend on foot traffic.

Board Member Clarke said he would prefer to allow flexibility for a property owner to fill space in the BD1 zone with something other than retail, depending on market demand. Otherwise, spaces could remain vacant for long periods of time, resulting in blight. Commissioner Yamamoto pointed out that the City has never tried to limit the BD1 zone to retail uses. He said he knows of business owners who want space in the retail core, but there is none available because it is occupied by service and office uses. He expressed his belief that if the code is amended to restrict the uses in the BD1 zone, the spaces would be filled quite quickly with retail uses.

Commissioner Pierce said Board Member Clarke has a valid point that prohibiting service and office uses could result in vacant buildings because the space would only be marketable to a narrow group of business types. He pointed out that much of the first floor commercial space in the newer buildings in downtown has remained vacant because the older buildings offer more flexibility and lower rents. He expressed his belief that restricting the uses in the BD1 zone would be a bad idea because it would eliminate potential tenants. Board Member Clarke noted that rents for the newly renovated Old Mill Town are triple the previous rates. Much of the space is vacant at this time because rents are too high and the spaces are too large for the typical tenant who wants to locate in downtown Edmonds. He said the same would be true for any new mixed-use development. Rents would have to be significantly higher in order to make the proforma pencil out. He expressed concern that eliminating some of the potential tenants could make new development unfeasible. He felt the code should allow flexibility for other types of uses if spaces are not marketable for retail. Otherwise, the City could eliminate a property owner's ability to lease space.

Mr. Clifton said his predecessor, Jennifer Gerend, shared her experience that allowing too many office-related uses along the storefront can kill the retail core. He suggested there needs to be a balance. At what point should the City say no to office uses in the ground floor storefront areas. He reminded the group that the proposed amendment would not exclude office uses in the BD1 zone, but they would have to locate outside of the ground floor storefront areas or on the upper floors. Board Member Clarke said he does not believe that financial, insurance and real estate businesses would want to occupy space that is located behind a storefront, with no visibility from the street. He expressed his belief that these uses fill a demand in the community. Mr. Clifton said some businesses have chosen not to locate in Edmonds because they cannot find space in the most desirable location (BD1 zone). He suggested that having more restaurant and retail uses would make the downtown

more attractive. He said he understands Board Member Clarke's concern, but at some point there is a tipping point where the downtown goes downhill because there are not enough retail and restaurant businesses to attract people to the area.

Mr. Chave shared an example of a medical office locating in the BD1 zone. Because the code does not allow them to cover the windows, they put up screens inside the space to provide privacy for their patients. He said he does not believe this is an ideal situation for the downtown retail core. He explained that office uses are important to a downtown because they provide employees to use the retail businesses. However, it is not so important that they have a street presence because they are not directly related to the people on the sidewalk. Typically, offices use blinds to close their space off so that people cannot see in from the street. Because of this, medical offices are not generally compatible with retail uses, and should not be encouraged in the BD1 zone.

Board Member Johnson said some service uses can benefit the downtown because they draw people to the area. Mr. Chave agreed but cautioned that if service uses are allowed to expand in the BD1 zone, they could eventually overpower and undermine the retail uses.

Council Member Buckshnis said Port Townsend is a good example of a vibrant downtown. If the City wants to move forward in tourism and retail, they must change the look of the downtown. While barber shops and other service uses are important, more retail is also needed. She said she would like the City to become an artist and tourist destination within the next five years, and parameters should be added to the code to move in that direction.

Board Member Johnson suggested they start by prohibiting office uses within designated street front areas. Mr. Chave agreed that the code language could make it clear that professional office uses are prohibited within the designated street front areas, and existing businesses could be allowed to continue in their current locations. However, if the space remains vacant for an extended period of time, it must be converted to a retail use. Another option would be to identify the specific service uses that are compatible with retail uses and prohibit all others within the BD1 zone. He reminded the group that the BD1 zone is intended to have a retail focus. However, this was never specifically spelled out in the code language, and the City Council was reticent about limiting the BD1 zone to retail uses.

Board Member Cloutier reminded the group that the City's goal is to raise retail presence in the downtown core, and prohibiting service and office uses would be a step in the right direction. However, they must be careful not to damage the economic viability of the downtown in the process. He suggested the code language should be written in such a way to allow service uses if the real estate market cannot support enough retail uses to fill the available spaces. Property owners should not be forced to leave the space vacant. On the other hand, he cautioned that a developer's bad choices should not set the City's policy.

Mr. Chave said the Hartland Study that was conducted approximately eight years ago indicated that it would not be feasible to redevelop the BD1 zone based on the current zoning requirements, regardless of the types of uses allowed. He said he does not anticipate significant redevelopment in the BD1 zone in the near future. Board Member Clarke agreed that redevelopment is so costly that developers must charge significantly higher rents to make projects pencil out. Small retailers do not typically generate enough revenue to pay these higher rents and still remain successful.

Vice Chair Reed suggested that perhaps they should break down the different types of service uses into categories. Some categories may be more appropriate for the BD1 zone than others. Perhaps the more compatible service uses could be allowed in the BD1 zone as secondary or conditional uses. Mr. Chave explained that allowing a service use as a secondary use to a primary use that is allowed would merely add an additional step to the process. The City could allow service uses in the BD1 zone as a conditional use. However, unless there are clear criteria in place to innumerate the conditions that must be met, every application would be automatically approved.

Mr. Chave suggested the group either continue their discussion on this item to the next meeting or make a decision to move forward with a public hearing based on two different options: prohibit professional office uses only or prohibit any uses except retail. It may be helpful to invite public feedback on both options.

Mr. Clifton suggested that to address the concerns raised by Board Members Cloutier and Clarke, the code could be amended to require a property owner to replace a vacant space with a retail use. However, if the space remains vacant for an extended period of time, the City could grant an exemption to allow the space to be leased for service or office uses. He agreed that no property owner wants a commercial space to remain vacant for an extended period of time, and an exemption provision would address these situations. It would also help the BD1 zone transition over time to retail uses without having a lot of vacant space.

Commissioner Witenberg asked if the conditional use requirement could be keyed to a specific percentage of retail space that must be maintained. Service uses could be allowed as long the total amount of retail space remains at or above the required percentage. Mr. Chave cautioned that this approach would require the City to maintain a detailed inventory of the uses in the BD1 zone. He suggested that Mr. Clifton's recommendation would be more useful. If a property owner can prove he/she has been unsuccessful in renting the space for a retail use, the City could grant an exception and allow the space to be filled with a service use. Commissioner Pierce agreed there should be some mechanism that protects property owners who are unable to lease their space for retail uses. He cautioned against establishing restrictions that can push property owners into a negative financial situation.

Change the Commercial Depth Requirements to be the same for all BD zones

Mr. Chave advised that the proposed language would change the commercial depth requirements to a consistent 45 feet. In addition, the depth requirement would be directly tied to the expanded Designated Street Front Map (Map 16.43-1) covering all BD zones. He explained that, at this time, the BD1 zone has a 30-foot commercial depth requirement, but the commercial depth requirement for all other BD zones is 30 feet. He explained that staff believes the 30-foot standard is too small to ensure adequate commercial space. However, it makes no sense to require a greater standard outside the retail core. He reminded them that the BD1 zone is intended to be the downtown's strongest commercial district.

Mr. Chave reported that staff conducted a walking survey a few years ago to measure the depth of the commercial spaces in the BD1 zone. They found that nearly all of the spaces had a commercial depth of at least 60 feet. Therefore, a 45-foot commercial depth requirement would not be asking too much of the current property owners. He emphasized that the new requirement would not be applied to existing spaces, which would be allowed to continue as non-conforming uses. However, newly created commercial spaces would be required to provide 45 feet of commercial space along the designated street front. As proposed, the front 45 feet of space along the street front must be reserved for retail commercial uses.

Mr. Chave advised that the proposed amendments also include an update of the Designated Street Front Map (Map 16.43-1), which identifies all designated street fronts within the BD zones for which the commercial depth requirement would be applicable. He noted that the map was originally adopted for the BD1 zone, but staff is recommending to include all BD zones. Chair Lovell said that although the map identifies 4th Avenue north of Bell Street as a designated street front area, the Board previously agreed that the proposed amendments would not be applicable to the BD5 zone (4th Avenue Cultural Corridor). Mr. Chave explained that although this area would be identified as a designated street front, the criteria would be somewhat different than for other BD zones. He reminded the Board that once the Westgate and Five Corners zoning proposals have been adopted as examples of form-based zoning, they agreed to consider the option of also applying the form-based zoning concept to the 4th Avenue Cultural Corridor since the initial design work has already been done. The Board agreed to address specific criteria for the 4th Avenue Cultural Corridor (BD5 zone) as a separate issue later in the year.

Adopt Language to Allow Development Agreements

Mr. Chave reported that the Board discussed development agreements in some detail on March 23rd and authorized staff to prepare the draft code amendment language found in Edmonds Community Development Code (ECDC) 16.43.030.A and 16.43.050. He noted that the language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Board has had discussions about whether these are the right criteria and whether the development agreement option should be available in all BD zones. They specifically discussed not allowing development agreements in the BD5 zone.

Mr. Chave explained that development agreements are allowed in the code, but can only condition or limit what a developer is already allowed to do in the zone. They cannot give any additional flexibility. Because of the location, configuration, topography, etc. of some properties in the BD2 zone, staff is recommending the Board entertain options that are somewhat different than the standard zoning requirements. He referred to the draft language (ECDC 16.43.050), which would allow standard development within the BD zones as specified in the current code language. However, a developer could also submit an application for a development agreement that would ask for certain code variances if certain criteria can be met. He pointed out that Section B describes what can be approved as part of a development agreement. As proposed, a development agreement could vary any of the site development standards contained in ECDC 16.43.030, 16.43.035 or 16.43.040. An alternative to Section B would only allow a development agreement to vary the step back requirements and adjust the height to a maximum of 35 feet. He noted that the alternative language was created in response to the City Attorney's counsel that the language should specifically identify the standards that can be varied.

Mr. Chave referred to Section C, which lists the criteria that must be met for approval of a development agreement. As currently proposed, a development would have to be designed to attain at least a LEED Silver or equivalent level of green building certification. In addition, it would have to meet two of the following three criteria:

1. Designed to attain at least a LEED Gold or equivalent of green building certification.
2. Incorporate one or more of the following uses designed to further the City's economic development goals: hotel, post office, and studio work space, housing or live-work space for artists.
3. Include enhanced public space and amenities.

Mr. Chave explained that development agreements would involve a public process, with public hearings before the Planning Board and the City Council. The City Council would make the final decision. A developer may request a bonus for height, setbacks, etc. in exchange for providing a number of community benefits. Mr. Clifton added that applicants would be required to state why they are asking for modifications and identify what would be provided in exchange. The City Council would make the ultimate decision about whether the items offered by the applicant warrant the proposed modifications. Mr. Chave said the burden of proof would be on the applicant to show how their proposal would meet the criteria found in ECDC 16.43.050.C.

Commissioner Pierce observed that, as drafted, Section.3 does not define what the enhanced services and amenities would be. For example, would an applicant be required to dedicate a certain percentage of open space based on the size of the project? He suggested the required open space be clearly defined.

Commissioner Senderoff said it is his understanding that when a developer submits an application for a development agreement, the final design of the project would already be done. The City Council's ultimate decision regarding the development agreement would be based on the actual design. He suggested that this be clearly stated in the proposed language so the public is aware that the final decision would be based on a specific design.

Commissioner Senderoff suggested that Section C.3 should provide more information about what is meant by "public amenities." He said he is generally in favor of the development agreement concept, but he felt they should consider additional criteria besides the three items listed in Section C. For example, only one hotel and post office are needed in the downtown. Once both of these uses have been developed, Criteria C.2 would no longer be an option. Mr. Chave pointed out that, as proposed, an application would only be required to meet two of the three criteria.

Commissioner Pierce questioned the difference between a development agreement and a contract rezone. Mr. Chave said development agreements are intended to replace the contract rezone mechanism, and there is a significant difference between the two concepts. Only the applicant had the ability to propose and approve modifications to a contract rezone proposal, and there was no opportunity for the City to negotiate with the applicant. A development agreement involves a contractual discussion process that allows the City to negotiate the various elements of the agreement with the developer. He summarized that a development agreement offers the City more control in the process.

Chair Lovell referenced Revised Code of Washington (RCW) 36.70B.170, which authorizes development agreements. It states that development agreements must be specific to a project. Commissioner Senderoff observed that this would be

consistent with his earlier comment that development agreements would be based on final design proposals. Mr. Chave clarified that while development agreements would be based on actual development proposals, they would not be based on exact designs because the design review process could potentially modify the design further. He concluded that a developer would not be able to go straight from a development agreement to a building permit because design review would be required. Chair Lovell summarized that a development agreement would spell out the specific requirements of the proposal at the programmatic design stage.

Commissioner Senderoff questioned how the City would ensure that designs are not modified so much that they are no longer consistent with an approved development agreement. Mr. Chave said staff would ensure that a developer adheres to the requirements identified in the development agreement. The design that is provided as part of the development agreement process is intended to describe what the project would generally look like, but would not identify every detail. Changes would likely be made as part of the design review process that would come later.

Commissioner Pierce asked if the development agreement criteria and code standards would be applied uniformly for every development agreement proposal. Mr. Chave answered that he does not anticipate a significant number of development agreement applications, but each one would be different to address the unique circumstances of each site. However, every development agreement proposal would be evaluated against the Comprehensive Plan policies and the adopted design guidelines for the BD zones.

Mr. Clifton said that when he served on the City of Seattle's Design Review Board for three years, he found that those projects that were designed at the 80% to 90% level were typically approved more than those that included simple building envelope sketches. He concluded that developers who refine their sketches will be more likely to gain acceptance from the public, the Planning Board, and the City Council. If applicants expect to gain approval to modify a development standard, they will have to build exceptional projects.

Council Member Buckshnis suggested the criteria (Section C) should be expanded to be more global so it does not appear to specifically apply to a single property. For example, Section C.2 could also include the option of developing a farmer's market. Mr. Chave said it was not staff's intent to create language that is only applicable to one property. The proposed language was intended to include the uses previously identified as desirable by the City Council, the Planning Board, the Economic Development Commission, and the public. He agreed that a farmer's market would be a good addition to Section C.2. He cautioned against leaving the criteria open ended and undefined, but he agreed that the list could be expanded to include other desirable uses the City wants to encourage in the downtown.

Board Member Clarke observed that the community has struggled with the height limit in the downtown for a number of years, and 30 feet appears to be a sacred line. If the proposed language is adopted as proposed, a developer would be allowed to propose additional height as part of a development agreement in order to provide adequate height on the first floor for retail space, with two residential stories above. Although the applicant could provide evidence that the additional height is needed in order for the project to pencil out, the City Council could ultimately deny the development agreement because it calls for increasing the height limit above 30 feet.

Mr. Clifton said staff does not believe the community and/or City Council would support the development agreement concept if it allows heights to be adjusted significantly. He suggested the language may be more acceptable to the community if it identifies a cap for building height.

Board Member Clarke asked staff to provide visual photographs to illustrate various building heights to help the public and the decision makers understand that the visual difference of a few extra feet would be minimal. He reminded the group of the City's goal to have unique and modern architecture. Greater ceiling heights result in buildings that are more marketable and their values are enhanced. For example, third floor residential units with taller ceilings command a significantly higher real estate value. In addition, modern building design requires more space for mechanical equipment. He expressed his belief that it would be difficult to visually see the difference between a three-story building that is 37 feet and one that is 33 feet. He suggested the language focus on the number of floors allowed rather than a specific height limit. He further suggested the City allow some bonus for architectural creativity of facades rather than just straight boxes.

Board Member Clarke suggested they also consider allowing for the transfer of development rights. For example, the City's goal is to promote the 4th Avenue Arts Corridor by providing public amenities. Rather than developing public amenities on site, a developer could be allowed to put dollars into a fund to pay for public amenities and enhancement of this unique corridor.

Board Member Stewart said she likes the idea of allowing three-story developments that are aesthetically pleasing. She referred to the site development standards (Table 16.43-2), which identify a 15-foot minimum ceiling height requirement for ground floor space in the BD1 zone. She reminded the group that incorporating green building design, particularly higher energy upgrades, requires more space. Green roofs also require more space so the structure can be properly reinforced, but they offer a very good insulating component and are very attractive. She summarized that if the City is going to require developments to meet LEED Silver or equivalent, they need to reconsider the practicality of the current code limitations.

Board Member Stewart suggested that in addition to identifying the types of developments they would like to encourage in the BD zones as part of the criteria for obtaining a development agreement, the language should also emphasize the City's goal of creating a consistent and connected look in the downtown. The City's goals also include enhancing the pedestrian experience, creating a lively cultural and civic campus, and preserving history. She expressed concern that if each development is considered separately, piecemeal development would result. Mr. Chave pointed out that all of these goals are identified in the Comprehensive Plan, and all development agreements must be consistent with the policies and goals of the Comprehensive Plan. Therefore, there is no need to call out the goals separately in ECDC 16.43.050.

Commissioner Pierce expressed concern about allowing development up to three stories high rather than setting a specific height limit. He felt this would encourage developers to build to the maximum extent possible because there would be no cap on height. Board Member Clarke agreed but noted that it would also result in more attractive roof design than just boxes. Commissioner Pierce noted that a three-story development would be allowed by the proposed 35-foot maximum height limit. He said he believes there needs to be a defined limit for height. Board Member Clarke disagreed and suggested the City should be more concerned about the overall building design instead of just the height. Again, he expressed his belief that it would be difficult to distinguish between 35 and 37-foot buildings. Again, he reminded the group that taller ceilings and creative window design enhances the marketability of third-floor residential units, and he felt it would be very short-sided for the City to limit the height to 35 feet.

Commissioner Faires said that, conceptually, the development agreements are interesting because of the flexibility they allow. However, given the context of Edmonds and the current political climate, he suggested that having an absolute height limit would be necessary in order to successfully incorporated the development agreement concept into the code language.

Commissioner Zagorski said she likes the flexibility afforded by development agreements. She said she would also support a proposal that would address bulk and mass by the number of stories allowed rather than a specific height limit. She agreed with Board Member Clarke that using a three-story requirement would allow for creativity and flexibility.

Commissioner Hall emphasized that if they want Edmonds to become a vibrant town, they need to make changes now and not wait. He observed that developers are doing wonderful projects in other locations. He cautioned that if Edmonds is not ready when the economy improves, they will be left behind and their downtown will suffer.

Board Member Reed referred to the Economic Development Commission's January 19th minutes in which Mr. Spee presented his plans for a new development in the BD2 zone. He pointed out that Mr. Spee could develop up to three stories using the existing height limit, and increasing the maximum height limit to 35 feet could allow him to accommodate four stories. If the proposed language for 16.43.050 is approved, Mr. Spee would not be able to develop the four stories he has indicated he might prefer. He said he could consider supporting the concept of eliminating the maximum height limit and allowing three stories. Two and three story development would be consistent with the current Comprehensive Plan. However, a baseline height limit must be established so the community has some assurance about what is being proposed. He suggested that perhaps they use language such as "three stories not to exceed ____." He noted that topography plays a significant role when determining the number of stories allowed on a site based on the current code.

Chair Lovell requested clarification about the step back requirement and whether or not the standard could be modified by a development agreement. Mr. Clifton reminded the group that the purpose of the standards is to create buildings that relate well to the streetscape, have architectural interest, etc. He suggested that allowing flexibility might encourage developers to produce the types of buildings they are looking for in the downtown. He said he does not understand why a step back is required in all BD zones except the BD1 zone where development is supposed to be of a more intimate scale. He suggested the step back requirement should apply to all BD zones. The proposed language would allow a developer to modify the requirement via a development agreement.

Board Member Johnson observed that the problem they are trying to address is lack of flexibility and the impact this has on economic development. Development agreements would allow staff, the City Council and Planning Board to consider flexibility. In addition to achieving certain objectives like public art or a farmer's market, development agreements can enhance economic development. She suggested the language should specifically identify economic development as a purpose of development agreements. This would make the development agreement provision consistent with the Comprehensive Plan goals and policies related to economic development. Board Member Stewart pointed out that zoning is already tied to the Comprehensive Plan goals and policies, so there is no need to specifically call out economic development in the proposed language. Mr. Chave added that the development agreement language actually identifies the goals of the Comprehensive Plan as criteria that must be met.

Vice Chair Reed requested clarification of whether staff is recommending approval of Section B or the alternative language. Mr. Clifton said staff prefers the language in B, which would allow all zoning standards to be modified through a development agreement subject to the criteria. Chair Lovell agreed and commented that there is no sense creating the development agreement provision if they are not going to allow flexibility.

Vice Chair Reed cautioned against allowing 16.43.050 and thus development agreements to override all design guidelines. Mr. Clifton clarified that staff is not advocating that the design guidelines and Comprehensive Plan goals and policies be modified via a development agreement. Vice Chair Reed pointed out that ECDC 16.43.135 refers to ECDC 22.43, which is the BD Design Guidelines. Mr. Clifton agreed to research this issue further and report back to the Commission.

Commissioner Senderoff said he is attracted to the development agreement concept because it would be driven by the City rather than the developer. Development agreements would also allow the City to focus on certain uses that create the different business zones they want to achieve.

Commissioner Zagorski voiced her belief that the boundaries of the BD3 zone extend too far south. She briefly described the current development and noted that once you start up the hill at Howell Street, the properties are not really desirable locations for commercial uses. She asked the Board to consider changing the boundaries at some point in the future to address the existing conditions and site constraints.

DISCUSSION ON PROPOSED AMENDMENT TO REDUCE STREET SETBACKS IN THE NEIGHBORHOOD BUSINESS (BN) ZONE

Mr. Chave reported that staff presented an interim ordinance to the City Council on April 5th to potentially amend the City's BN zones to reduce required street setbacks from the current 20 feet down to a 5-foot minimum The intent of the proposal is to better align the neighborhood business zones with City policies and design guidelines. Even though it would be ideal to wait for the planning process to be completed for the Five Corners and Westgate areas, preliminary discussions with a prospective developer for a key Westgate intersection is prompting staff to make a code proposal now. Without the code change, development would continue to be recessed into building sites, removing opportunities for improving the streetscape and enhancing pedestrian access.

Mr. Chave further reported that the City Council elected not to adopt the proposed interim zoning ordinance but inquired whether the issue could be "fast tracked" to get a recommendation returned to the City Council. If considered by the Board, the same amendment would be reconfigured as a permanent zoning change.

AI-3863 **Item #: 7. a.**

Planning Board Agenda

Date: 04/13/2011

Discussion on adjustments to downtown BD zone.

Staff Lead/Author: Rob Chave

Department: Planning

Initiated By: City Council
City Staff

Information

Subject/Purpose

Discussion on adjustments to downtown BD zone.

Staff Recommendation

Discuss and develop proposal for public hearing.

Previous Board Action

The Planning Board discussed this subject on March 9 and March 23, 2011.

Narrative

Please refer to the attachments.

Attachments

Attachment 1: Staff memo

Attachment 2: Draft code amendment language

Attachment 3: Planning Board minutes 3/23/2011

Attachment 4: BD zones map

Item # 7a

Edmonds Planning Board Agenda Memo

Meeting Date:	April 13, 2011
Agenda Subject:	Discussion on adjustments to downtown BD zone.
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

The Planning Board had discussions on potential amendments to the downtown BD zones during its meetings on March 9th and March 23rd of this year. Staff has prepared a draft of what the amendments to the BD zoning chapter would look like if the following features were included:

1. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While restaurants are allowed, office or other types of service uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the nonconforming rules in the zoning code... i.e. they would be able to be continued so long as they continue to be occupied. In addition, other kinds of service or office uses could locate behind the designated street front (i.e. behind the first 45 feet) or on upper floors of a building. However, going forward, the emphasis would be on retail and restaurant uses along commercial street fronts within the BD1 zone.

2. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones. This replaces the 30-foot requirement in the BD1 zone and the 60-foot requirement elsewhere. Staff believes the 30-foot standard is too small to ensure adequate commercial space. Conversely, it makes no sense to require a greater standard (i.e. 60 feet) outside the retail core.

3. The issue here is that it appears that the current step-backs built into the code end up removing too much of the upper portion of a building to be feasible to enforce. This in turn ends up prohibiting a building from actually being built within the established downtown height limits. In the sample draft provided by staff, step-backs are reduced

from 15 feet to 5 feet. As another option, the Board is also considering removing the requirement entirely. Currently, there is no step-back requirement in the BD1 zone, but a 15-foot step-back is required in other BD zones. More than one option could be presented at a public hearing (e.g. either reduce or eliminate the step-back requirements).

4. The final area of discussion involved development agreements. Development agreements were discussed in some detail on March 23rd, and are authorized in the current draft code amendment language (see ECDC 16.43.030.A and 16.43.050). The language in ECDC 16.43.050 includes sample criteria and specifically authorizes what can be modified by a development agreement. The Planning Board has been discussing whether these are the right criteria, and whether development agreements should be available in all BD zones. For example, the Board has discussed not allowing these types of development agreements in the BD4 zone.

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

Attachment 2

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices	A[1]	A	A	A	A
Service uses	A[1]	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office or Service uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

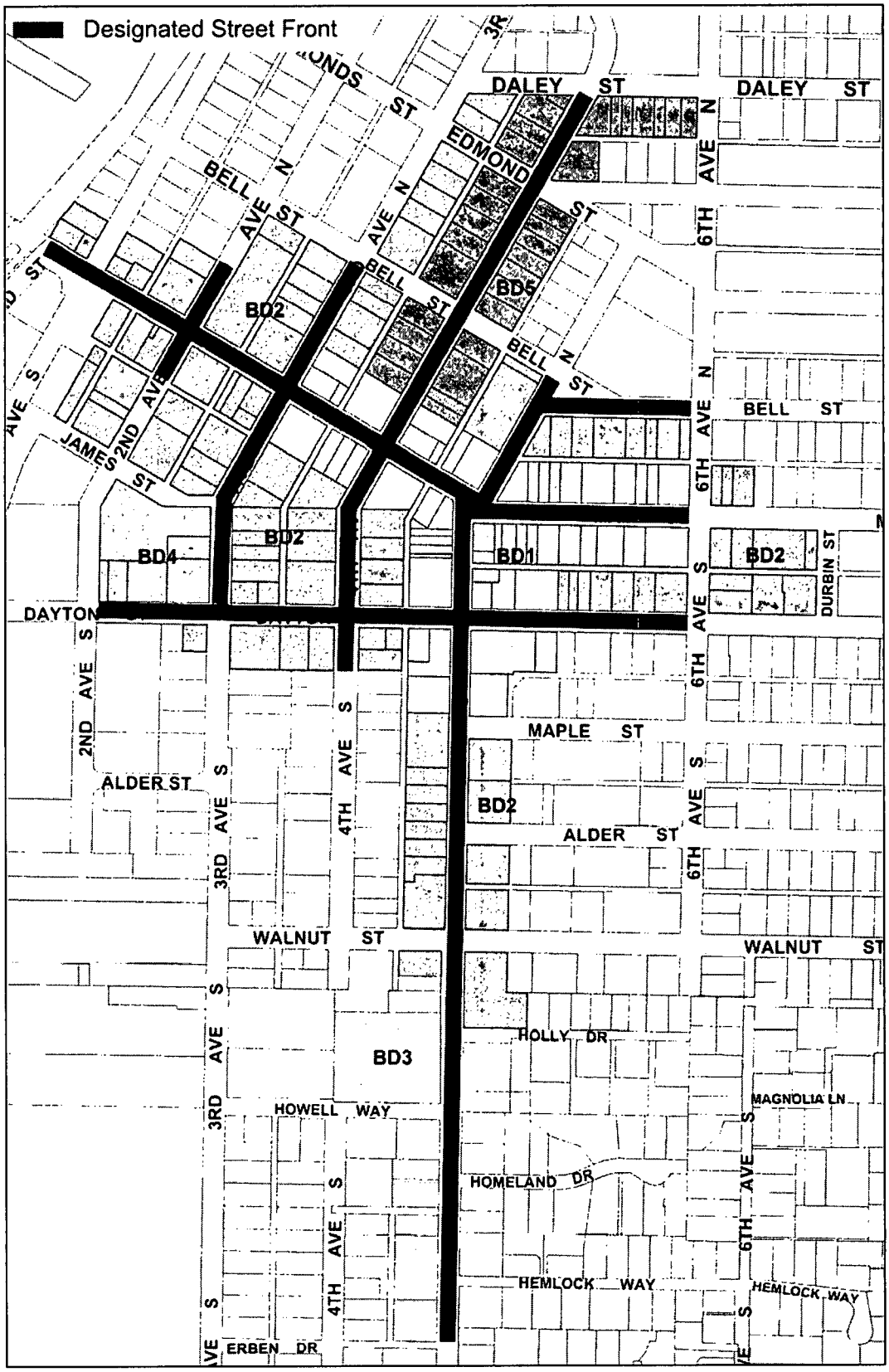
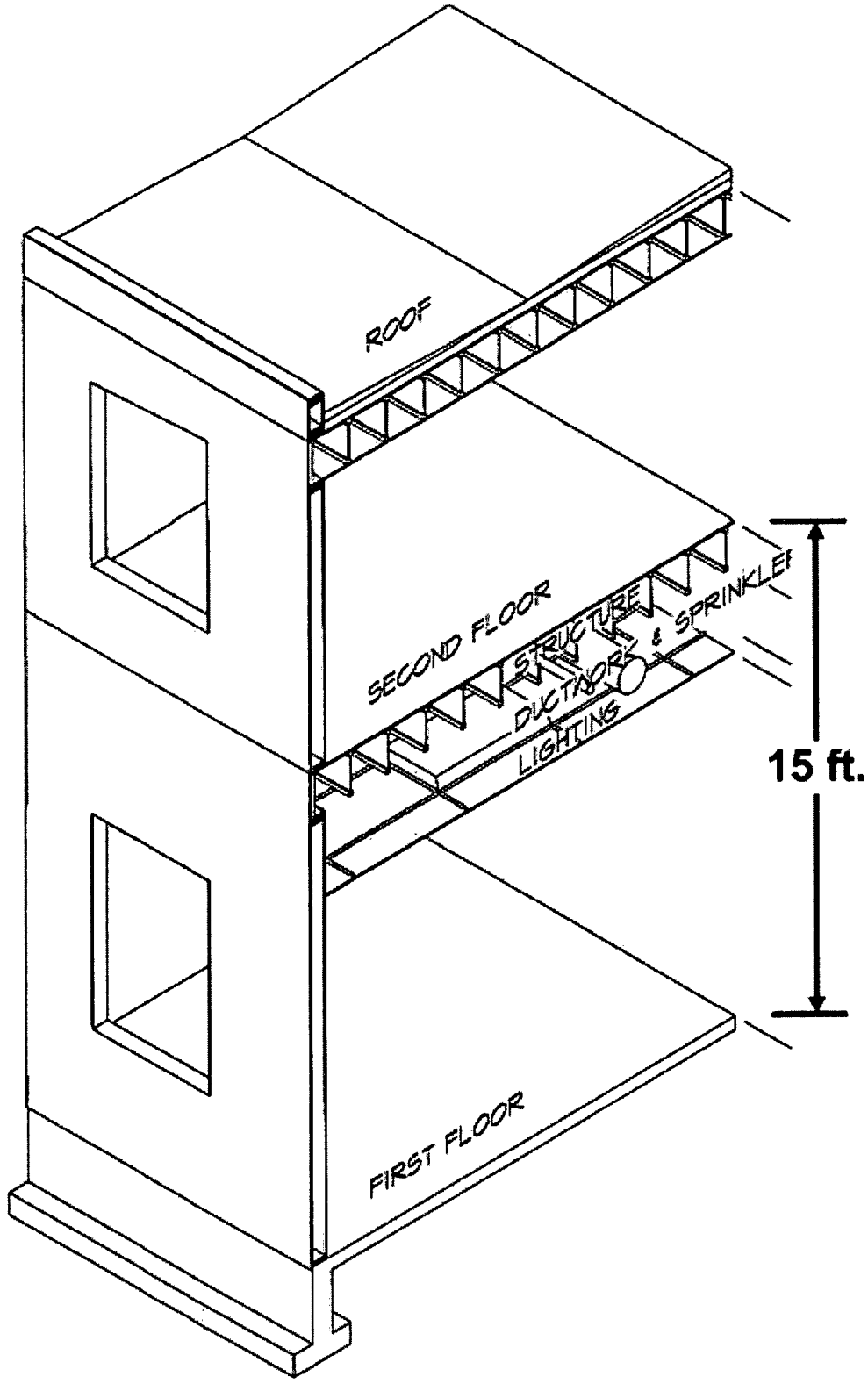


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~,~~ ~~which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.
Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first ~~30~~ 45 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that ~~30~~ 45 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost ~~30~~ 45 feet of the property, even if a portion of the parking extends into the first ~~60~~ 45 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first ~~60~~ 45 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. *Recodified as ECDC 22.43.050(B)(4).*

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within ~~15~~ 5 feet of any street front. Within the ~~15~~5-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a ~~15~~5-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

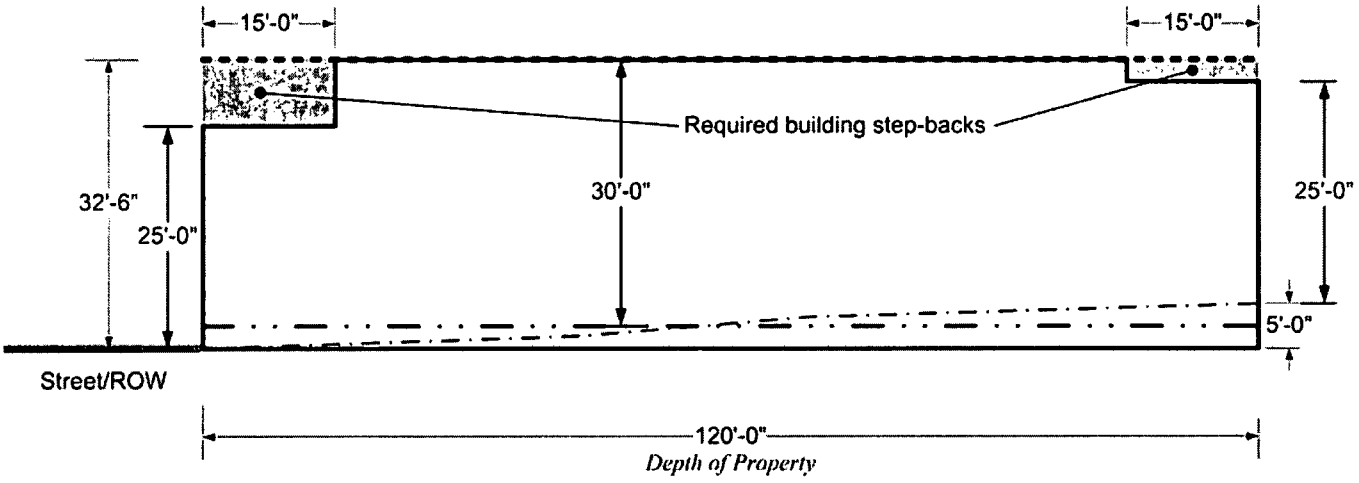
ii. A ~~15~~5-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a ~~15~~5-foot step-back is required on more than one street front, there is no ~~15~~5-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a ~~five~~two-foot building setback can be combined with a ~~10~~3-foot building step-back to meet the ~~15~~5-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

Note: change diagrams on this page to indicate revised step-back (0 or 5 ft)

Figure 16.43-3: **Uphill Example**



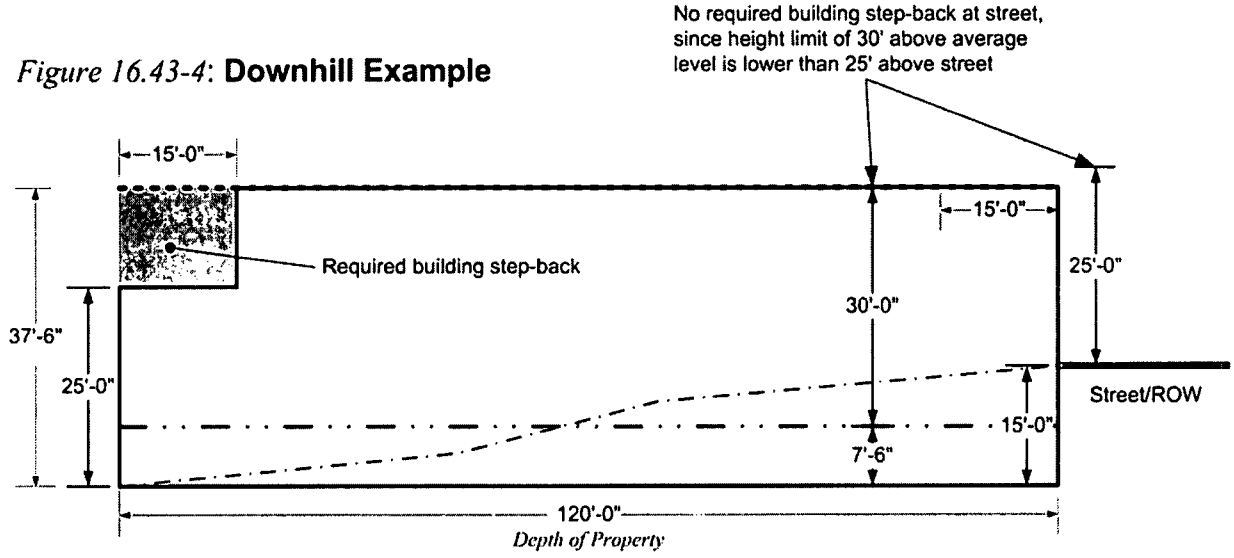
Average Level for height calculation

Original Grade

30' Height Limit from "average level"

Allowed building height envelope

Figure 16.43-4: **Downhill Example**



Average Level for height calculation

Original Grade

30' Height Limit from "average level"

Allowed building height envelope

3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

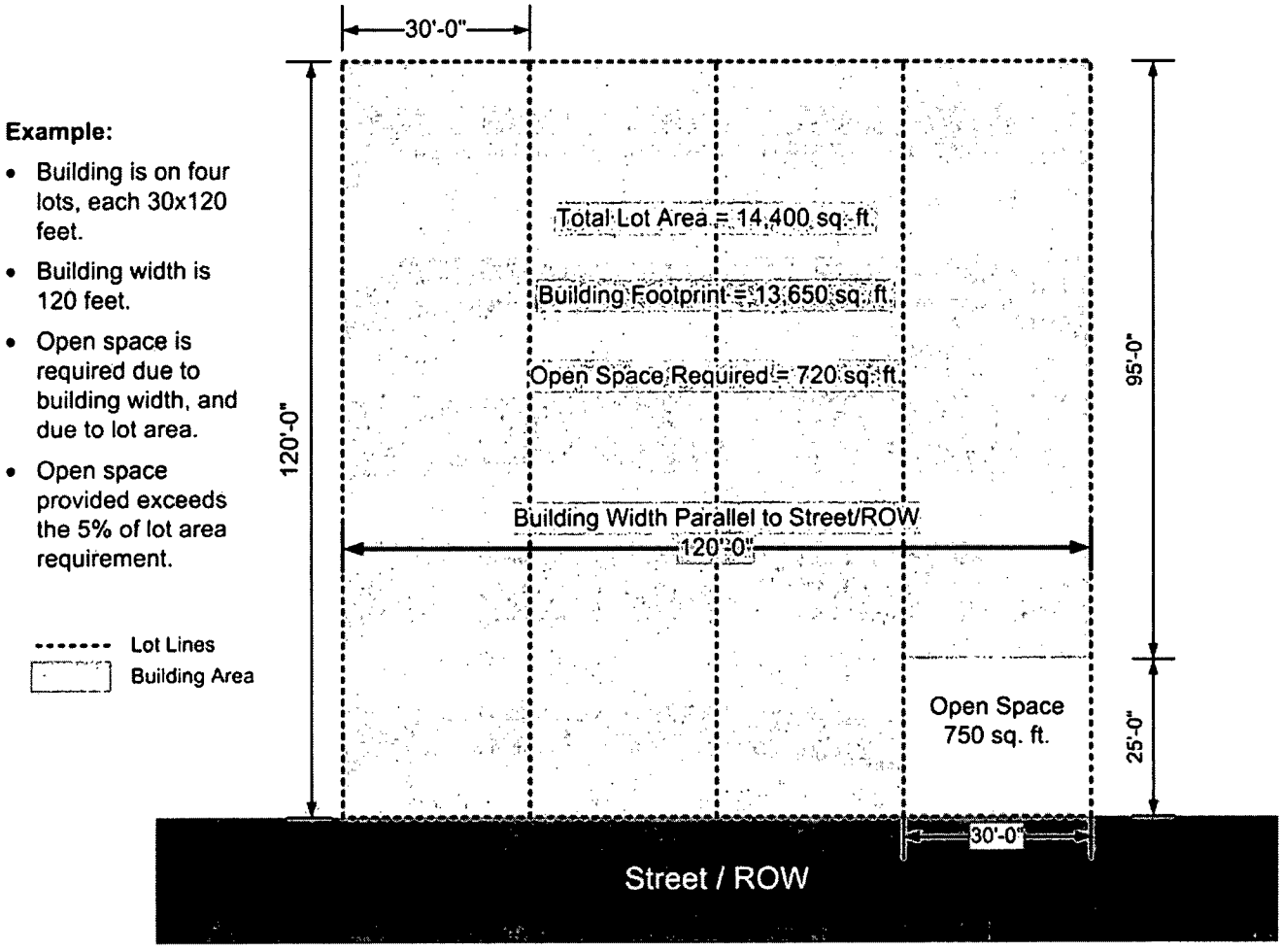
2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may

Figure 16.43-5: **Building Size, Width and Open Space**



modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035

Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040

Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

16.43.050

Development agreements.

A. A development in a BD zone may be approved using the process and criteria described for development agreements in ECDC 20.08.

B. What can be approved. A development agreement for a development in a BD zone may vary any of the site development standards contained in ECDC 16.43.030, 16.43.035, or 16.43.040.

[Alternative B.] What can be approved. A development agreement for a development in a BD zone may vary any of the following site development standards to the extent indicated:

1. Building step back requirements specified in ECDC 16.43.030.C may be reduced or eliminated;

2. Building height limits may be increased to a maximum height of 35 feet;

C. Criteria for approval. In addition to the criteria described in ECDC 20.08, a development approved pursuant to a development agreement must be designed to attain at least a LEED Silver or equivalent level of green building certification. The development must also satisfy at least two of the following criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification;

2. The development incorporates one or more of the following uses designed to further the city's economic development goals:

a. a hotel;

b. a post office

c. studio work space, housing or live-work space for artists;

3. The development includes enhanced public space and amenities. Examples include such features as additional building setbacks which provide expanded public sidewalks or gathering space, combined with eating or food retail spaces which include open areas adjacent to the sidewalk.

CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

Mr. Chave noted that, currently, the proposed language in ECDC 16.43.050.B is open ended and would allow the City to vary any of the site development standards. Staff is recommending the language be modified to specify exactly what standards the City is willing to consider for modification through a development agreement. He emphasized that an applicant would still be required to demonstrate how the development criteria could be met. He recalled the Board has discussed height limits in the BD zones on numerous occasions. If the Board would like to allow a height modification as part of a development agreement, it would be prudent to specify how much additional height they would be willing to consider. With regard to height and density he cautioned that it would be wise to closely describe the limits of what can be approved.

Mr. Chave advised that, as currently proposed, a development agreement would be allowed to vary development standards would not be allowed to vary the types of uses allowed in the zone. For example, the City would not be allowed to approve a development agreement that allows condominium development in a commercial district.

Attachment 3

City Attorney Taraday explained that while development agreements are allowed by State law, they must be consistent with the City's local regulations. Flexibility should be incorporated into the development agreement process through amendments to the development regulations, similar to what staff has proposed in ECDC 16.43. He observed that introducing flexibility into the development review process can be complicated. On one hand, cities need to provide developers with enough guidance to know what they need to do to obtain a permit. On the other hand, as City Attorney, one of his main concerns is how to defend decisions made by the City. In order to do so, he must be able to explain how a project meets the criteria and why it was approved. He summarized that while the City can allow flexibility in the code for development agreements, they cannot offer unlimited opportunity for modifications.

Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized

that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of

Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they

have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in principle. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

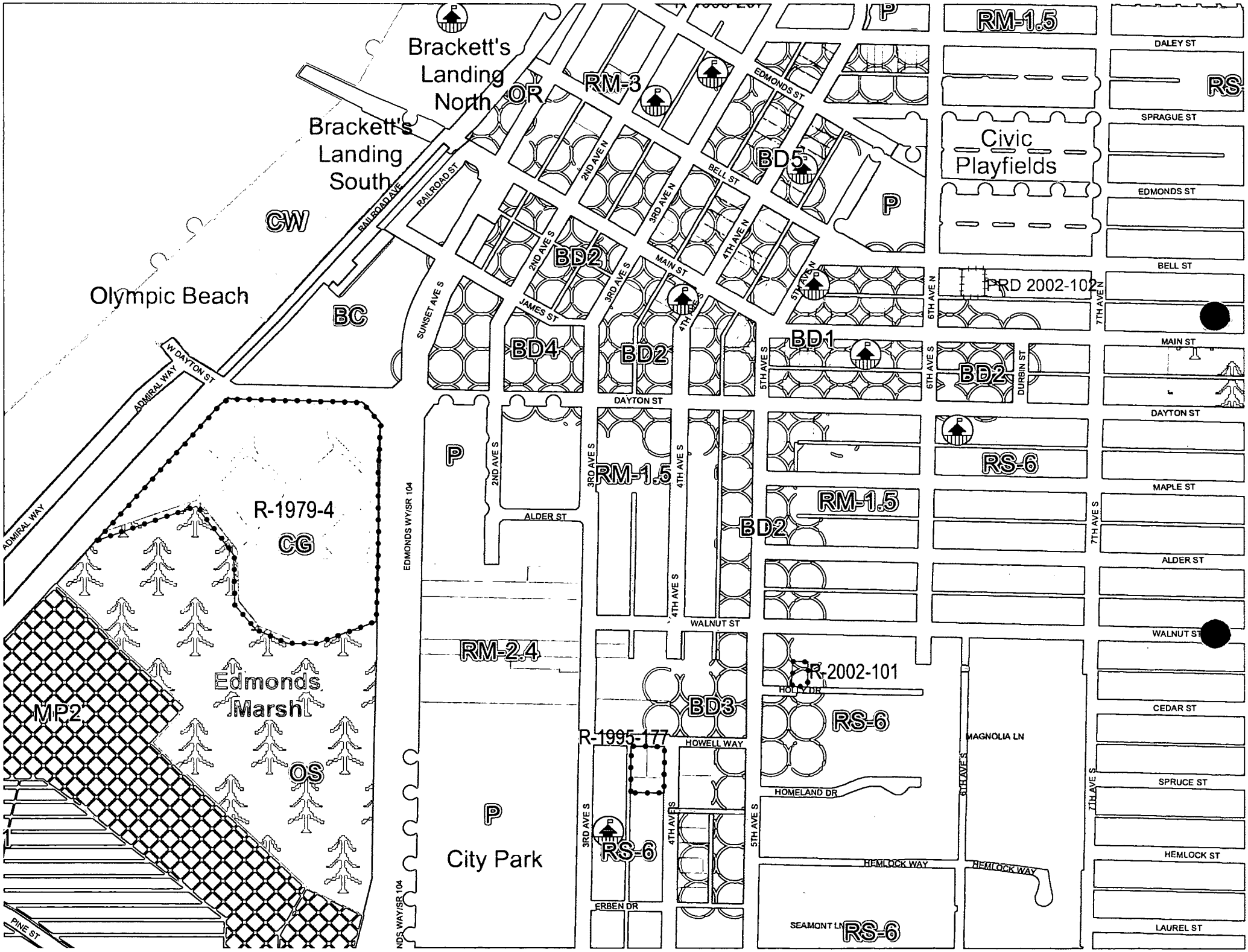
- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.


Brackett's Landing North
Brackett's Landing South
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DAYTON ST
MAPLE ST
ALDER ST
WALNUT ST
CEDAR ST
SPRUCE ST
HEMLOCK ST
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HOWELL WAY
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HOMELAND DR
MAGNOLIA LN
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CONTINUED DISCUSSION ON ADJUSTMENTS TO DOWNTOWN BD ZONES

Mr. Chave introduced new City Attorney, Jeff Taraday, Lighthouse Law Group, who was present to participate in the Board's discussion regarding development agreements.

Mr. Chave announced that back-to-back joint Planning Board/Economic Development Commission (EDC) meetings have been scheduled for April 13th and 20th to discuss the development agreement concept further. Also, on April 20th, the University of Washington team would present redevelopment options for Five Corners and Westgate. The Board agreed that both meetings should start at 6:00 p.m. in the Brackett Meeting Room at City Hall.

Mr. Chave explained that development agreements are allowed under State Law and in the Edmonds Community Development Code (ECDC). They allow proponents to submit development plans and then have discussions with the City regarding their project's specific parameters and conditions. A development agreement is a contract between the City and a developer as to what can happen on a piece of property. He reminded the Board of their earlier discussion about targeting certain types of development and uses the City wants to see as part of a development agreement for property in the BD zones. If a developer meets the conditions and provides proof the project would be consistent with the City's Comprehensive Plan, etc., the City Council could entertain, consider and potentially approve a development agreement. He emphasized that authority to approve development agreements rests with the City Council. Development agreements are intended to provide flexibility to developers in exchange for meeting specific City goals.

Mr. Chave referred to the proposed amendment to ECDC 16.43.030, which would authorize development agreements within BD zones. He also referred to the proposed language for ECDC 16.43.050, which provides sample criteria for how the development agreement concept could be implemented. He invited the Board to review and comment on the draft criteria. He also asked them to provide direction about whether development agreements should be allowed in all BD zones. He recalled the Board previously discussed that they should not be allowed in the BD5 zone, which is the 4th Avenue Cultural Corridor. However, this distinction has not yet been incorporated into the draft proposal.

Mr. Chave suggested the Board have a discussion with the EDC about how broad or narrow the criteria for development agreement proposals should be. He noted that, as currently proposed, a development agreement must meet two of the following three criteria:

1. The development is designed to attain at least a LEED Gold or equivalent level of green building certification.
2. The development incorporates one or more of the following uses designed to further the City's economic development goals: a hotel, a post office, housing or live-work space for artists.
3. The development includes enhanced public space and amenities.

Mr. Chave advised that the Board could recommend even more conservative language that would require a development agreement to meet all three of the criteria. The most conservative approach could be to require all three criteria on a trial basis and then the language could be amended as appropriate in the future. The City could also take a broader approach and simply identify the general goals a development agreement must meet.

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Mr. Chave encouraged the Board to have discussions with the EDC about what the approval criteria should be. To provide clear direction to property owners, they should identify the goals they are trying to accomplish and the development standards that could be modified via a development agreement. The language must provide specific guidance so property owners have a clear understanding of the criteria that must be met in order for a development agreement to be approved. City Attorney Taraday said it would also be helpful to identify the types of amenities the City wants developers to provide in exchange for modifications to the development standards. Rather than a simple list of amenities, the City should identify those that are of highest priority.

Vice Chair Reed asked how the language proposed by staff for ECDC 16.43 would be consistent with the language contained in ECDC 20.08 related to development agreements. City Attorney Taraday noted that whatever flexibility is introduced into the code related to development agreements should be contained in the development agreement section (ECDC 16.43.050). He said the draft language is a good starting point for discussion, but at this time, it is open ended and has no limit on the standards that can be varied. As the process moves forward, the Board will need to provide details about what standards could be varied and how much. They should also identify the types of public amenities that would be appropriate tradeoffs to justify the variations to code requirements.

Board Member Johnson expressed concern that the items listed in ECDC 16.43.050.C.2 appear to be related to one particular development proposal. She questioned how the Board could avoid the appearance of trying to create code language for a site-specific project rather than all the BD-zoned properties. City Attorney Taraday answered that at this point, it is too early to be too concerned about "spot zoning" because they have not even identified which zones the development agreement provision would apply to or what the criteria for varying the development standards will be. He agreed that the City should avoid creating a provision that is essentially only applicable to one development proposal. He said that as the Board gets closer to a final draft, he would take a closer look at the language to make sure this issue is adequately addressed.

Board Member Johnson asked for more information about where State law addresses the issue of development agreements. Mr. Chave answered that language authorizing development agreements was recently added to the Revised Code of Washington (RCW). City Attorney Taraday said RCW.36.70B.170 is the specific section that authorizes development agreements in the State of Washington. He suggested the Board read this section, which provides a good overview of what development agreements are supposed to include. However, he cautioned that the language does not include any discussion about flexibility. Because development agreements must be consistent with local development regulations, the flexibility must be addressed via amendments to the development code. He explained that one of the main purposes of a development agreement is to provide certainty about vesting and standards that will apply to a project for a defined period of time. Development agreements are also helpful from the City's perspective to the extent that amenities are promised in exchange for some flexible zoning provisions. A development agreement provides a clear way for the City to insure a development meets what they think they are going to get. Enforcement and security mechanisms can be built into development agreements, as well.

Board Member Johnson said she recently visited the Washington Municipal Research website and found some useful information. The site provided a one-page description of development agreements in "plain English." The site also provided several examples of development agreements that included public amenities. She said she would forward the link to Mr. Chave to distribute to the Board and EDC members prior to the joint meeting on April 13th.

Vice Chair Reed asked if the Board could propose changes to ECDC 20.08. Mr. Chave agreed that would be possible, but he cautioned the Board to be careful because the language was patterned after the RCW and has a much broader framework. He again emphasized that creating additional criteria or definitions for development agreements should be accomplished via amendments to ECDC 16.43.

Vice Chair Reed asked if development agreements would be negotiated through a public process. Mr. Chave answered affirmatively. He explained that while the discussion would still be constrained by the Comprehensive Plan policies and the development agreement criteria, there would be a much more open exchange between the developer, the public, the Planning Board and the City Council. With a traditional contract rezone, a contract is offered by the proponent and the City Council could either approve or deny the application. There would be no further discussion. Development agreements allow for a discussion of terms and how to improve the proposal to meet the City's goals. City Attorney Taraday said development agreements typically start when a developer provides a draft agreement to the City for consideration.

Board Member Cloutier said some members of the public have expressed concern that development agreements would allow the City Council to auction off parts of the downtown in order to promote green building. He emphasized that the purpose of this discussion is to determine what standards can be flexible and how far. Even if the development agreement provision is approved to allow some standards to be modified, any proposed development agreement would have to go through a Type V review procedure, which includes public participation. He suggested it would be useful for staff to provide an example of how the current code would deal with an application that does not meet the step back requirements versus how the same application would be handled via a development agreement. Providing graphics would help the public understand the development agreement concept without having to pour through the entire code.

Board Member Clarke said the Board must make it clear that they are not trying to socially engineer downtown Edmonds. Their goal is to implement the criteria in the Comprehensive Plan relative to sustainability and economic development in order to help the community be vibrant for years to come. He expressed his belief that real estate investment is a long-term process that needs to have flexibility as the marketplace changes. If the buildings are not flexible to meet the needs of the changing marketplace, the marketplace will go elsewhere. He said he remembers when the Fredrick and Nelson and Nordstrom stores were constructed at Aurora Village as the two anchor stores. However, the mall was never viable in relation to Alderwood and Northgate Malls. As a result, the two department stores were demolished to make room for new development (Costco, Home Depot, etc.) On the other hand, the building at 316 Main Street (Chanterelle) was constructed over 100 years ago and was originally a furniture store. The building was retrofitted for office and restaurant uses when the furniture store use was no longer viable. This building will remain functional for years to come because it was constructed to be as flexible as possible, and the building heights and overall building site were appropriate. He summarized his belief that in order for the community to be flexible, developers must be allowed to construct buildings that are flexible and not constrained based on current economics and land uses. Rather than social engineering, the goal is to create a balance of development that is more sustainable.

Board Member Clarke asked how many functional stories could be constructed in the BD zones based on the current height limit of 25 feet plus a provision that allows up to 30 feet. Mr. Chave answered that the number of stories depends on the topography of the site. Board Member Clarke asked if there are any 4 or 5-story buildings in the BD zones. Mr. Chave answered that there may be a few older condominium developments that are four or more stories. Board Member Clarke noted that those that do exist were developed in the 1960s. Mr. Chave said the 4 and 5-story condominiums are located in the multi-family residential zones and are considered non-conforming in terms of height.

Board Member Clarke observed that the purpose of the 15-foot height requirement for ground floor commercial space in the BD1 zone is to provide space for the necessary infrastructure that is required for modern retail uses. He asked how many stories would be allowed on a flat parcel in the BD1 zone. Mr. Chave said a developer may be able to squeeze in three stories, but the upper residential floors would have to be compressed. This would not be an ideal situation for residential properties. Board Member Clarke pointed out that allowing a slightly greater height so that ceiling heights on the 3rd floor could be raised to accommodate a pitched design would add architectural variety and increase the value of the space. The current height limits result in flat roofs throughout the BD zones because it is not possible to provide a pitched roof and still accommodate three stories of development. Mr. Chave referred to a building that fronts on the west side of 5th Avenue and noted that while a vaulted roof is seen from the front of the building, the roof sections to the west are flatter. He summarized

that the roof formation changes in different parts of the building, and this is tied directly to topography and the height limits. Because there was not enough height to get another commercial story on the street front, the developer did more with the roof. However, this limited the commercial presence on 5th Avenue.

Board Member Clarke suggested that to encourage sustainability and economic viability in the downtown, development agreements should encourage a variety of architecture in facades and rooflines. This would add to the attractiveness of the downtown. He suggested that rather than focusing on a specific height limit, they should focus on the number of stories allowed. Mr. Chave recalled the Board has previously discussed the idea of focusing on design as opposed to height, and this goal can best be accomplished with form-based zoning, which requires a more elaborate discussion. He noted that the University of Washington Team is currently working to apply the form-based code concept at Five Corners and Westgate, and the process requires an extensive public process to identify exactly what people want. He agreed that, eventually, they need to step away from all discussion about height because it does not get the buildings they want. However, the development agreement concept is not the best way to accomplish this goal. Architectural form and design will be difficult to describe without a more elaborate form-based code discussion. He pointed out that the City's Economic Development Director has struggled to recruit and retain businesses in the BD zones because the commercial space in the buildings that have been constructed over the past 10 to 30 years does not meet their needs.

Vice Chair Reed recalled that a lot of work was put into the design standards for the BD1 zone (ECDC 22.43), which are referenced in ECDC 16.43.035. The design standards provide numerous illustrations and examples of the types of development the City wants to encourage in the BD1 zone. He suggested the Board Members carefully review this document in preparation for the joint meeting.

Board Member Stewart expressed her belief that any new construction in the downtown should be durable and be able to adapt to changing technology and needs over the next 100 years. An integrated design approach (sustainable development) would allow the City to get all of the system specialists together during the pre-design phase to consider such things as sustainable design, long-term energy efficiency, water efficiency, preserving natural resources during construction, and environmental quality for occupants. Design must be sustainable so that future generations can live a quality life. She noted that while flat roofs are not as attractive, they allow for green roofs.

Board Member Stewart reported that she recently visited Bainbridge Island and met with their Planning Director, who provided information from their revised design guidelines that allows them flexibility to accommodate green roofs and solar panels. They allow a height of up to 35 feet, as does Bellingham. As per sustainable living design techniques, new construction requires more space on top of the roof for insulation, green roofs and solar panels. In the City of Bellingham's Fairhaven area, new development is not allowed to block more than 20% of the existing view. She suggested perhaps the regulations could be specific to protect the view that many people in the City cherish, but they cannot overlook the need to allow progress in the redevelopment of downtown. The City is losing opportunities every time they make a developer jump through so many hoops that they decide to move on. The City's reputation is not good, and many forward-thinking developers have decided to avoid Edmonds.

Board Member Stewart expressed her belief that the three criteria identified in ECDC 16.43.050.C are a good place to start, and perhaps they could add some more uses as the discussion continues forward. She felt that starting with LEED Silver or an equivalent level of green building certification is good, but they should recognize this is a light "green" application that is less costly to develop. She suggested that LEED Gold would be a noteworthy accomplishment, and allowing it to be one of criteria is a step in the right direction. As written, a development agreement would not require LEED Gold, but it would provide incentives to encourage developers to go in that direction.

Chair Lovell reminded the Commission that their goal in creating language to allow for development agreements was to provide flexibility to encourage redevelopment in the City. He pointed out that, as currently written, ECDC 16.43.050.B would allow the City to vary any of the site development standards as part of a development agreement. However, Mr. Chave and City Attorney Taraday have advised the Board to specifically call out the standards that can be modified. He said he would like to allow the height limit to be modified up to 35 feet and step back requirements to be reduced to as little as two feet. He said that while the comments provided by Board Member Clarke and Vice Chair Reed are appropriate, they will be addressed more specifically later in the year after the Board has received the results from the University of Washington

Washington Team's work to implement form-based zoning at Five Corners and Westgate. He summarized that the current code language is too restrictive, and no development is taking place. The Board must be sensitive to this and make changes to get things moving along, recognizing that additional work would be done in the future. He suggested the goals and policies in the Downtown/Waterfront Activity Center Plan, found in the Comprehensive Plan, could be used as criteria for development agreement approval.

Chair Lovell asked if LEED is the only standard the City wants to use. Board Member Stewart said there are many programs that are equivalent to LEED Silver and Gold. Mr. Chave agreed and noted that the language specifically calls out LEED Silver or equivalent. He explained that there are no Built Green standards for commercial development at this time. If and when they come up with mixed-use commercial standards, they could be considered as an equivalent to LEED Silver or Gold. He pointed out that Mill Creek specifies what is meant by "equivalent," and the City of Edmonds could do the same.

Chair Lovell suggested that the listed items in ECDC 16.43.050.C could be moved to the use table, then development agreements would be allowed for all the uses identified in the use table. Mr. Chave explained that the uses on the list are already allowed in the zone (see use table), but placing them in ECDC 16.43.050 calls them out as specific uses the City wants to encourage in the area. Board Member Clarke expressed concern that calling out specific uses in ECDC 16.43.050.C appears to dictate specifically what the City thinks the market should be. This is different than encouraging tourist-oriented uses, which could include a variety of things.

Board Member Johnson said that regardless of the approach the City uses for development agreements, the criteria must be tied back to the goals and policies of the Comprehensive Plan. They need to make these clear connections. She cautioned against requiring specific types of uses that may not be successful based on market demand. Board Member Clarke pointed out that Bainbridge Island requires live/work space as part of a development agreement. However, much of this space is now empty because there is no market demand for the use. Board Member Stewart reminded the Board that affordable housing is a goal and policy of the Comprehensive Plan. She suggested there are opportunities to make live/work situations work. Board Member Johnson suggested they evaluate what makes live/work situations successful. She recalled that Mr. Chave previously clarified that identifying live/work or housing for artists as a goal would not require a developer to provide this type of use. It is just one option of the three listed.

Vice Chair Reed said he recently reviewed the entire Downtown Waterfront Activity Center Plan, which has been adopted as part of the Comprehensive Plan, and found numerous goals and policies related to pedestrian scale and 2-story heights. The document describes the vision for the area, which includes transit opportunities and drawing people from the downtown to the waterfront. He suggested the Board review this document to find general statements that developers could use to base their proposals on. He said he supports ECDC 16.43.050.C.3, which would require a developer to include enhanced public space and amenities since this goal is also called out in the Downtown Waterfront Activity Center Plan. He also suggested that any limitations the Board wishes to place on development in the BD zones should be specifically called out in ECDC 16.43.030 (Site Development Standards). This provides an option to vary the requirements between BD1, BD2 and BD3 zones. Perhaps a 35-foot height limit would be appropriate for some BD zones and not others.

Mr. Chave suggested the Board have a discussion with the EDC about whether they should take a conservative approach to development agreements or leave them more open ended. He cautioned that there is a fear factor amongst citizens who are worried development agreements would allow developers to do anything. He reminded the Board that development agreements are not only to encourage development, but to encourage certain kinds of development the City wants to attract to enhance the downtown. A more conservative approach would be to create development agreement criteria that achieve a specific set of goals.

Mr. Chave cautioned against sprinkling development agreement language throughout the development code because it would be hard for developers to gain a clear understanding of what the City expects. All language related to development agreements should be contained in one section so it is clear what can be varied and what criteria must be met.

Chair Lovell summarized that the major focus of the joint meeting with the EDC will be the proposed language for ECDC 16.43.050. They still need to identify the standards that can be varied by development agreements and what the criteria for approval will be. Board Member Johnson asked staff to provide information to the EDC prior to the joint meeting so they

have an opportunity to familiarize themselves with what is being proposed. Mr. Chave indicated the EDC members would receive the same staff report that is sent to the Planning Board prior to the April 13th meeting.

In addition to development agreements, Mr. Chave advised that the proposed amendments would restrict the types of uses allowed in the BD1 zone to retail. While restaurants would be allowed, offices and other types of service uses must be located outside of the 45-foot "designated street front." In addition, the commercial depth requirements would be changed to a consistent 45-foot depth. A new expanded map would cover all BD zones. Lastly, step backs would be reduced from 15 to 5 feet. He pointed out that there is no step back requirement in the BD1 zone.

Board Member Stewart reported that Bainbridge Island has no step back requirement, and they have found this to be welcoming to developers. Mr. Chave said staff would provide additional pictures to aid the step back discussion at the joint meeting. He pointed out that the traditional building type in downtown Edmonds is flat roofs. In fact, false facades with flat roofs were added to some older buildings in the downtown that were constructed with pitched roofs. Decorative cornices and other building designs can provide architectural variation.

Board Member Johnson suggested the EDC may want to have some discussion about expanding the Designated Street Front Map to extend down Dayton Street all the way to Harbor Square so that Harbor Square can be connected to the waterfront and downtown. Mr. Chave explained that the Designated Street Front Map only applies to properties in the BD zones, so there would be no benefit associated extending it to include Dayton Street all the way to Harbor Square. However, he acknowledged this discussion would be important when the Board talks about form-based zoning. Chair Lovell said one of the Port's goals is to make sure the Harbor Square property is tied into the waterfront and the downtown areas.

Board Member Clarke asked if the drive-through facilities at existing banks in the BD1 zone would become non-conforming if the proposed language were adopted. Mr. Chave answered that these banks would be grandfathered. The bank use would be allowed to continue, but if the use is discontinued for a long period of time, the drive-through part of the use would no longer be allowed. Board Member Clarke cautioned against creating code language that would prohibit a bank from using the drive through facility if the bank is closed for a time for restructuring. Mr. Chave said recent articles have indicated that banks tend to target wealthier communities, and bank applications in Edmonds have increased. The Board needs to ask whether it is appropriate for banks to locate in the retail core. He pointed out that banks take up valuable retail space. There are large areas for banks to locate elsewhere in the City, including other BD zones.

Mr. Clifton clarified that, from an economic standpoint, banks in and of themselves are not a concern. The concern lies with the drive-through facilities that are typically associated with banks. Land for retail development is a precious resource in Edmonds, and giving this space up for drive-through facilities does a disservice to the downtown. He expressed his belief that banks in the BD1 zone could function well without a drive-through service. And eliminating drive throughs would make the downtown more walkable.

Board Member Stewart asked if Edmonds has identified a projected and/or mandated growth for the BD zones, particularly given their location near transit nodes. Mr. Chave answered that Edmonds has not identified a specific number for the BD zones, but they do have a citywide mandate, and one of the places to concentrate multi-family housing opportunities is the BD zones. Board Member Stewart reminded the Board that smart growth involves moving housing options to the areas where transit opportunities are available.

Mr. Clifton said he has never understood why the step back requirement only applies to the BD2, BD3 and BD4 zones, but not the BD1 zone. While the City Council's goal is to make the BD1 zone pedestrian friendly they placed more restrictive standards on the surrounding BD2, BD3 and BD4 zones. He said he served on Seattle's design review board for a number of years, where he learned that step backs, themselves, do not necessarily result in more attractive buildings. Rather than focusing on height, mass or step backs, the City should focus on a compilation of design elements that would accomplish their goal of making the downtown more pedestrian friendly and human scale. He suggested the Board focus on ways to incentivize and encourage developers to produce more architecturally interesting buildings. Prescriptive zoning has not necessarily resulted in attractive buildings in Edmonds. In fact, if it just a matter of meeting the height, density, step back and setback requirements, developers are not required to construct interesting and attractive buildings.

Board Member Stewart questioned if the Board wants to include language regarding affordable housing in Section 16.43.050. She agreed that affordable housing does not always work in practicality. Bainbridge Island's Planning Director indicated that the concept works when a housing authority is involved or when the land is donated, but they have closed the books on the concept until they can figure out a better approach. She expressed her belief that the City should offer some type of incentive for affordable housing. It is important to attract young couples and older adults to the downtown, but right now development is too costly. Vice Chair Reed questioned how the City would measure and monitor to insure that affordable housing is built and maintained as such. Mr. Chave said there are ways to monitor and measure affordable housing, but they are time consuming and the City does not currently have the resources to support a program of this type. However, staff is currently working with Snohomish County Tomorrow's Interjurisdictional Housing Program. The goal is to find an agency to offer a monitoring service so that cities in the county can offer local incentive programs for affordable housing.

Board Member Johnson pointed out that, as proposed, offices and service uses would no longer be allowed within the designated street front areas of properties in the BD1 zone. She asked what the consequences of this change would be when existing service type businesses leave a rental space. Mr. Chave said he believes that a similar use would be allowed to locate as long as the non-conforming rules are followed. However, if the use is changed to a retail use, then the space would not be allowed to flip back to a service use again. He agreed to review the non-conforming rules again and provide a more specific answer to the Board.

REVIEW OF EXTENDED AGENDA

The Board reviewed the extended agenda and decided upon the following:

- April 13th – Joint Meeting with EDC to discuss adjustments to the BD zones.
- April 20th – Joint Meeting with the EDC to discuss adjustments to the BD zones and to hear the University of Washington Teams' report on their work with Five Corners and Westgate.
- April 27th – Two public hearings would be scheduled, and the third would be moved to the May 11th agenda.
- May 11th – In addition to the public hearing that was moved from April 27th, the Board would also hold a public hearing on Medical Marijuana Dispensaries.
- May 25th -- Public hearing on adjustments to downtown BD zones.

The Board discussed that at least two members would be absent from the April 27th and May 11th Meetings. They asked when the new members would be appointed to fill the vacant positions. Mr. Chave reported that Mayor Cooper has interviewed the candidates, but the item has not yet been scheduled on the City Council's agenda. Chair Lovell agreed to contact the Mayor to request the process be expedited.

Mr. Chave reminded the Commission that they received updates to the Comprehensive Plan and Edmonds Community Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell reported that he recently participated in a University of Washington survey about rising sea levels on Puget Sound. The purpose of the survey was to gather information about what the public knows and understands about global warming and rising sea levels. It is predicted that the sea level will rise 22 inches by 2020 and 50 inches by 2050. Existing facilities along the waterfront will need to make adjustments for this change. Mr. Chave said that the larger problem is that more frequent and stronger storms are predicted, as well. The combination of these events could lead to significant flooding and damage to properties along the waterfront. Mr. Chave also referred to an article in the March 16, 2011, edition of the Engineering News Record titled, "Pacific Northwest Facing Tsunami Risk." The article was forwarded to the Board members by Mr. Clifton and explains how the northwest is vulnerable to earthquakes and tsunamis. Board Member Stewart reported that she visited the Edmonds waterfront a few weeks ago when the waves were very high. Once the water subsided, she noticed that a lot of sand was pulled out to sea and there was a huge drop from the top of the bulkhead to the sea level.

AI-3820 Item #: 7. a.

Planning Board Agenda

Date: 03/23/2011

Continued discussion on adjustments to downtown BD zone.

Staff Lead/Author: Rob Chave

Department: Planning

Initiated By: City Council
City Staff

Information

Subject/Purpose

Continued discussion on adjustments to downtown BD zone.

Staff Recommendation

Develop a proposal to advertise for a public hearing on April 13, 2011.

Previous Board Action

The Board reviewed the subject during its March 9, 2011, meeting.

Narrative

Following the Board's March 9th discussion, staff has prepared a draft of what the amendments to the BD zoning chapter would look like if the following features were included:

1. Development agreements are authorized (see ECDC 16.43.030.A and 16.43.050). ECDC 16.43.050 includes sample criteria for discussion. Are these the right criteria? Should development agreements be available in all BD zones?

2. Uses are restricted in the BD1 zone with revisions to the Table in ECDC 16.43.020. While restaurants are allowed, office or other types of service uses must be located outside the 45-foot 'designated street front.' Presumably if these rules are adopted, existing non-conforming uses would be dealt with via the non-conforming rules in the zoning code... i.e. they would be able to be continued so long as they continue to be occupied.

3. Commercial depth requirements are changed to a consistent 45-foot depth and are tied to a new expanded map covering all BD zones.

4. Step-backs are reduced from 15 feet to 5 feet. The Board also discussed removing the requirement entirely. Staff will have additional pictures to aid in the discussion. One option for a public hearing would be to include more than one option (e.g. reduce or eliminate step-back requirements).

Attachments

Attachment 1: Current draft amendment package

Attachment 2: BD zoning map

Attachment 3: PB memo of 3/9/2011

Chapter 16.43

BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000

Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010

Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;
BD2 – Downtown Mixed Commercial;
BD3 – Downtown Convenience Commercial;
BD4 – Downtown Mixed Residential;
BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

16.43.020

Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices	A[1]	A	A	A	A
Service uses	A[1]	A	A	A	A
Restaurants and food service establishments	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A
Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in or drive-through businesses	~~C~~X	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D
Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

Notes:

A = Permitted primary use
B = Permitted secondary use
C = Primary uses requiring a conditional use permit
D = Secondary uses requiring a conditional use permit
X = Not permitted
[1] = Office or Service uses in the BD1 zone may not be located within a designated street front

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030

Site development standards.

A. Development within the BD zones shall meet the following site development standards, unless a development is approved pursuant to ECDC 20.08 which meets the requirements of ECDC 16.43.050.

Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimum Height of Ground Floor within the Designated Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'
BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030(C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

16.43.030

Map 16.43-1: **Designated Street Front for ~~Properties in the BD1~~BD Zones**

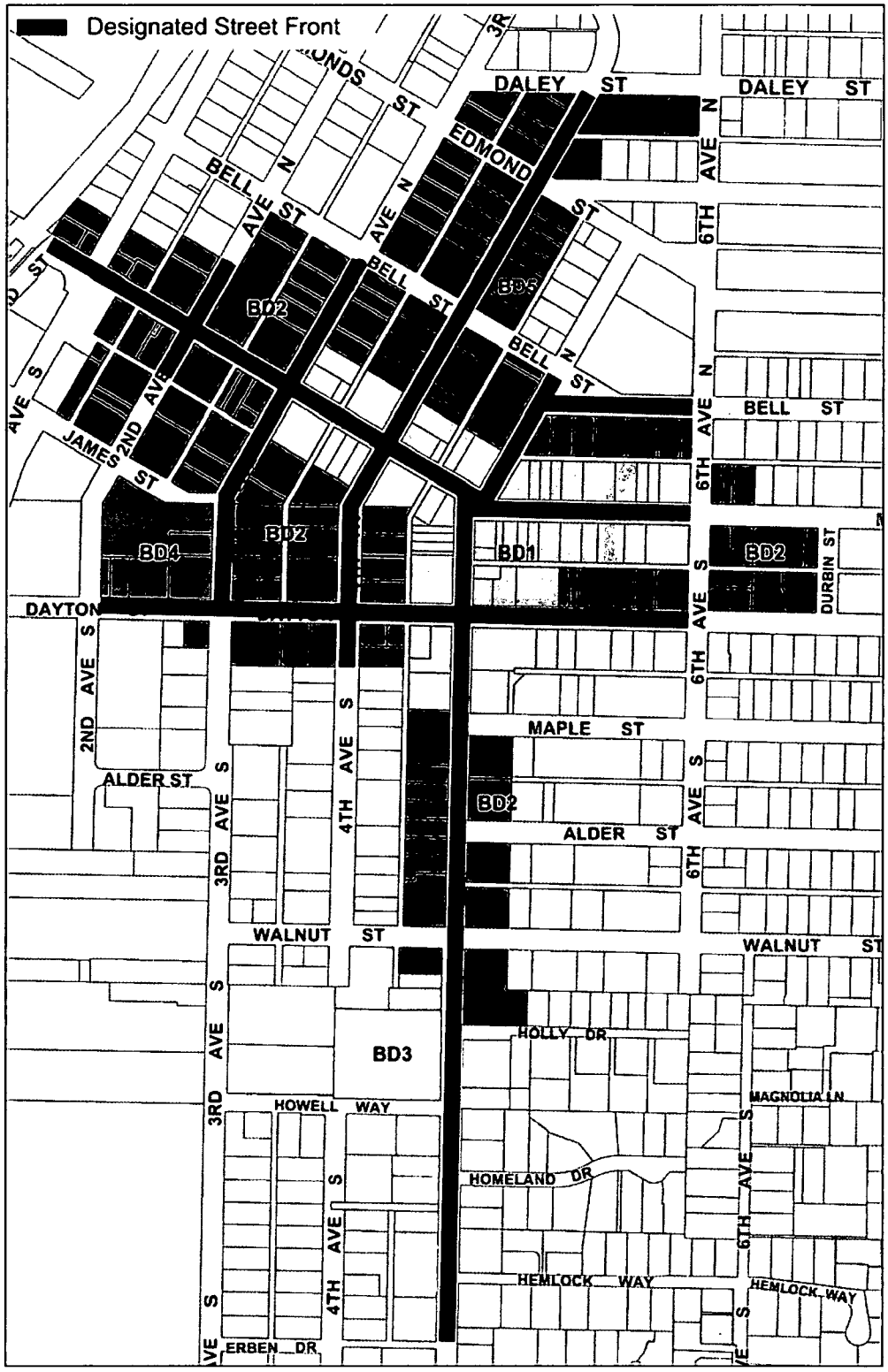
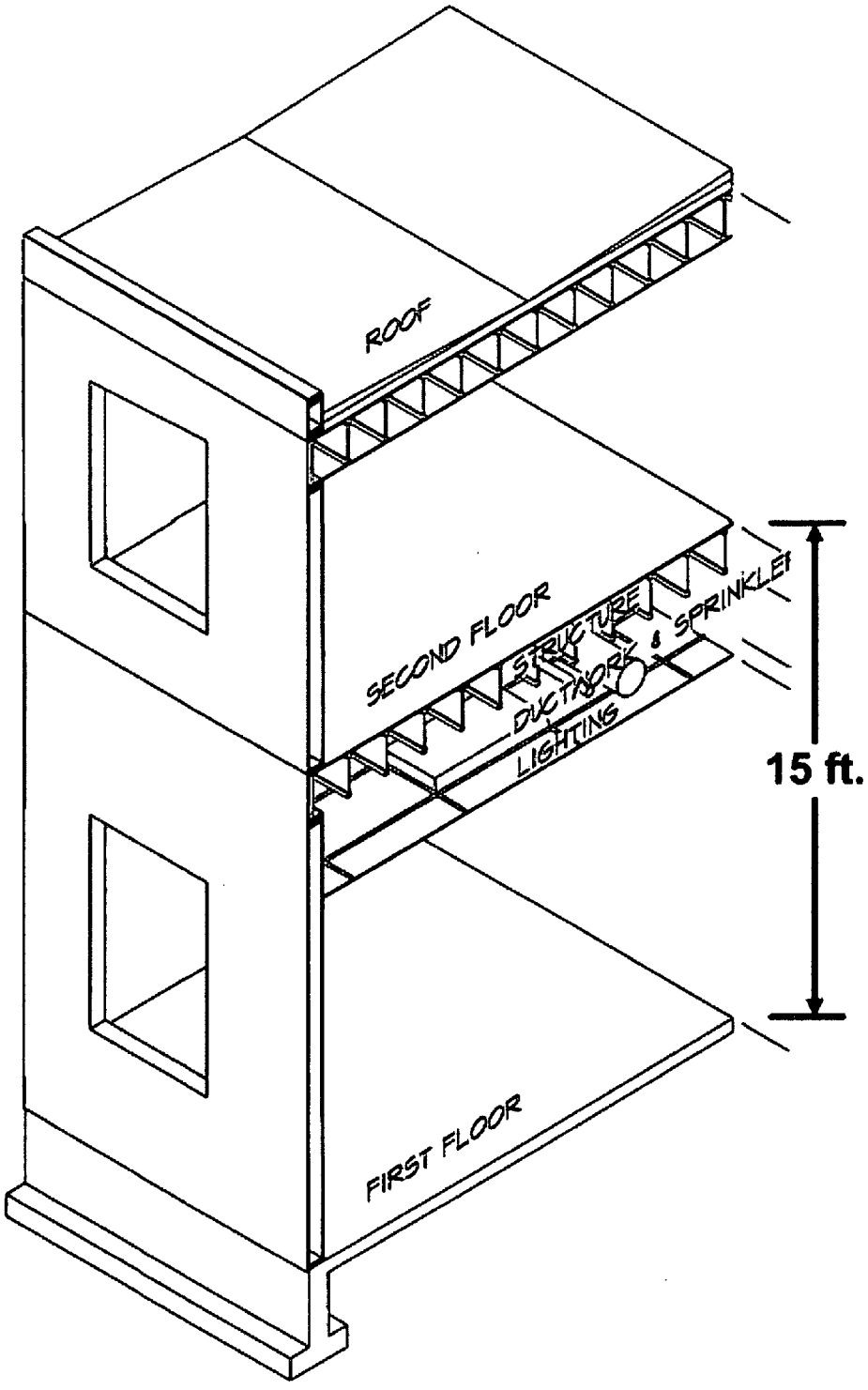


Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the streets that define the designated street front for all properties lying within the BD~~1~~ zones~~, which is~~ The designated street front is defined as the ~~30~~ 45 feet measured perpendicular to the ~~indicated~~ street front of the building lot fronting on each of the mapped streets. ~~For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.~~

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

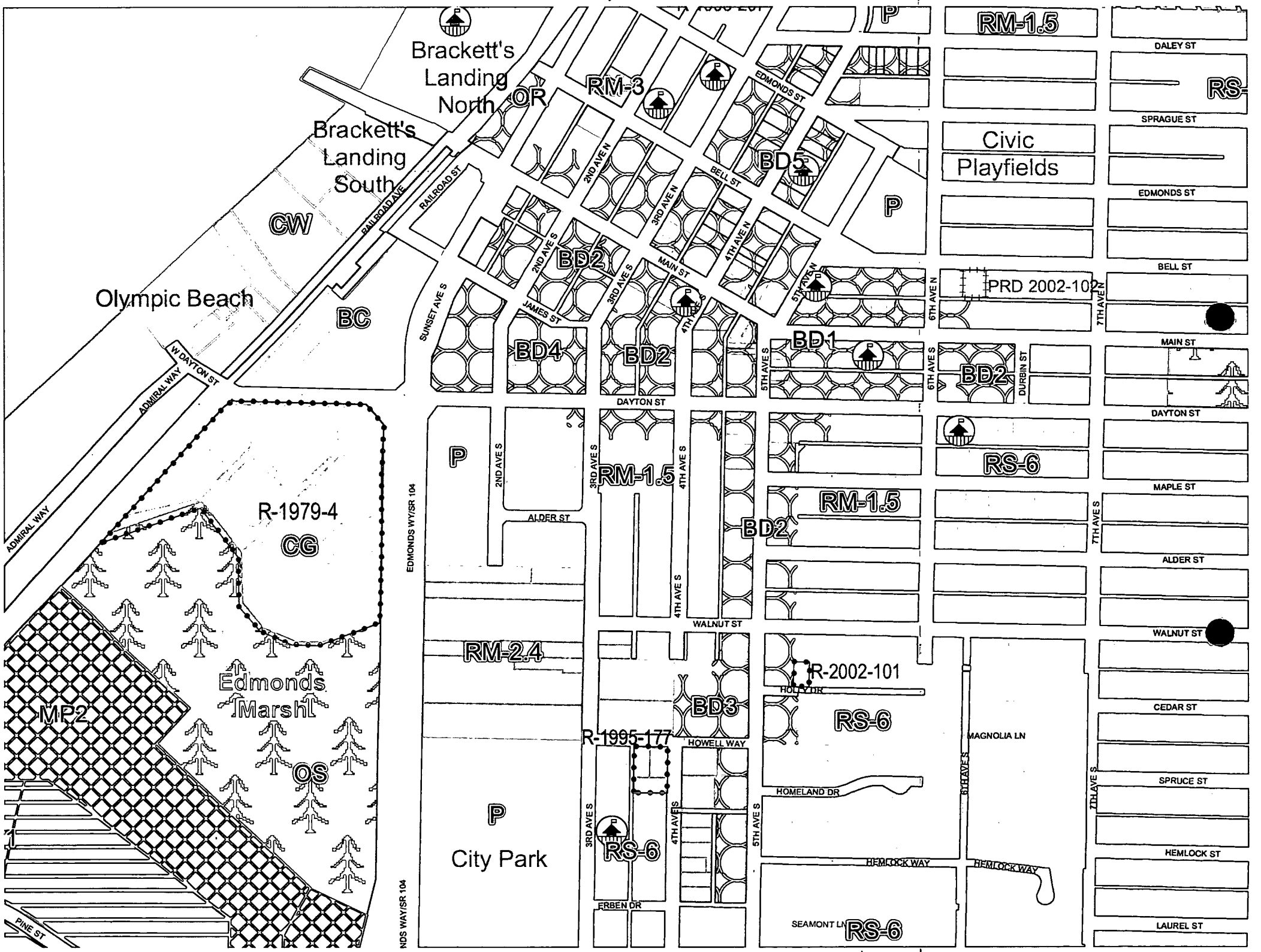
4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.


Brackett's Landing North
Brackett's Landing South
Olympic Beach
OR
RM-3
CW
BC
BD5
BD2
BD4
BD1
P
RM-1.5
RM-2.4
RS-6
PRD 2002-102
R-1979-4
CG
MP2
Edmonds Marsh
OS
R-1995-177
R-2002-101
BD3
City Park
Civic Playfields
RAILROAD AVE
ADMIRAL WAY
W DAYTON ST
SUNSET AVE S
JAMES ST
MAIN ST
BELL ST
EDMONDS ST
DALEY ST
SPRAGUE ST
DAYTON ST
ALDER ST
MAPLE ST
WALNUT ST
CEDAR ST
SPRUCE ST
HEMLOCK ST
LAUREL ST
HOWELL WAY
HOLLY DR
HOMELAND DR
MAGNOLIA LN
SEAMONT LN
ERBEN DR
PINE ST
EDMONDS WY/SR 104
2ND AVE S
3RD AVE S
4TH AVE S
5TH AVE S
6TH AVE S
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Item #_____

Edmonds Planning Board Agenda Memo

Meeting Date:	March 9, 2011
Agenda Subject:	Planning Board review of Downtown BD zones
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

Following up on the Board's previous discussion on February 9, 2011, staff has prepared a list of issues for more detailed discussion. Based on the discussion tonight, staff can bring back actual code options for Board review and set a public hearing for the 1st meeting in April (April 13)

1. Development Agreements

   Background. There has been discussion at the Economic Development Commission and City Council about the possibility of using development agreements to encourage flexibility in achieving city goals with downtown development. In some cases, there may be alternative building designs that achieve the location or retention of certain desired uses in the downtown area (e.g. a hotel or post office) or that need some flexibility in order to achieve desired levels of 'green' development or buildings that enhance the downtown streetscape (e.g. providing additional open space or pedestrian use areas). While development agreements are authorized in the RCWs and in City Code (ECDC 20.08), they are not directly authorized in any of the BD zones – or discussed as to how they would be related to the city's goals for development downtown. This proposal is intended to remedy that situation by specifically authorizing development agreements within the city's downtown BD zones.

   It is worth noting that while development agreements can provide flexibility in meeting the city's goals, they cannot provide something not authorized in the underlying zoning (e.g. additional height or density, if those are specified).

Development agreements can, however, provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site. Part of the discussion should include whether the provision for development agreements should itemize certain goals that a development agreement should address, e.g. 'green' development or streetscape issues.

Proposal. (Option 1) Add a provision to the downtown BD zones that authorizes a development agreement to be approved that can vary all BD zone standards *except for* overall height (i.e. 30 feet). (Option 2) Add a development agreement provision for the BD zones except for the BD5 (4th Avenue Arts Corridor), recognizing that the Board is studying that area separately.

2. Retail core (BD1) retail vs. general commercial uses.

   Background. The BD1 zone represents the city's downtown retail core and runs generally for 1-2 blocks in each direction from the fountain. While this purpose in mind, the regulations do not prohibit non-retail commercial uses from locating in this area. In fact, drive-through businesses are still permitted in the BD1 zone as a conditional use. Recently we have seen uses such as banks and professional offices locating in the BD1 zone. If this trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area.

   Proposal. Restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. Remove the possibility of permitting drive-through businesses as a conditional approval.

3. Commercial depth requirements and 'designated street fronts'.

   Background. ECDC 16.43.030.B contains the requirements related to 'designated street front' and commercial depth. The designated street front is mapped for the BD1 zone, but not for the other BD zones. In addition, the BD1 zone has a 30-foot commercial depth requirement while elsewhere the requirement is 60 feet. It makes sense to bring these provisions into a more consistent framework. To that end, the mapping should be expanded to cover other BD zones, and the commercial depth requirement should not be *greater* in the BD zones outside of BD1. Given that nearly all commercial space in BD1 is at least 60 feet in depth, a more reasonable commercial depth should be required. Conversely, the depth requirement could be lowered in BD2 and BD3.

   Given the exploration of form-based zoning models staff has undertaken over the past year or two, and the fact that the BD zones have begun edging into this method of coding, it would be fairly straight forward to take an additional step at this juncture by focusing a little more on the streetscape and relation of uses to the public street.

   Proposal. Increase the BD1 commercial depth requirement from 30 feet to 45 feet. Decrease the commercial depth requirement in the other BD zones from 60

feet to 45 feet. Map the designated street fronts according to streetscape type, directly tying and relating those to the commercial depth requirements.

4. Street design and step backs.

   Background. Step backs are required in the BD2, BD3 and BD4 zones. Currently, the required step back is 15 feet (see ECDC 16.43.030.C). On some lots, such a large step back is likely to preclude interior court yards or other building features that are desirable. There are a number of ways to address this, such as (1) provide for a smaller building step back (e.g. if certain criteria are met, such as streetscape improvements, 'green' building features, etc.), or (2) enable the step back issue to be addressed case-by-case using the development agreement process (see the discussion under issue #1, above).

   Proposal. (Option 1) Allow a reduction in step-back for certain building features (see discussion), or (Option 2) Use the development agreement proposal to address these situations. Another option (Option 3) would be to simply not require step backs (which are *not* required in the BD1 zone).

APPROVED MARCH 23RD

CITY OF EDMONDS
PLANNING BOARD MINUTES

March 9, 2011

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

BOARD MEMBERS PRESENT
Philip Lovell, Chair
John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Kristiana Johnson
Valerie Stewart

STAFF PRESENT
Stephen Clifton, Community Services/Development Services Director
Rob Chave, Planning Division Manager
Jeanie McConnell, Engineering Program Manager
Mike Clugston, Planner
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF FEBRUARY 9, 2011 BE APPROVED AS SUBMITTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The Board placed their review of the downtown BD zones (Item 7b) before their continued discussion on amendments to the wireless communication facilities regulations (Item 7a). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Doug Spee, Woodway, commented that negative comments were made at the Board's February 9th meeting regarding mixed-use development in Kirkland that includes a big-box store and a mixture of smaller commercial uses. He reminded the Board that mixed-use developments often start with a main tenant, with other commercial space built around it. For example, his proposed project would start with a main tenant, the post office. Having a long-term commitment from a main tenant allows mixed-use developments to be successful. He said comments were also made at the last meeting that if the existing building height in the downtown was good enough to support development in the 1990's, it is good enough now, too. However, it is important to keep in mind that the market and economy are very different now. While a two-story building in downtown would likely pencil out if the upper story was dedicated to high-end residential space, the market is screaming for affordable living options. It is not possible to develop affordable housing in downtown Edmonds given the current height limit, which only allows two stories of development. Mr. Spee summarized that, although it is fashionable to bash development in Kirkland, it is unfair. He suggested the Board look at other neighboring jurisdictions that are similar to Edmonds such as Winslow on Bainbridge Island, which is a small town with a ferry dock. They allow a height limit of 30 feet for mixed-use development, and up to 45 feet if underground parking is provided. He offered to drive the Board Members on a tour of Winslow.

PLANNING BOARD REVIEW OF DOWNTOWN BD ZONES

Chair Lovell encouraged the Board to discuss the issues and proposals identified in the Staff Report and provide direction about how broad an approach they want to take at this point, and how they can work with staff to amend the zoning

regulations to accomplish their identified goals. While full implementation of a form-based code will take a longer period of time, the Board can consider short-term changes that would expedite development proposals in downtown Edmonds.

Mr. Chave explained that the topics for discussion have been broken into four general topics. The Staff Report provides background information and options for the Board to consider for each topic. Staff is seeking direction from the Board regarding the options they would like to explore further so that action language can be prepared for the Board's next discussion on March 23rd. Staff anticipates that a public hearing could be scheduled as early as April 13th. If necessary, he noted that the Board could hold a hearing on more than just one option to solicit feedback from the public before making a recommendation to the City Council. He reviewed each of the topics of discussion as follows:

Development Agreements

Mr. Chave said the City Council and Economic Development Commission (EDC) have discussed the possibility of using development agreements to provide flexibility to encourage certain types of uses in the downtown. He explained that development agreements can provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site in order to accommodate a desired use, to achieve desired levels of "green" development, encourage buildings that enhance the downtown streetscape, etc. He explained that development agreements are authorized in the Revised Code of Washington (RCW) and in City's Development Code (ECDC 20.08), but they are not directly authorized in any of the BD zones. He requested feedback from the Board on whether they support the development agreement concept. If so, do they want to identify specific criteria all development agreements would be required to meet at the onset? He noted that a development agreement would be a legislative process, which would include a public hearing before both the Planning Board and the City Council. The process would allow the Board and City Council to negotiate with a developer to obtain certain public benefits in exchange for allowing flexibility for certain code requirements.

Mr. Chave emphasized that, generally, development agreements cannot allow something that is not allowed by the underlying zoning. For example, if the height limit is 30 feet, the City would not be able to grant a 35-foot height limit as part of a development agreement, unless the code specifically states that this additional bonus could be applied via a development agreement. He said staff believes it makes sense to allow development agreements to vary at least some of the code standards. This could include flexibility for the height limit, or they could place a cap on the height limit at 30 feet. He suggested it might be appropriate to conduct a hearing on both options to solicit feedback from the public about whether they are interested in allowing the City Council to have this flexibility or if there should be an absolute height limit. Again, he emphasized that development agreements would be discretionary items, with hearings at both the Planning Board and City Council levels.

Board Member Cloutier said he supports the development agreement concept because it would give the City Council the means to respond quickly to development proposals. In addition, the public would have an opportunity to weigh in on development agreements proposal prior to their approval. Development agreements provide the City Council with more options to meet the City's economic development needs without opening the flood gates to unreasonable development proposals.

Board Member Clarke suggested that rather than having a specific height limit, a development agreement could allow development not to exceed three useable floors. This would allow flexibility for a developer to provide higher ceiling heights on the upper floors, vaulted ceilings, different window designs, etc. The development agreement could require a developer to provide a pitched rather than flat roof and to screen the HVAC equipment that is located on the roof in exchange for the additional height. This would encourage more creative and attractive architecture. Mr. Chave agreed the code language could be written in such a way to authorize this level of flexibility. In fact, the code could be amended to allow any of the standards to be varied via a development agreement. It would be the proponent's responsibility to convince the City Council and Planning Board that the changes are in the City's best interest. He explained that the development agreement goals could be specifically spelled out in the code language, or by default, development agreements could be evaluated relative to Comprehensive Plan goals and policies such as sustainability, economic development, etc. If the Board and City Council finds that varying the standards would result in a better project, a development agreement could be approved.

Board Member Clarke asked if the City could grant bonus options if a developer provides certain functions. Mr. Chave said this would make the development agreement process more complicated. He said he would bring back additional information to illustrate what a development agreement would look like if it is more open ended and what it would look like if the City identifies certain goals they want to achieve. He suggested they could advertise both options for the public hearing, or they could decide upon a single approach to pursue at the hearing.

Chair Lovell suggested the Board prepare a menu of goals they would like development agreements to meet. Mr. Chave suggested that language be added to the BD zones, outlining what standards could be varied via a development agreement. They could even go so far as to allow building heights that exceed the height limit of the underlying zone if a proposal meets the goals of the City. However, in order for the City to make these adjustments via a development agreement, the code language must specifically provide this level of flexibility. This could be done with a general statement that allows the City to vary any of the standards contained in the zone, or they could attach criteria that all development agreements would be required to meet. It would be up to the applicant to demonstrate how a proposal would further the City's goals, and the City Council has the ability to deny applications that are not in the public's interest. Chair Lovell suggested the statement be as general as possible, and that the criteria address issues such as sustainability, appropriateness for the character of the downtown, etc.

Board Member Stewart suggested the Board consider the following criteria for development agreements:

- Promote sustainable design and green building practices.
- Respect history of place and encourage respect for the history of the downtown.
- Provide public gathering spaces and easy access to non-motorized transportation.
- Designate a certain percentage of the development as affordable housing in exchange for a density bonus. Providing a variety of housing options will ensure the community remains vibrant with a good cross section of demographics.

Board Member Clarke said that in his experience, when cities attempt to socially engineer value systems into development agreements or zoning codes, developments typically fail. He recalled that he spoke out against the public space requirement for the mixed-use development at Firdale Village. He did not feel it was appropriate to require a 15,000 square foot development to provide a public space that would not likely be used. He said he recently did a mixed-use development on Bainbridge Island that required public space, which was developed but is not used. He noted that requiring that 10% of a development be dedicated for public space increases development costs with very little, if any, value to the community. He suggested that a better option would be to require developers to contribute to public art funds to provide art throughout the City for everyone to enjoy.

Board Member Clarke said he has done a lot of public subsidized multi-family developments that have been failures. He cautioned against requiring developers to create affordable housing. Although these components sound good, they do not typically work well. He suggested it is better to let developers figure out how to make projects that are economically viable without making affordable housing a mandate.

Board Member Clarke said he noticed that a development on Second Avenue has a plaque in front of the building commemorating the location of a historic building that was replaced by the existing condominium development in the 1970's. He cautioned against requiring a developer to maintain into perpetuity and build around a historic building. He expressed his belief that historic overlays diminish flexibility for building plans. He summarized that positive flexibility is the key to allowing market forces to react. He referred to a new development on Edmonds Way that is in the final stages of construction. While it is the newest building in the City, it is one of the most unimaginative. He expressed his belief that the code needs to be flexible enough to allow a variety of building materials, designs and facades to make developments unique and different.

Board Member Stewart said she can appreciate Board Member Clarke's comments about public space and said her comments were related more to open space and connections to buildings where people can share conversation and kids can play. Providing open space would not increase construction costs. She agreed, however, that requiring a developer to provide public space inside a building may not be appropriate. She said she would also like to encourage smaller, more durable construction. They need to look at development long term. Building materials come from the earth, and they are rapidly

losing their resources. They need to reuse materials and older buildings rather than starting from scratch. She noted that some historic buildings are not attractive and should not necessarily be preserved in their present form. However, she hopes the Architectural Design Board will have some input into design so that new construction fits with the character of the surrounding historic buildings. She agreed to provide information on the Town of Winslow's approach for providing affordable housing in the hope that she can inspire the Board to consider affordable housing as a possible goal.

Vice Chair Reed said it is important to make sure the code revisions related to development agreements are consistent with the Comprehensive Plan. Chair Lovell suggested the Board could utilize the language found in the Comprehensive Plan, which is quite flexible and meaningful. It provides the necessary flexibility, yet spells out what they are looking for without getting too specific. He cautioned that if the requirements for a development agreement are too specific and restrictive, they could end up with another development like Firdale Village. He suggested that the development agreement provision should reference the specific goals and policies in the Comprehensive Plan, specifically those related to the downtown/waterfront area. Mr. Chave questioned whether it would be necessary to innumerate the goals in the new language since each development agreement proposal would be evaluated based on the goals and policies found in the Comprehensive Plan.

Vice Chair Reed asked how the proposed development agreement provision would interact with the fairly extensive strategic planning process that will begin in the near future. Mr. Chave explained that strategic planning is much broader than code revisions and talks about the relationship between the City's various priorities. He cautioned against calling a halt to all other code revisions waiting for the strategic plan to be finished. To answer Vice Chair Reed's inquiry, Mr. Clifton advised that a Request for Qualifications for a strategic planning consultant has been prepared, and a copy of the document was forwarded to each of the Board Members for comment. Vice Chair Reed asked if reviewing and updating the entire downtown zoning code is the only alternative to development agreements. Mr. Chave agreed that development agreements are the only option available without updating the entire BD zoning code. He explained that the State of Washington has offered development agreements as an alternative to contract rezones, which are no longer allowed. He noted that the Planning Board and City Council would have an opportunity to negotiate the terms of a development agreement with the applicant to address various City goals and policies. Contract rezones were either approved or denied, and there was no opportunity to negotiate with an applicant.

Mr. Clifton said that from the perspective of someone who has written and administered codes, development agreements have the potential to result in more creative development than prescriptive zoning. Development agreements are reviewed by the Planning Board and the public is invited to react. It involves a negotiation process between the City and the developer, with the City Council making the ultimate decision. Development agreements allow for much more public process than the City's current prescriptive zoning. It is important for the community to have the opportunity to discuss development proposals collectively. He summarized that he views development agreements as an advantage rather than a disadvantage.

Board Member Johnson asked what staff is proposing for development agreements that is different than what is already authorized. Mr. Clifton said the code must identify the standards that can be negotiated as part of a development agreement. Mr. Chave added that while the current code language allows development agreements to restrict development, it does not allow the City to modify a standard beyond what the code allows. The language must specifically state that certain standards can be modified via a development agreement.

Board Member Clarke referred to Option 2, which would exclude the BD5 zone (4th Avenue Arts Corridor) from the development agreement provision. Since this zone would be addressed as part of a separate study, he agreed it would be appropriate to exclude it from the proposed revision. The remainder of the Board concurred. Board Member Clarke also suggested the development agreement provision should allow flexibility to accommodate up to three stories of development.

The Board directed staff to bring back code language to add a provision to the downtown BD zones, except BD5, that authorizes development agreements that can vary all BD zone standards.

Retail versus General Commercial Uses in the Retail Core

Mr. Chave explained that the BD1 zone represents the City's downtown retail core and runs generally for one or two blocks in each direction from the fountain. Because the regulations do not prohibit non-retail commercial uses, banks and various

professional offices have located within the BD1 zone in recent years. He expressed concern that if the trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area. Staff is proposing an amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They are also recommending that drive-through business be prohibited. He recalled that the Board originally recommended that drive-through facilities not be permitted in the BD1 zone. However, the City Council decided it would be appropriate to allow them as a conditional use.

Board Member Clarke expressed concern that many of the ground floor windows at Old Mill Town are screened to provide privacy for the professional offices, which discourages pedestrians from circulating throughout this area. He suggested the City's goal should be to encourage more people to explore the downtown/waterfront area in all directions by creating more retail synergy within the corridor. He also suggested the City consider opportunities to encourage developers to provide public restrooms within the downtown area as part of their proposals.

Board Member Stewart said it is also important that the downtown retail core is welcoming to people with children. She suggested that uses that are family friendly should be allowed to occur in the retail core in order to bring a variety of people to the area. She summarized that while retail uses are important, they should not prohibit other kinds of uses that could bring the downtown alive.

The Board directed staff to prepare a draft code amendment that would restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. They also asked staff to remove the possibility of permitting drive-through businesses as a conditional approval.

Commercial Depth Requirements and Designated Street Fronts

Mr. Chave advised that the designated street fronts are mapped for the BD1 zones, but not for the other BD zones. At this time, the BD1 zone has a 30-foot commercial depth requirement, while elsewhere the requirement is 60 feet. Staff is recommending the provisions have a more consistent framework. For example, the mapping should expand to cover other BD zones, and the commercial depth requirement should not be greater in the BD zones outside of BD1. He reported that staff surveyed the existing commercial space in the BD1 zone and found that most is at least 60 feet deep. He recommended that the commercial depth requirement should be 45 feet in all BD zones. He referred the Board to a map showing the current designated street fronts for the BD1 zone. He also provide a map of potential street front designations for the remainder of the BD zones. He recommended the designated street fronts map be expanded to include all commercial zones except for the BD5 zone (4th Avenue Cultural Corridor).

Chair Lovell referred to an email the Board Members received from Council Member Petso regarding this item.

Chair Lovell asked if the street front map would identify the minimum commercial space requirement. Mr. Chave answered affirmatively. Chair Lovell asked if criteria is available to help the City determine the proper depth for commercial space in the BD zones. Mr. Chave noted that most of the commercial space in the downtown has a depth of 60 feet, but he acknowledged that some are smaller so the code must be flexible. Staff believes that a 30-foot depth requirement would be too shallow and 60 feet would be too deep. They are recommending a 45-foot depth requirement as a happy medium.

Board Member Cloutier asked if staff has raised this issue with the Downtown Edmonds Merchant's Association (DEMA) and the Chamber of Commerce. Mr. Chave said these groups would be included in the anticipated outreach program. Board Member Cloutier agreed with Mr. Chave that no designated street fronts should be identified for the 4th Avenue Cultural Corridor (BD5 zone).

Board Member Clarke observed that although Starbucks is currently celebrating 50 years in business, their location in Edmonds is too small and is constrained by the existing building size. He advised that the more shallow the depth of a commercial space, the more constrained it will be for future retail uses. He said he supports the idea of requiring something more than 30 feet, but allowing enough flexibility to have something less than 60 feet. This would allow for market fluctuation. He invited Mr. Spee, who owns several properties in the downtown, to comment regarding the proposed change.

Doug Spee, Woodway, said there is more to the equation than just the minimum depth requirement. Because some development extends all the way to the alley, there is often the assumption that the alley is a street and the designated street front extends around the corner into the alley. That means that commercial space would be required on the ground floor along the alley, which is typically where the parking, garbage enclosure, etc. are located. He said it appears that expanding the designated street front map to include other BD zones would address this issue. He said he does not have a specific number for the appropriate depth requirement. In his buildings, a 60-foot requirement is too much for some types of uses.

Mr. Chave explained that staff has been exploring form-based zoning models over the past few years, and the BD zones have started edging into this method of coding. He said it would be fairly simple to focus a little more on the streetscape and relation of uses to the public street. In order to accomplish this goal, the City must define streets differently, and that is the purpose of the designated street front map.

The Board discussed the option of not designating a minimum depth requirement. Mr. Chave cautioned that this approach could result in numerous projects with very minimal commercial space along the street front, particularly if the commercial component is not driving the project. This can result in undesirable commercial space that is not rentable, which can erode the downtown retail core over time. Setting an appropriate minimum depth requirement would allow the City to remain steady throughout changing market conditions so that a viable downtown core can be maintained.

Board Member Clarke referred to several three-story buildings in the downtown where commercial space was constructed below grade, and pedestrians much go down stairs in order to access the ground level. He suggested these situations are a function of the current height restrictions and the developer's desire to design for residential instead of commercial space. He noted there is no commercial space on 2nd Avenue from Main Street north except the post office. Requiring retail space in this location does not make sense. It is challenging to designate commercial areas and what kinds of commercial uses should be allowed and encouraged, and a form-based zoning approach would allow the City to consider the unique character of the environment. Mr. Chave advised that the 4th Avenue Cultural Corridor would probably be the first area in the downtown where true form-based zoning is implemented, but this would not occur until the latter part of the year.

The Board asked staff to prepare code language that identifies a minimum commercial depth requirement of 45 feet for the BD1, BD2 and BD4 zones. They also asked staff to expand the designated street front map to include all BD zones, except BD5.

Street Design and Step Backs

Mr. Chave reviewed that a 15-foot step back is required in the BD2, BD3 and BD4 zones. On some lots, this large step back requirement can preclude interior courtyards or other building features that are desirable, particularly on north-south streets where lots are shallow. He suggested there are a number of other options for addressing this issue such as providing for a smaller building step back if certain criteria (streetscape improvements, green building features, etc.) can be met. Another option is to enable the step back issue to be addressed case-by-case using the development agreement process. The Board could also recommend reducing or eliminating the step back requirement entirely. Mr. Chave expressed his belief that a 15-foot step back requirement is too much, and a 5-foot step back would be adequate. He agreed to provide photographs at the next Board meeting to illustrate how a 5-foot and 15-foot step back requirement would be implemented.

Chair Lovell observed that in the process of creating redevelopment plans for Harbor Square, Five Corners, and Westgate, this issue is being addressed more as an item of building façade articulation as opposed to specific step backs. He said it is important that a building's façade is articulated both in depth and building materials to break it up, but this does not necessarily require step backs. He recommended the issue be addressed on a case-by-case basis as part of a development agreement.

Board Member Stewart referred to the 2005 study completed by Mark Hinshaw, which suggests a number of architectural approaches to differentiate the first floor of a development from the upper floors in an attractive way. Mr. Chave said the step back approach was originally adopted by the City Council as a way to differentiate between 25 and 30-foot buildings. They settled on the step back approach as a compromise solution. However, he acknowledged there are other options that would

accomplish the same goal and buildings can be attractively designed with no step back. He specifically referred to the Beeson and Chanterelle buildings, which provide good examples of other ways to address the issue.

Board Member Stewart suggested that rather than talk about height, the City could identify design goals that must be met as part of a development agreement. The City Council could then negotiate the final decision with the developer. They should focus on the function of a building rather than the specific height. Board Member Clarke agreed and suggested that most people have difficulty visioning height. Somehow the community has gotten stuck on a numerical figure to address the height issue rather than a visual understanding of what a development would look like. This approach must change if they want to promote a unique and attractive environment.

The Board directed staff to prepare draft code language that would enable the step back issue to be addressed on a case-by-case basis using the development agreement process.

Mr. Chave summarized that staff would prepare draft code language as directed by the Board. The draft proposal would be presented to the Board for additional review on March 23rd. It is anticipated a public hearing would be scheduled for April 13th.

THE BOARD TOOK A BREAK AT 8:35 P.M. THEY RECONVENED THE MEETING AT 8:45 P.M.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 18.05 AND 20.15 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS COMMUNICATION FACILITIES (FILE NUMBER AMD-2010-0004)

Mr. Clugston reviewed that the Board has held multiple meetings on this topic since April 2010, and their work has led to the creation of completely revised draft regulation, which was distributed for Board review on November 10, 2010. The Board discussed various refinements of the draft regulation in detail at their January 12, 2011 meeting. In addition, the Architectural Design Board reviewed the document on February 16, 2011. Overall, they were satisfied with the proposed language, but they offered some additional clarification. Using input from both the Planning Board and the Architectural Design Board, staff worked with the City Attorney to further refine the draft (Attachment 3). He specifically highlighted the following changes:

1. The term "ground-mounted facilities" was changed to "monopole facilities" for clarity since other possible ground-mounted facilities like lattice towers and guyed towers are specifically prohibited.
2. Upon the recommendation of the City Attorney, the definitions would be included with the chapter as opposed to placing them in a different title.
3. Section 20.50.050.N (landscaping and screening) was updated to better reflect existing landscaping code (ECDC 20.13).
4. The Planning Board's recommended language for location and height of building-mounted wireless facilities was included in ECDC 20.50.090, and their recommended language for structure-mounted antennas was included in ECDC 20.50.100.
5. Table 20.50.080.2 was eliminated and monopole height and setbacks were aligned to Chapter 16 (zoning).

Mr. Clugston referred the Board to an email from Council Member Petso asking the Board to consider the fact that she has heard comments from neighbors about service vehicles parking on lawns and landscaped areas. He pointed out that ECDC 20.50.050.F states that any application must demonstrate there is sufficient space for temporary parking for regular maintenance of the proposed facility. Problems would be dealt with on a complaint basis. Vice Chair Reed asked if Council Member Petso's concern is a result of access problems or just bad manners. Mr. Clugston said it is probably the latter. However, he noted that in some situations, private residential property owners have located landscaping or lawn area within public rights-of-way.

Board Member Clarke asked if it would be possible to address the problem by providing signage to identify the parking space for service vehicles. Mr. Chave pointed out that parking is generally located within the right-of-way and they typically try to pull the vehicles as far off the road as possible. He acknowledged that this can impinge on landscaping that has been planted

Item # 7b

Edmonds Planning Board Agenda Memo

Meeting Date:	March 9, 2011
Agenda Subject:	Planning Board review of Downtown BD zones
Staff Lead / Author:	Rob Chave
Initiated By:	☑ City Council ☐ Planning Board ☑ City Staff ☐ Citizen Request ☐ Other:

Following up on the Board's previous discussion on February 9, 2011, staff has prepared a list of issues for more detailed discussion. Based on the discussion tonight, staff can bring back actual code options for Board review and set a public hearing for the 1st meeting in April (April 13)

1. Development Agreements

   Background. There has been discussion at the Economic Development Commission and City Council about the possibility of using development agreements to encourage flexibility in achieving city goals with downtown development. In some cases, there may be alternative building designs that achieve the location or retention of certain desired uses in the downtown area (e.g. a hotel or post office) or that need some flexibility in order to achieve desired levels of 'green' development or buildings that enhance the downtown streetscape (e.g. providing additional open space or pedestrian use areas). While development agreements are authorized in the RCWs and in City Code (ECDC 20.08), they are not directly authorized in any of the BD zones – or discussed as to how they would be related to the city's goals for development downtown. This proposal is intended to remedy that situation by specifically authorizing development agreements within the city's downtown BD zones.

   It is worth noting that while development agreements can provide flexibility in meeting the city's goals, they cannot provide something not authorized in the underlying zoning (e.g. additional height or density, if those are specified).

Development agreements can, however, provide flexibility in dealing with such features as setbacks, step backs, arrangement of uses, etc. on a given site. Part of the discussion should include whether the provision for development agreements should itemize certain goals that a development agreement should address, e.g. 'green' development or streetscape issues.

Proposal. (Option 1) Add a provision to the downtown BD zones that authorizes a development agreement to be approved that can vary all BD zone standards *except for* overall height (i.e. 30 feet). (Option 2) Add a development agreement provision for the BD zones except for the BD5 (4th Avenue Arts Corridor), recognizing that the Board is studying that area separately.

2. Retail core (BD1) retail vs. general commercial uses.

   Background. The BD1 zone represents the city's downtown retail core and runs generally for 1-2 blocks in each direction from the fountain. While this purpose in mind, the regulations do not prohibit non-retail commercial uses from locating in this area. In fact, drive-through businesses are still permitted in the BD1 zone as a conditional use. Recently we have seen uses such as banks and professional offices locating in the BD1 zone. If this trend continues, it could erode and undermine the viability of the BD1 zone as a retail focus area.

   Proposal. Restrict uses on the ground floor of buildings in the BD1 zone to only retail and restaurant/food service uses. Remove the possibility of permitting drive-through businesses as a conditional approval.

3. Commercial depth requirements and 'designated street fronts'.

   Background. ECDC 16.43.030.B contains the requirements related to 'designated street front' and commercial depth. The designated street front is mapped for the BD1 zone, but not for the other BD zones. In addition, the BD1 zone has a 30-foot commercial depth requirement while elsewhere the requirement is 60 feet. It makes sense to bring these provisions into a more consistent framework. To that end, the mapping should be expanded to cover other BD zones, and the commercial depth requirement should not be *greater* in the BD zones outside of BD1. Given that nearly all commercial space in BD1 is at least 60 feet in depth, a more reasonable commercial depth should be required. Conversely, the depth requirement could be lowered in BD2 and BD3.

   Given the exploration of form-based zoning models staff has undertaken over the past year or two, and the fact that the BD zones have begun edging into this method of coding, it would be fairly straight forward to take an additional step at this juncture by focusing a little more on the streetscape and relation of uses to the public street.

   Proposal. Increase the BD1 commercial depth requirement from 30 feet to 45 feet. Decrease the commercial depth requirement in the other BD zones from 60

feet to 45 feet. Map the designated street fronts according to streetscape type, directly tying and relating those to the commercial depth requirements.

4. Street design and step backs.

   Background. Step backs are required in the BD2, BD3 and BD4 zones. Currently, the required step back is 15 feet (see ECDC 16.43.030.C). On some lots, such a large step back is likely to preclude interior court yards or other building features that are desirable. There are a number of ways to address this, such as (1) provide for a smaller building step back (e.g. if certain criteria are met, such as streetscape improvements, 'green' building features, etc.), or (2) enable the step back issue to be addressed case-by-case using the development agreement process (see the discussion under issue #1, above).

   Proposal. (Option 1) Allow a reduction in step-back for certain building features (see discussion), or (Option 2) Use the development agreement proposal to address these situations. Another option (Option 3) would be to simply not require step backs (which are *not* required in the BD1 zone).

Main Street and 5th Avenue, but not in the rest of the BD zones. It ruins any chance to stack the floor plan of the two levels of residential unless all floors are held back from the podium edge. The problem here is that you simply don't have the height that would make a smaller footprint make sense.

The step back rule also is simplistic in that it encourages a clone of the same design, with many colors of the same wedding cake. The step back rule produces building designs that have no similarity whatsoever to the existing downtown core. The biggest proof that it is a poor choice for getting the extra five feet of height is the simple statistic of the number of new designs that have been proposed and constructed in the years since the rule was enacted; zero, nothing, not a single project. This three-year dead zone in Edmonds' history has had a ripple effect from an idle building department to pointless meetings by the functioning committees that are supposed to be considering design issues and making decisions. I ask the Board to start rethinking this rule, even tonight, and consider a tray of choices other than just the step back for developers to create projects in the BD zones that can include the critically needed five feet above the 25-foot limit. If you need a place to start, my project is ready now to be critiqued and discussed."

Ron Wambolt, Edmonds, thanked the Planning Board for the work they do. They do a lot of hard work, and sometimes not even the City Council appreciates their efforts. He referred his comments to the post office property, which he believes is an unprecedented opportunity to get attention focused on the entire area, particularly the south side of the block from 2nd to 3rd Avenues. He noted that the last development in this general area was in 1996, when the mixed-use building on the west side was constructed. Astonishingly, there has not been a single mixed-use project in any BD zones since they were created in 2006. The post office project needs to be done right in order to inspire other developers. The project would not have a sunken first floor, but would have a first floor with ceilings tall enough to accommodate people other than midgets. It would also be solidly constructed. However, the project would not be allowed sufficient height to accommodate three floors of apartments in the first phase of the project. This is a shame because that additional floor would only require four more feet of height allowance above code for a total of 34 feet. Four more feet would allow about 17 more apartments, and the sales tax from the construction would be at least $200,000. Property taxes from the project would be about $20,000 more each year.

Mr. Wambolt recalled that Mr. Spee has publicly stated that a third floor would allow him to fit the monthly rates for all apartments $200 lower than what the rates would be without a third floor. He reminded the Board that one of the City's goals is to foster more affordable housing, and this would be a very tangible step in the right direction. He expressed his belief that the current City Council would like to see three floors of apartments on this site. He strongly urged the Board to collaborate with staff to quickly get the codes changed in order to allow the project to proceed with three floors of apartments. Everyone recognizes the City needs economic development, and he encouraged the Board to be proactive and maximize this great opportunity.

REVIEW AND DISCUSSION ON POTENTIAL UPDATES TO BD ZONING PROVISIONS

Mr. Chave advised that staff recently met with the City Council's Development Services/Community Services Committee to identify several potential amendments that would improve the BD zones, including:

1. **Designated Street Front.** The BD1 zone has a map associated with it that clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area. For example the post office is on a site opposite a commercial area, so it makes sense to continue that, but multi-family and single-family development is located further down the block. It may not be appropriate to force commercial all along that block on the ground floor.

2. **Commercial Depth Requirement.** The commercial depth requirement in the BD1 zone is 30 feet on the ground floor. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the "right" number and should it be 30 feet?, and (2) shouldn't the requirement be consistent in, or possibly even higher, in the BD1 zone versus the other BD zones? For example, staff does not believe it makes sense to have a higher standard in the BD2 zone as opposed to the BD1 zone.

3. **4th Avenue Cultural Corridor.** The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor, linking downtown to the Edmonds Center for the Arts. The 4th Avenue Cultural Corridor Design Implementation and Funding Plan was adopted after the BD5 zone was created. If the City wants to get serious about implementing the study, they should review the zoning and make the appropriate changes to implement the plan. For example, they may want to consider adopting all or portions of the study into the code as design guidelines. This project may require more time than the first two items discussed above, so it may be reasonable to work on Items 1 and 2 before taking up the 4th Avenue Cultural Corridor review.

4. **Additional Items.** The issues raised earlier in the meeting by private citizens may be relevant issues to consider as they review the BD zones.

Board Member Reed noted that the City Council's Development Services/Cultural Services Committee also considered additional changes related to green building incentives, which were forwarded to the Citizen Economic Development Commission. Mr. Chave noted that this is a much broader topic that is not specific to the BD zones, and the Board will be part of the team that working on this issue.

Chair Lovell said that much of what is contained in the current zoning requirements is based on current development. It does not provide for a degree of flexibility or departure from the specific requirements such as first floor depth and building heights. He questioned if the Board should focus their discussion on the three items raised by staff and the issues raised earlier by the citizens and recommend "band aid" amendments, or should they review the entire BD zoning code to come up with something that makes more sense for the 21st Century.

Mr. Chave said that one goal of the University of Washington studies of Westgate and Five Corners is to come up with a new kind of template for form-based zoning. If it works in those areas, the City should logically be able to apply the same concept in other areas such as downtown. He explained that form-based zoning allows the City to address form, scale and appearance in a more holistic and less formulaic way. There would not be a specific height or setback requirement. Instead, the requirements would be tailored to a particular location or street. The City's current one-size-fits-all zoning does not accomplish this goal. However, he does not anticipate the Westgate and Five Corner Business studies would be completed until the end of the year. The Board could continue to study the options but hold off on their recommendation until the form-based zoning option is further along. The second option would be to review the proposed adjustments right now and forward a recommendation to the City Council and then continue their discussion regarding form-based zoning options next year. He suggested the Board seek feedback from the City Council at their upcoming joint meeting.

Mr. Chave again said he believes the form-based zoning that is created for Westgate and Five Corners could also be applicable to the downtown zones. He suggested that people are most concerned about design, street front, character and appearance. If these issues are adequately addressed, the specific height of a development is secondary.

Chair Lovell suggested staff provide an abbreviated narrative and a pictorial diagram to demonstrate the problems that have come up with the existing language and how staff is proposing to address the issues. Mr. Chave agreed that staff could provide more information regarding the three items outlined in the staff report. However, he emphasized that because of the down economy, there has been very little development in the BD zones since they were created. Therefore, staff does not know what works and what does not. He suggested the Board invite Mr. Spee to share his experience working with the existing code and the demands of perspective tenants. Chair Lovell noted that he and Board Members Johnson and Reed were present when Mr. Spee made his presentation to the Citizens Economic Development Commission.

Board Member Reed said he does not have a problem dealing with each of the three items referred to them by the Development Services/Community Services Committee. He suggested the Board form a subcommittee to review the 4th Avenue Cultural Corridor Design Implementation and Funding Plan and identify the types of changes that are needed for the BD5 zone. He expressed his belief that now is a good time to start this joint discussion with the City Council and Planning Board.

Board Member Clarke stressed the importance of considering all aspects of zoning and land use issues related to the downtown. He emphasized that he does not have any pre-formed ideas about what building heights in the City should be, but

he gets a little weary of individuals who acquire property for redevelopment without clearly understanding the laws of economics. They often create a project proposal that is financially non-feasible unless they obtain greater building heights. He reviewed that in the 1980's three new buildings were constructed on the Edmonds waterfront, and each were three stories in height with restaurants on the top floor. Two of the restaurants were converted to office space because the restaurants were not viable. The third still has an operative restaurant. Two-story office buildings have been built on 5th Avenue South between the fountain and Walnut Street, and all were economically viable when they were constructed. Building heights had nothing to do with financial viability. Office buildings were constructed throughout the 1990's on the west side of 2nd Avenue from Main Street to Dayton Street. They consist of two-story construction with condominiums on the second floor and office space on the first floor, with below grade parking. The building at 110 Main Street also has parking on grade, with one floor of office and one floor of condominiums. All these developments were accomplished with a 25-foot height limit, and all were economically viable. They all sold well as condominiums and leased well as office buildings. He summarized his belief that the need to go three to four stories is not a requirement for financial viability if the site is purchased for the right price and construction prices are low.

Board Member Clarke expressed his belief that they should review zoning code flexibility in relationship to depths, need and placement of commercial space. He noted that the character of the area on 2nd Avenue north of Main Street is different than Main Street, and it does not make sense to require commercial development in this area. He summarized that the real estate market ebbs and flows in cycles, and they cannot blame building heights on real estate cycles. They are experiencing the worst real estate cycle since the depression. They need to recognize that things are bad. There is no panacea of developing four, five or six-story buildings because they will all sit vacant. He suggested they drive through downtown Kirkland and note how the ground floor commercial space in the mixed-use projects is sitting vacant because tenants cannot afford to pay rent. He noted that none of the buildings in Mill Creek are greater than two stories except one mixed-use building that has condominiums at the top. Even the Swedish at Mill Creek building is not four stories in height. He said he does not believe that four-story buildings are necessary to be economically viable. He cautioned against the idea of increasing the City's tax base becoming the basis for doing real estate development. Instead, they should blend land-use economics, land-use laws and current zoning concepts to make something that works in the marketplace and that is attractive. He suggested they get past the issue of building height and look at what makes sense. He felt they should move forward with a discussion of the issues raised in the staff report.

Chair Lovell said he presented the Planning Board's report to the City Council at their retreat on February 4th. It was received without any specific comments. He suggested that Mayor Cooper reestablish the regular meetings he used to have with the Board Chair and Vice Chair. The Mayor agreed this would be helpful. He said he also addressed the matter of short circuited communication between the Planning Board and City Council. He pointed out to the City Council that all of the various plans and ideas that are currently being considered related to land use will eventually come before the Planning Board for a public hearing and a recommendation to the City Council. He suggested that the Board and City Council should meet jointly and perhaps establish a task force to help expedite the process by addressing some of the sore points so the plans can move forward.

Again, Mr. Chave suggested the Board start conversations related to form-based zoning and what they want to achieve so that when a template is in place later in the year the information can be translated into the template.

Board Member Reed questioned how the downtown zoning discussion originated. Mr. Chave said the BD zones were created to implement the updated Downtown Waterfront Plan Element of the Comprehensive Plan. He recalled that the step back requirement was intended as a compromise between those that wanted a 25-foot height limit and those who felt the height limit should be 30 feet. Because there has been very little development, staff does not have a clear understanding of whether the concept is workable or not. This would be a good time for the Board to review the concept again and determine if it is something they want to retain or if they want something a little different.

Board Member Cloutier expressed his belief that implementing form-based zoning and addressing the issues raised in the staff report are not mutually exclusive approaches. The decisions that are made related to the issues raised by staff could become part of whatever form-based zoning code is implemented in the future. He suggested the Board begin the process of addressing the issues outlined by staff, but also start conservations about the bigger approach for implementing form-based zoning that holistically addresses all the BD zones.

Board Member Clarke commented that real estate exists for human activity. Sometimes they forget about the elements they would like to have in the City. For example, a hotel on the post office site could be a great amenity for the City. This type of use could require a greater building height in order to make it a viable structure. They need to look at the various land uses as part of a global picture for the downtown and ask the question of what they are trying to create, and what kind of buildings would need to be designed to accommodate these human activities. He felt this would give the community a broader incentive to make changes so redevelopment could be more attractive, livable and sustainable in the future. For example, they need to look at how to reuse existing buildings, create parking that works, etc.

Chair Lovell questioned if a professional consultant would be required to help the Board through the process. Again, Mr. Chave suggested the Board have a discussion with Mr. Spee and his professionals to find out what they have been doing. He said he is not sure it would be necessary to hire a consultant to work with the Board at this stage.

Chair Lovell referred to the Downtown Waterfront Plan that was adopted in 1994 and is available via the City's website. Mr. Chave said this plan was updated in 2005. Chair Lovell pointed out that many of the recommendations in the plan have already been done. The document can be used as a reference and he recommended the Board Members all review it. Vice Chair Reed noted that much of the language in the Comprehensive Plan was taken from the Downtown Waterfront Plan.

The Board agreed to discuss potential updates to the BD zoning provisions at a joint meeting with the City Council. Chair Lovell agreed to contact the City Council President to schedule the joint meeting. Chair Lovell and Vice Chair Reed also agreed to meet with the City Council President to discuss the joint meeting agenda. Chair Lovell indicated he would contact Mr. Boyer to obtain additional information about the changes proposed by Mr. Spee.

Board Member Clarke pointed out that Leavenworth has specific design standards for their city. Mr. Chave said they have what is called a design theme. Board Member Clarke noted that other communities use design themes, as well. He asked if this concept could enter into the discussion about the BD zones. Mr. Chave expressed his belief that the community has never gotten past the height discussions to talk about actual design. He suggested they flip the discussion to talk about design first, and height should follow as a result. He acknowledged that this would not be an easy task.

VACANT PLANNING BOARD POSITIONS

Chair Lovell reported that Mayor Cooper has received four applications for the vacant Planning Board positions. He agreed to contact the Mayor to find out more about the process and timeline for candidate selection.

REVIEW OF EXTENDED AGENDA

There was no discussion related to the extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell said that in his presentation to the City Council he reminded them that the Board's charge is to work in concert with the Citizens Economic Development Commission to create a more sustainable Edmonds for the future, environmentally, economically and livability wise. As planners and participants in the process, they must get beyond the idea of just building LEED buildings. There are many other aspects of sustainability that can be implemented.

Chair Lovell agreed to contact the Chair of the Citizens Economic Development Commission and Mr. Clifton, Community Services/Economic Development Director to discuss how to proceed with their joint economic development report to the City Council.

AI-3732 Item #: 8. a.

Planning Board Agenda

Date: 02/09/2011

Review and Discussion on Potential Updates to BD Zoning Provisions

Department: Planning

Initiated By: City Council

Information

Subject/Purpose

Review and Discussion on Potential Updates to BD Zoning Provisions

Staff Recommendation

N/A

Previous Board Action

N/A

Narrative

We have had some experience with reviewing and working with the BD zones since they were established in 2005. Although very little development had occurred in the intervening years, we are aware of some improvements that could be made.

1. Designated Street Front. The BD1 zone has a map associated with it which clearly identifies the "designated street front" for defining priority commercial street frontages within the BD1 zone. Given the irregular configuration of downtown commercial zones, it seems to make sense to provide further definition (via mapping) of "designated street fronts" in other BD zones. This would also provide additional consistency in terminology throughout the downtown area.

2. Commercial Depth Requirement. The commercial depth requirement (i.e. the minimum depth that must be occupied by commercial uses) in BD1 is 30 feet on the ground floor -- which is also tied to the designated street front map. However, other BD zones have a 60-foot commercial depth requirement. This raises two questions: (1) what is the 'right' number -- should it be 30 feet?, and (2) Shouldn't the requirement be consistent in, or possibly even higher in the BD1 zone vs. the other BD zones? Its makes no sense to have a higher standard in BD2 as opposed to BD1, for example.

3. 4th Avenue Cultural Corridor. The BD5 zone was established to recognize the unique character of the 4th Avenue Cultural Corridor linking downtown to the Edmonds Center for the Arts. Since the BD5 zone was established, additional design work has been done on that corridor. A review of the BD5 zone vis-a-vis the recommendations of the design study should be undertaken. This may require more time than the first two items discussed above, so it may be reasonable to work on items 1 and 2 before taking up the 4th Avenue review.

Attachments

Attachment1: BD Zoning Classification (existing)

Attachment 2: Council Committee Minutes 8/11/2010

Attachment 3: 4th Avenue Cultural Corridor Report

Chapter 16.43
BD – DOWNTOWN BUSINESS

Sections:

16.43.000 Purposes.
16.43.010 Subdistricts.
16.43.020 Uses.
16.43.030 Site development standards.
16.43.035 Design standards – BD1 zone.
16.43.040 Operating restrictions.

16.43.000 Purposes.

The BD zone has the following specific purposes in addition to the general purposes for business and commercial zones listed in Chapter 16.40 ECDC:

A. Promote downtown Edmonds as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community, and as a destination for visitors from throughout the region.

B. Define the downtown commercial and retail core along streets having the strongest pedestrian links and pedestrian-oriented design elements, while protecting downtown's identity.

C. Identify supporting arts and mixed use residential and office areas which support and complement downtown retail use areas. Provide for a strong central retail core at downtown's focal center while providing for a mixture of supporting commercial and residential uses in the area surrounding this retail core area.

D. Focus development between the commercial and retail core and the Edmonds Center for the Arts on small-scale retail, service, and multifamily residential uses. [Ord. 3700 § 1, 2008].

16.43.010 Subdistricts.

The "downtown business" zone is subdivided into five distinct subdistricts, each intended to implement specific aspects of the comprehensive plan that pertain to the Downtown Waterfront Activity Center. Each subdistrict contains its own unique mix of uses and zoning regulations, as described in this chapter. The five subdistricts are:

BD1 – Downtown Retail Core;

BD2 – Downtown Mixed Commercial;

BD3 – Downtown Convenience Commercial;

BD4 – Downtown Mixed Residential;

BD5 – Downtown Arts Corridor. [Ord. 3700 § 1, 2008].

Attachment 1

16.43.020 Uses.

A. Table 16.43-1.

Permitted Uses	BD1	BD2	BD3	BD4	BD5
Commercial Uses					
Retail stores or sales	A	A	A	A	A
Offices	A	A	A	A	A
Service uses	A	A	A	A	A
Retail sales requiring intensive outdoor display or storage areas, such as trailer sales, used car lots (except as part of a new car sales and service dealer), and heavy equipment storage, sales or services	X	X	X	X	X
Enclosed fabrication or assembly areas associated with and on the same property as an art studio, art gallery, restaurant or food service establishment that also provides an on-site retail outlet open to the public	A	A	A	A	A
Automobile sales and service	X	A	A	X	X
Dry cleaning and laundry plants which use only nonflammable and nonexplosive cleaning agents	C	A	A	A	X
Printing, publishing and binding establishments	C	A	A	A	C
Community-oriented open air markets conducted as an outdoor operation and licensed pursuant to provisions in the Edmonds City Code	A	A	A	A	A
Residential Uses					
Single-family dwelling	A	A	A	A	A
Multiple dwelling unit(s)	A	A	A	A	A
Other Uses					
Bus stop shelters	A	A	A	A	A
Churches, subject to the requirements of ECDC 17.100.020	A	A	A	A	A
Primary and high schools, subject to the requirements of ECDC 17.100.050(G) through (R)	A	A	A	A	A

Local public facilities, subject to the requirements of ECDC 17.100.050	C	C	C	A	C
Neighborhood parks, natural open spaces, and community parks with an adopted master plan subject to the requirements of ECDC 17.100.070	A	A	A	A	A
Off-street parking and loading areas to serve a permitted use	B	B	B	B	B
Commuter parking lots in conjunction with a facility otherwise permitted in this zone	B	B	B	B	X
Commercial parking lots	C	C	C	C	X
Wholesale uses	X	X	C	X	X
Hotels and motels	A	A	A	A	A
Amusement establishments	C	C	C	C	C
Auction businesses, excluding vehicle or livestock auctions	C	C	C	C	C
Drive-in businesses	C	C	A	C	X
Laboratories	X	C	C	C	X
Fabrication of light industrial products not otherwise listed as a permitted use	X	X	C	X	X
Day-care centers	C	C	C	A	C
Hospitals, health clinics, convalescent homes, rest homes, sanitariums	X	C	C	A	X
Museums and art galleries of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	A	A	A	A	A
Zoos and aquariums of primarily local concern that do not meet the criteria for regional public facilities as defined in ECDC 21.85.033	C	C	C	C	A
Counseling centers and residential treatment facilities for current alcoholics and drug abusers	X	C	C	A	X
Regional parks and community parks without a master plan subject to the requirements of ECDC 17.100.070	C	C	C	C	C
Outdoor storage, incidental to a permitted use	D	D	D	D	D

Aircraft landings as regulated by Chapter 4.80 ECC	D	D	D	D	D

A = Permitted primary use

B = Permitted secondary use

C = Primary uses requiring a conditional use permit

D = Secondary uses requiring a conditional use permit

X = Not permitted

For conditional uses listed in Table 16.43-1, the use may be permitted if the proposal meets the criteria for conditional uses found in Chapter 20.05 ECDC, and all of the following criteria are met:

1. Access and Parking. Pedestrian access shall be provided from the sidewalk. Vehicular access shall only be provided consistent with ECDC 18.80.060. When a curb cut is necessary, it shall be landscaped to be compatible with the pedestrian streetscape and shall be located and designed to be as unobtrusive as possible.

2. Design and Landscaping. The project shall be designed so that it is oriented to the street and contributes to the pedestrian streetscape environment. Fences more than four feet in height along street lot lines shall only be permitted if they are at least 50 percent open, such as a lattice pattern. Blank walls shall be discouraged, and when unavoidable due to the nature of the use shall be decorated by a combination of at least two of the following:

a. Architectural features or details;

b. Artwork;

c. Landscaping. [Ord. 3700 § 1, 2008].

16.43.030 Site development standards.

A. Table 16.43-2.

Sub District	Minimum Lot Area	Minimum Lot Width	Minimum Street Setback	Minimum Side Setback[1]	Minimum Rear Setback[1]	Maximum Height[2]	Minimu Height Groun Floor within t Designa Street Front[4]
BD1[5]	0	0	0	0	0	25'	15'

BD2[5]	0	0	0	0	0	25'	12'
BD3[5]	0	0	0	0	0	25'	12'
BD4[3,5]	0	0	0	0	0	25'	12'
BD5[5]	0	0	0	0	0	25'	12'

[1] The setback for buildings and structures located at or above grade (exempting buildings and structures entirely below the surface of the ground) shall be 15 feet from the lot line adjacent to residentially (R) zoned property.

[2] Specific provisions regarding building heights are contained in ECDC 16.43.030 (C).

[3] Within the BD4 zone, site development standards listed in Table 16.43-2 apply when a building contains a ground floor consisting of commercial space to a depth of at least 60 feet measured from the street front of the building. If a proposed building does not meet this ground floor commercial space requirement (e.g., an entirely residential building is proposed), then the building setbacks listed for the RM-1.5 zone shall apply. See ECDC 16.43.030(B)(8) for further details.

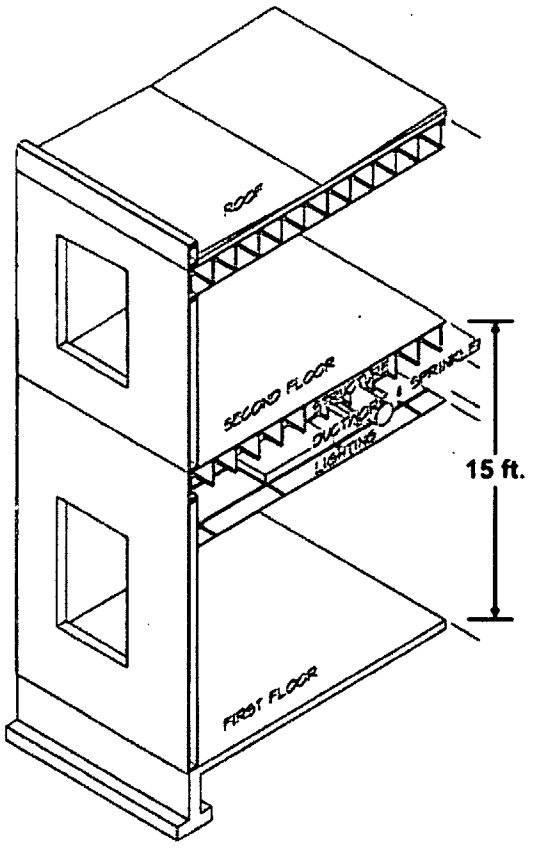
[4] "Minimum height of ground floor within the designated street-front" means the vertical distance from top to top of the successive finished floor surfaces for that portion of the ground floor located within the designated street front (see ECDC 16.43.030(B)); and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. "Floor finish" is the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete, as illustrated in Figure 16.43-1. Figure 16.43-1 shows a ground floor height of 15 feet; note that the "finished" ceiling height is only approximately 11 feet in this example.

[5] Site development standards for single-family dwellings are the same as those specified for the RS-6 zone.

Map 16.43-1: **Designated Street Front for Properties in the BD1 Zone**



Figure 16.43-1: **Ground Floor Height Measurement**



B. Ground Floor. This section describes requirements for development of the ground floor of buildings in the BD zones.

1. For all BD zones, the ground floor is considered to be that floor of a building which is closest in elevation to the finished grade along the width of the side of the structure that is principally oriented to the designated street front of the building (this is normally the adjacent sidewalk). For the purposes of this section, the ground "floor" is considered to be the sum of the floor planes which, in combination, run the full extent of the building and are closest in elevation to one another. For the purposes of this chapter, the definition of "ground floor" contained in ECDC 21.35.017 does not apply.

2. Designated Street Front. Map 16.43-1 shows the designated street front for all properties lying within the BD1 zone, which is 30 feet measured perpendicular to the indicated street front of the building lot. For all other BD zones, the designated street front is established as the first 60 feet of the lot measured perpendicular to any street right-of-way, excluding alleys.

3. Minimum Height of the Ground Floor within the Designated Street Front. The minimum height of the ground floor specified in Table 16.43-2 only applies to the height of the ground floor located within the designated street front established in subsection (B)(2) of this section.

4. Access to Commercial Uses within the Designated Street Front. When a commercial use is located on the ground floor within a designated street front as defined in subsection (B)(2) of this section, the elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location. Portions of the ground floor outside the designated street front of the building need not comply with the access requirements specified in this section.

5. When the designated street front of a building is on a slope which does not allow both the elevation of the entry and ground floor within the designated street front to be entirely within seven inches of the grade level of the sidewalk, as specified in subsection (B)(4) of this section, the portion of the ground floor of the building located within the designated street front may be designed so that either:

a. The entry is located within seven inches of the grade of the adjacent sidewalk, and the commercial portion of the ground floor located within the designated street front is within seven inches of the grade level of the entry; or

b. The building may be broken up into multiple frontages, so that each entry/ground floor combination is within seven inches of the grade of the sidewalk.

c. For corner lots, a primary entry shall be established for the purposes of determining where the ground floor entry rules detailed in this section shall apply. The first choice for the primary entry shall be either 5th Avenue or Main Street. In the case of the BD5 zone, the primary entry shall always be on 4th Avenue.

6. Within the BD1 zone, development on the ground floor shall consist of only commercial uses, except that parking may be located on the ground floor so long as it is not located within the designated street front.

7. Within the BD2 and BD3 zones, development on the ground floor shall consist of only commercial uses within the designated street front. Any permitted use may be located on the ground floor outside of the designated street front.

8. Within the BD4 zone, there are two options for developing the ground floor of a building. One option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 and BD3 zones in subsection (B)(7) of this section. As a second option, if more residential space is provided so that the ground floor does not meet the commercial use requirements described in subsection (B)(7) of this section, then the building setbacks listed for the RM-1.5 zone shall apply. In the case where RM-1.5 setbacks are required, the required street setback shall be landscaped and no fence or wall in the setback shall be over four feet in height above sidewalk grade unless it is at least 50 percent open, such as in a lattice pattern.

9. Within the BD5 zone, one option is to develop the ground floor with commercial space, meeting the same requirements detailed for the BD2 zone in subsection (B)(7) of this section. When development of the ground floor does not conform to these requirements, then development within the BD5 zone shall meet the following requirements:

a. The building shall be oriented to 4th Avenue. "Orientation to 4th Avenue" shall mean that:

i. At least one building entry shall face 4th Avenue.

ii. If the building is located adjacent to the public right-of-way, architectural details and/or applied art shall be incorporated into the building design to add interest at the pedestrian (i.e., ground floor) level.

iii. If the building is set back from the street, landscaping and/or artwork shall be located between the building and the street front.

b. Live/work uses are encouraged within the BD5 zone, and potential live/work space is required for new residential buildings if no other commercial use is provided on-site.

i. If multiple residential uses are located on the ground floor, the building shall incorporate live/work space into the ground floor design in such a way as to enable building occupants to use portion(s) of their space for a commercial or art/fabrication use. "Live/work space" means a structure or portion of a structure that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household. The live/work space shall be designed so that a commercial or fabrication or home occupation use can be established within the space.

Figure 16.43-2: **BD5 Development**



Building at right (foreground) shows landscaping located between building and street.

Building at left (background) shows commercial space integrated with residential uses, and the entry oriented to the street.

10. Exceptions and Clarifications. The regulations for the ground floor contained in subsections (B)(1) through (9) of this section apply with the following exceptions or clarifications:

a. That in all areas the provision of pedestrian access to permitted residential uses is allowed as a permitted secondary use.

b. The restrictions on the location of residential uses shall not apply when a single-family use is the only permitted primary use located on the property.

c. Existing buildings may be added onto or remodeled without adjusting the existing height of the ground floor to meet the specified minimum height, so long as the addition or remodel does not increase the building footprint or its frontage along a street by more than 25 percent. Permitted uses may occupy an existing space regardless of whether that space meets the ground floor requirements for height.

d. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement within the designated street front (e.g., when the first 30 feet of a building are within a designated street front in the BD1 zone, parking may not be located within that 30 feet).

e. For properties within the BD2 or BD3 zone which have less than 90 feet of depth measured from the street front, parking may be located in the rearmost 30 feet of the property, even if a portion of the parking extends into the first 60 feet of the building. In no case shall the depth of commercial space as measured from the street front of the building be less than 30 feet.

f. Within the BD2, BD3 and BD4 zones, if the first 60 feet of the building as measured perpendicular to the street consist only of commercial uses and permitted secondary uses, then permitted multiple-family residential unit(s) may be located behind the commercial uses.

g. Within the BD1 zone, ground floor windows parallel to street lot lines shall be transparent and unobstructed by curtains, blinds, or other window coverings intended to obscure the interior from public view from the sidewalk.

h. Within the BD1 zone, each commercial space located on the ground floor within the designated street front shall be directly accessible by an entry from the sidewalk.

C. Building Height Regulations.

1. The basic height limit is 25 feet (see definition of "height" detailed in ECDC 21.40.030).

2. Step-Back Rules. The following rules apply when calculating the maximum building height for any building in the specified zone(s) (see Figures 16.43-3 and 16.43-4 for illustrated examples).

a. Within the BD2, BD3, or BD4 zones, an additional five feet of building height, not to exceed 30 feet, may be obtained if the building is designed to meet all of the following conditions:

i. A building step-back is provided within 15 feet of any street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade at the property line (normally the back of the sidewalk) or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots, a 15-foot step-back is required along both street fronts. If a building located on a corner lot has insufficient lot width (i.e., less than 40 feet of lot width) to enable it to provide the required step-back on both street fronts, then the step-back may be waived facing the secondary street. This waiver may not be granted for building step-backs required from Fifth Avenue, Dayton Street, or Main Street.

ii. A 15-foot step-back is provided from the property line opposite the street front. Within the 15-foot step-back, the maximum building height is the lesser of 25 feet above grade or 30 feet above the "average level" as defined in ECDC 21.40.030. For corner lots for which a 15-foot step-back is required on more than one street front, there is no 15-foot step-back required from the property line opposite each street front. For the purpose of determining step-back requirements, alleys are not considered to be streets.

iii. A building setback, in which the entire building is set back from the property line, may be substituted on a foot-for-foot basis for the required building step-back. For example, a five-foot building setback can be combined with a 10-foot building step-back to meet the 15-foot step-back requirement.

b. Within the BD1 zone, building height may be a maximum of 30 feet in order to provide for a minimum height of 15 feet for the ground floor. The allowable building height is measured from the "average level" as defined in ECDC 21.40.030.

Figure 16.43-3: **Uphill Example**

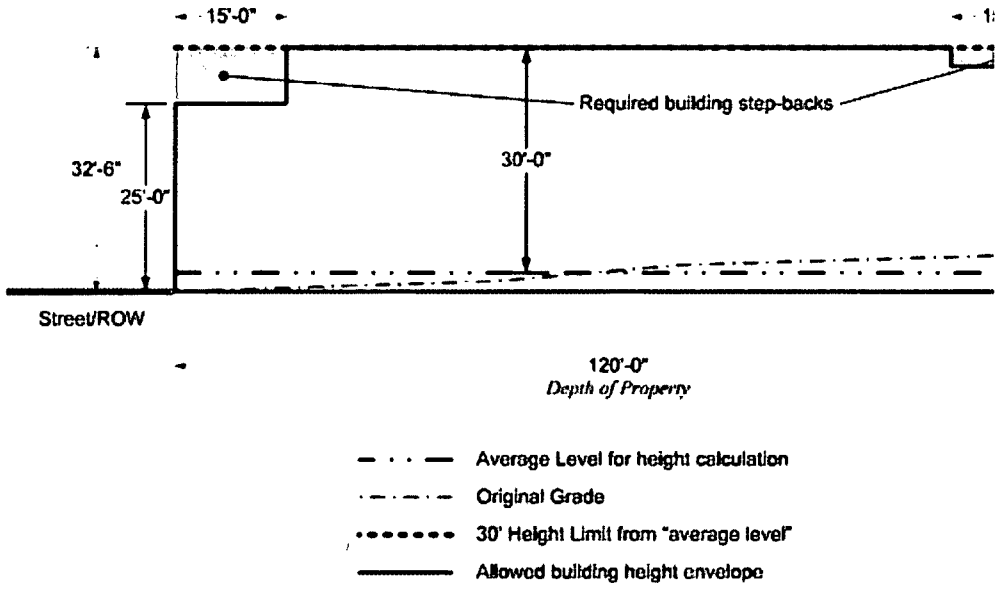
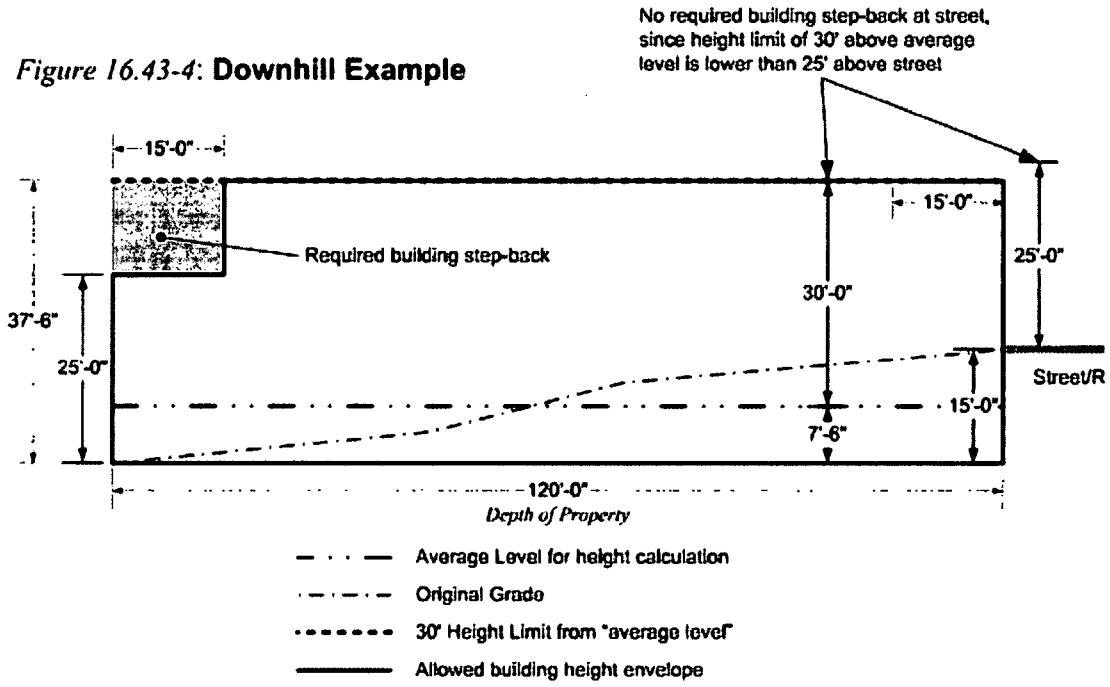


Figure 16.43-4: **Downhill Example**



3. Within the BD5 zone, the maximum height may be increased to 30 feet if the building meets one of the following conditions. In addition, if the building is located within 15 feet of the public right-of-way, architectural details and/or applied art shall be incorporated into the building design, and the ground floor

shall be distinguished from the upper portions of the building through the use of differences in materials, windows, and/or architectural forms.

a. All portions of the building above 25 feet consist of a pitched roof such that the pitch of all portions of the roof is at least six-by-12 and the roof includes architectural features, such as dormers or gables of a steeper pitch, that break up the roof line into distinct segments.

b. If the building does not make use of a pitched roof system as described in subsection (C)(3)(a) of this section, step-backs shall be required the same as for the BD2 zone, as described in subsection (C)(2) of this section.

4. Height Exceptions. In addition to the height exceptions listed in ECDC 21.40.030, the following architectural features are allowed to extend above the height limits specified in this chapter:

a. A single decorative architectural element, such as a turret, tower, or clock tower, may extend a maximum of five feet above the specified height limit if it is designed as an integral architectural feature of the roof and/or facade of the building. The decorative architectural element shall not cover more than five percent of the roof area of the building.

b. Roof or deck railings may extend a maximum of 42 inches above the specified height limit within any building step-back required under subsection (C)(2) of this section; provided, that the railing is constructed so that it has the appearance of being transparent. An example meeting this condition would be a railing that is comprised of glass panels.

D. Off-Street Parking and Access Requirements. The parking regulations included here apply specifically within the BD zone. Whenever there are conflicts between the requirements of this chapter and the provisions contained in Chapter 17.50 ECDC, Off-Street Parking Regulations, the provisions of this chapter shall apply.

1. Within the BD1 zone, no new curb cuts are permitted along 5th Avenue or Main Street.

2. No parking is required for any commercial floor area of permitted uses located within the BD1, BD2, BD4, and BD5 zones.

3. No parking is required for any floor area in any building with a total building footprint of less than 4,800 square feet.

E. Open Space Requirements.

1. For buildings on lots larger than 12,000 square feet or having an overall building width of more than 120 feet (as measured parallel to the street lot line), at least five percent of the lot area shall be devoted to open space. Open space shall not be required for additions to existing buildings that do not increase the building footprint by more than 10 percent. Open space shall be provided

adjacent to the street front (street lot line). Such open space may be provided as any combination of:

a. Outdoor dining or seating areas (including outdoor seating or waiting areas for restaurants or food service establishments);

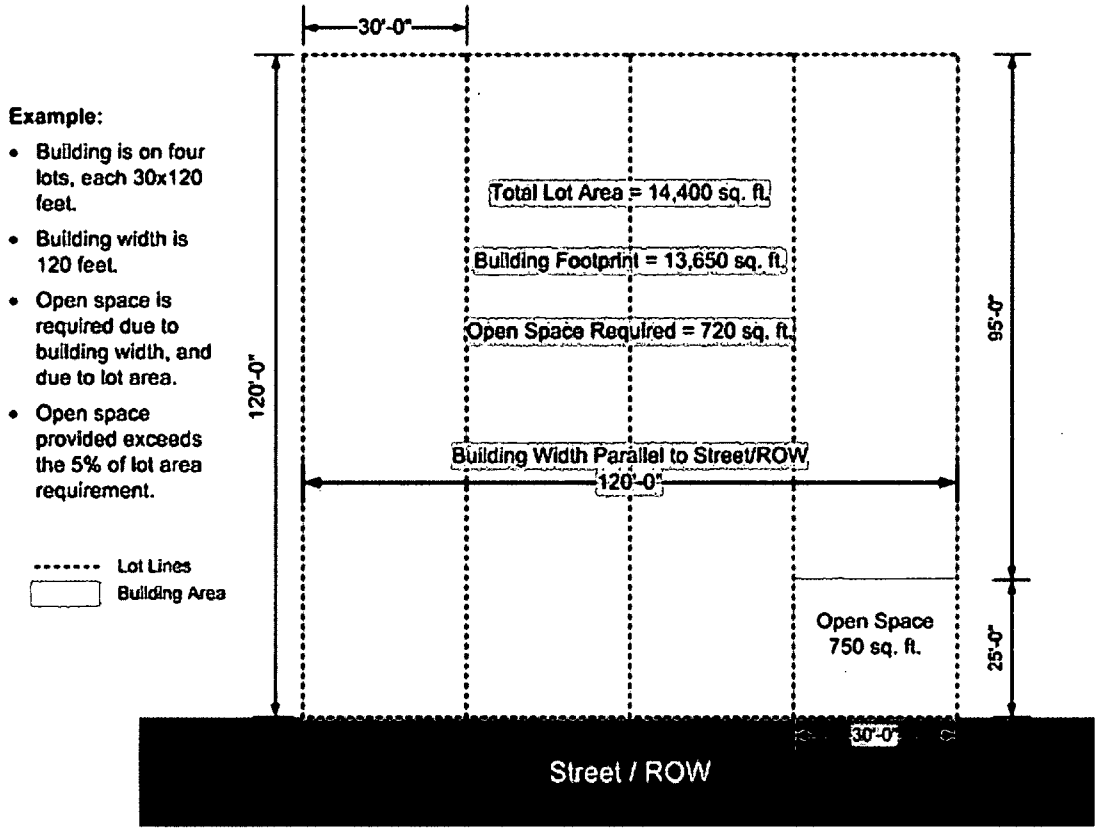
b. Public plaza or sidewalk that is accessible to the public;

c. Landscaping which includes a seating area that is accessible to the public.

2. Required open space shall be open to the air and not located under a building story.

3. In overall dimension, the width of required open space shall not be less than 75 percent of the depth of the open space, measured relative to the street (i.e., width is measured parallel to the street lot line, while depth is measured perpendicular to the street lot line).

Figure 16.43-5: **Building Size, Width and Open Space**



F. Historic Buildings. The exceptions contained in this section apply only to buildings listed on the Edmonds register of historic buildings.

1. If a certificate of appropriateness is issued by the Edmonds historic preservation commission under the provisions of Chapter 20.45 ECDC for the proposed project, the staff may modify or waive any of the requirements listed below that would otherwise apply to the expansion, remodeling, or restoration of the building. The decision of staff shall be processed as a Type II development project permit application (see Chapter 20.01 ECDC).

a. Building step-backs required under subsection (C)(2) of this section.

b. Open space required under subsection (E) of this section.

2. No off-street parking is required for any permitted uses located within a building listed on the Edmonds register of historic buildings. Note that additional parking exceptions involving building expansion, remodeling or restoration may also apply, as detailed in ECDC 17.50.070(C).

3. Within the BD5 zone, if a building listed on the Edmonds register of historic buildings is retained on-site, no off-street parking is required for any additional buildings or uses located on the same property. To obtain this benefit, an easement in a form acceptable to the city shall be recorded with Snohomish County protecting the exterior of the historic building and ensuring that the historic building is maintained in its historic form and appearance so long as the additional building(s) obtaining the parking benefit exist on the property. The easement shall continue even if the property is subsequently subdivided or any interest in the property is sold.

G. Density. There is no maximum density for permitted multiple dwelling units.

H. Screening. The required setback from R-zoned property shall be landscaped with trees and ground cover and permanently maintained by the owner of the BD lot. A six-foot minimum height fence, wall or solid hedge shall be provided at some point in the setback, except for that portion of the BD zone that is in residential use.

I. Signs, Parking and Design Review. See Chapters 17.50, 20.10, and 20.60 ECDC. Sign standards shall be the same as those that apply within the BC zone.

J. Satellite Television Antennas. In accordance with the limitations established by the Federal Communications Commission, satellite television antennas greater than two meters in diameter shall be reviewed in accordance with the provisions of ECDC 16.20.050. [Ord. 3736 § 10, 2009; Ord. 3700 § 1, 2008].

16.43.035 Design standards – BD1 zone.

Design standards for the BD1 zone are contained in Chapter 22.43 ECDC. [Ord. 3700 § 1, 2008].

16.43.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;

2. Off-street parking and loading areas, and commercial parking lots;

3. Drive-in businesses;

4. Plant nurseries;

5. Seasonal farmers' markets;

6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;

7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;

8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards. [Ord. 3700 § 1, 2008].

This page of the Edmonds City Code is current through Ord. 3792, passed April 20, 2010.
Disclaimer: The City Clerk's Office has the official version of the Edmonds City. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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DRAFT MINUTES

Community Service/Development Services Committee Meeting
August 11, 2010

Elected Officials Present:	**Staff Present:**
Council Member Strom Peterson, Chair	Rob Chave, Planning Manager
Council Member Petso	Brian McIntosh, Parks Director
	Rob English, City Engineer
	Stephen Clifton, CS/Econ Dev Director
	Phil Williams, Public Works Director

The committee convened at 6:17 p.m.

A. Continued discussion regarding a proposed "Tree Board."

Barbara Tipton, Rich Senderoff, and Ann Heckman participated in the discussion, explaining that the benefits and purpose of establishing a tree board are outlined in the draft ordinance. A major purpose is to move the city toward obtaining the Tree City USA designation, since having a tree board is a necessary requirement for obtaining that status. The ordinance does not introduce any new regulations or requirements beyond what the city is already doing, but the designation would enable the city to seek funding to help in researching and promoting the benefits of trees in the community. The tree board could also serve as a resource the city could draw on.

The Committee also briefly discussed existing penalties for tree cutting, and agreed to discuss this subject further at the September meeting.

ACTION: The Committee agreed to forward the draft ordinance to the City Attorney to put in final form for consideration for adoption by the full Council.

B. Removing leashed dog restrictions in Hutt Park and the asphalt areas of Brackett's Landing north and south of the ferry terminal.

Brian McIntosh explained that the proposal to extend provisions to allow dogs to be on-leash in Hutt Park came about at the April 20, 2010 public hearing in regard to a similar discussion for five other park areas in the City. Three of those parks were recommended to become on-leash (with restrictions) and Council decided not to extend that recommendation to Brackett's Landing North & South. As Hutt Park was not part of the public hearing, it was decided to take this to Council Committee as the next step.

Council President Bernheim tonight spoke in favor of extending the on-leash areas to both Brackett's Landing North & South Parks adjacent to the ferry terminal. Consensus of the Committee was to move forward with the proposal for Hutt Park but deny the request to extend on-leash provisions to the Brackett's Landing parks.

ACTION: As this action would result in a code change, the Committee agreed that it should be forwarded to full Council as a public hearing at a future date.

C. Discussion on possible 'green' initiatives and zoning clarifications for downtown business zones.

Rob Chave introduced the discussion by explaining that there are several items staff wishes to initiate to clean up in the existing downtown BD zones, such as the required depth of commercial uses, the zoning requirements along the 4th Avenue Arts Corridor, and clarifying where the commercial street frontages are outside of the BD1 zone. In addition, Stephen Clifton reported that staff has been fielding inquiries from major private interests on zoning requirements related to downtown; these interests range from individual property owners to developers of hotels and other projects. In all cases, concern has been expressed about working within existing code requirements. In light of the city's adoption of its sustainability element, staff considers it a good time to see whether Council would be receptive to including incentives in the code that would promote features such as green building projects (LEED Gold being an example), expanded open space and sidewalk areas, or other amenities that would improve downtown streetscape and design. Additional height was noted as being something developers have asked about, and that small, carefully situated height bonuses implemented as part of a project-specific negotiated development agreement approved by Council, could be something that staff and the Council could develop within the code.

Council Member Peterson noted that this could be something that fits well with the city's economic development goals, as well as showing leadership in sustainability and green development. Council Member Petso expressed support for including green development standards within the code as a basic requirement, but said she did not support trading environmental benefits for any increases in height or other incentives.

The Committee discussed the approach of asking the full Council to discuss the issue, or allow the Economic Development Commission to work with the Climate Committee and/or Planning Board to develop some ideas that could be brought back to the Committee for further discussion.

ACTION: The Committee agreed to forward the staff recommended minor BD zone updates (review of the 4th Avenue Arts Corridor zoning and street frontage mapping) to the Planning Board for review. The Committee also forwarded the commercial depth requirements to the Planning Board, asking the Board to review the existing depth for the BD1 zone along with the other BD zones; the Committee expressed doubt that the existing 30-foot depth in the BD1 zone is adequate to encourage sustainable commercial use.

ACTION: The Committee agreed to forward the issue of code incentives and/or requirements for sustainable development downtown to the EDC and Climate Committee to develop further, with ideas brought back to the Committee for further review and discussion.

D. Proposed 8th Ave South pathway south of Alder Street.

Rob English (City Engineer) presented Mr. Adams' proposal to build a pathway between 802 and 724 Alder St. in the unimproved 8th Ave right of way. The pathway would begin at Alder St and continue to the existing path on the south half of the 8th Ave right of way between Alder and Walnut Streets. Mr. Adams has offered to hire and pay a contractor to construct the path. The conceptual drawing submitted by Mr. Adams was shown to the committee.

The history on previous City Council action related to the possible vacation of 8th Ave and the pathway between Alder and Walnut Streets was discussed. In November 2005, the City Council decided not to pursue the vacation of 8th Ave and in February 2006, the City Council directed staff to build only the south half of the pathway between Alder and Walnut Streets.

The Committee recognized and asked for comments from Mr. and Mrs. Martin who own 724 Alder St. The Martins explained their observations of how the path is used by citizens and how they believe a new pathway is not necessary. They also expressed that Mr. Adams is one of four property owners adjacent to the unopened 8th Ave right of way between Alder and Walnut Streets and he is the only owner in favor of constructing the proposed pathway.

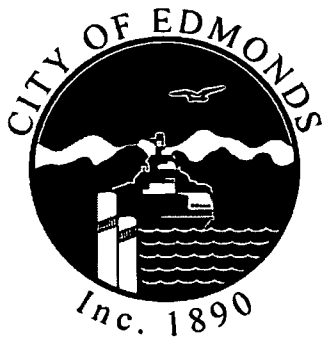
ACTION: The Committee voted to not proceed with Mr. Adams' request to construct the proposed pathway.



4th Avenue Cultural Corridor Design Implementation and Funding Plan

City of Edmonds, Washington
June 2009

DRAFT



JUNE 2009

PREPARED FOR THE CITY OF EDMONDS BY:

SvR DESIGN COMPANY WITH LMNARCHITECTS PAM BEYETTE —ARTIST— ReadWagoner

DRAFT

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4TH AVENUE TODAY

DRAFT

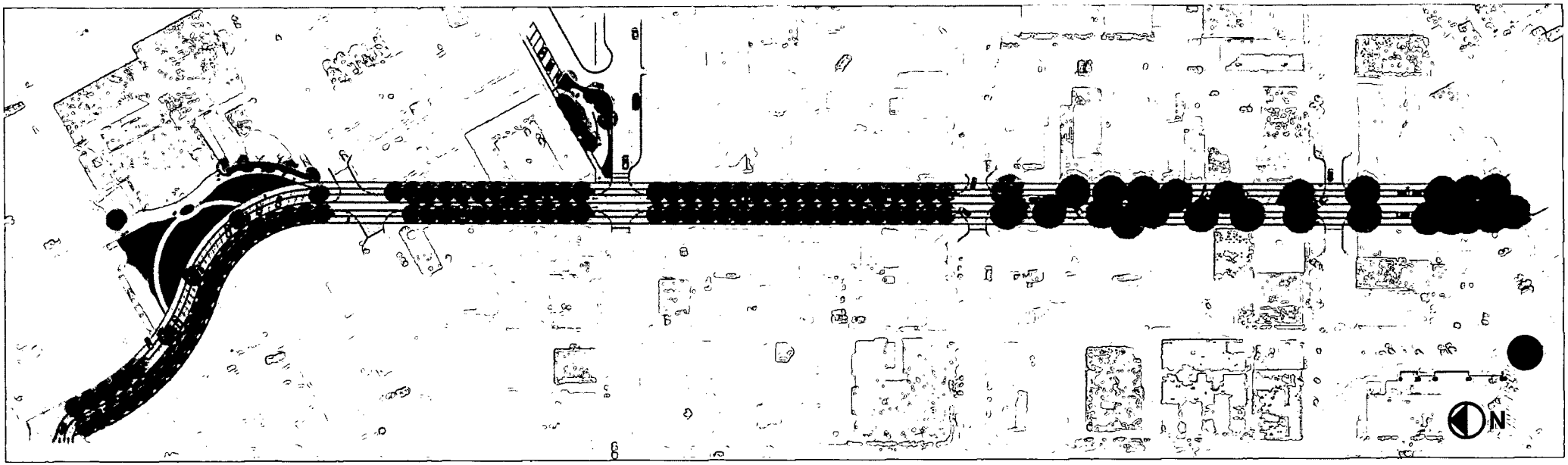
Executive Summary

A romantic evening ramble cooled by a Puget Sound breeze. A spectacle of literary, visual and performing arts constantly engaging the senses. The sound of restaurant glasses clinking while light and laughter spill onto the street. The excitement of watching spring fern fronds unfurl in planted rain gardens. The pride of place that comes from viewing and understanding Edmonds' cultural heritage.

Each of these vignettes are part of the future of the Edmonds 4th Avenue Cultural Corridor ('Cultural Corridor'), and are part of a legacy from today's leaders to future generations.

Included in the City of Edmonds' 2006 Streetscape Plan and 2008 Comprehensive Parks Plan and Community Cultural Plan, the 4th Avenue Corridor has been identified by the City as a key part of Edmonds' infrastructure for livability. The designation is also reflected in new downtown zones approved by the City in 2007. More garden than street, the vision for the Cultural Corridor not only creates a public realm that is scaled to and built for the pedestrian, but also establishes a powerful complement to the existing architecturally-significant buildings and creates a cultural tourism attraction.

Working with the Community Advisory Group (CAG) and the public through an extensive outreach process, the staff and consultants developed a plan that draws upon Edmonds' endemic strengths and compelling history. The design for the corridor has spurred further action by the Edmonds Historic Preservation Commission, which has made recommendations (see Appendix A) relating to the historic buildings along the corridor. The



PROPOSED 4TH AVENUE CULTURAL CORRIDOR CONCEPT PLAN

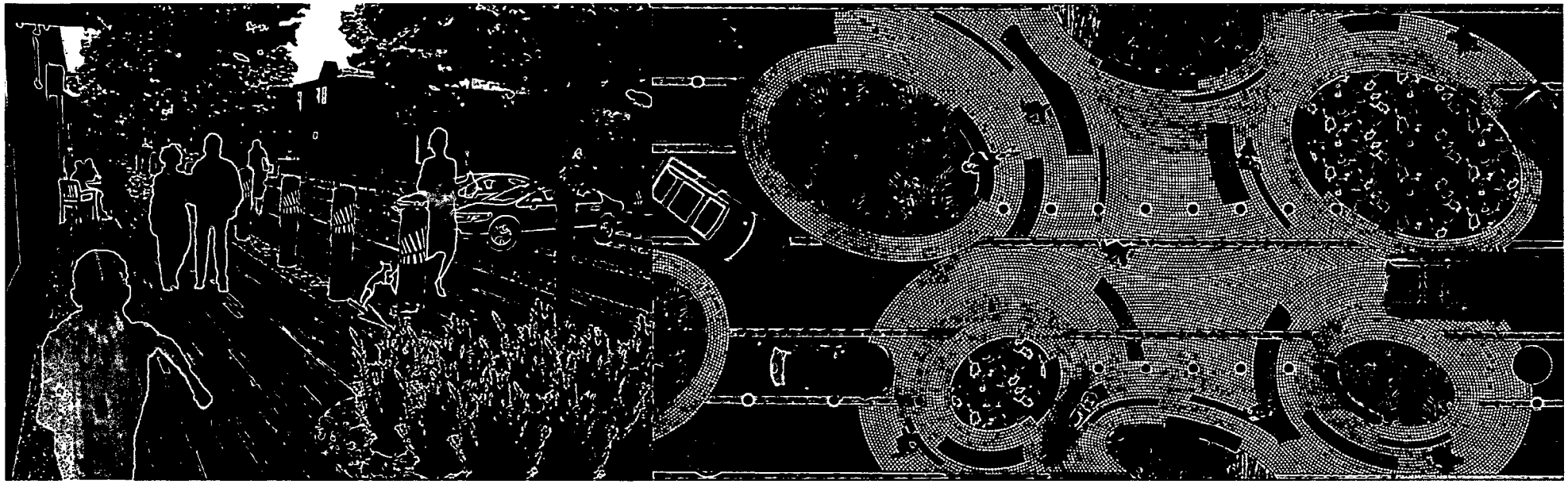
guiding theme of the 15% Design Plan ('Plan') presented here is The Water Garden, which synthesizes influences such as the proximity to the Puget Sound, a deep affection for the natural environment, a culture of artistic expression and an abiding stewardship of the City's architectural charms. Within the Water Garden, a series of "rooms" are identified along the corridor that reflect and inform the adjacent land uses.

The Cultural Corridor is anchored by two of Edmonds' greatest assets, the Downtown Core and the Edmonds Center for the Arts. These two elements are attractions which draw people into and through the Corridor. These spaces also form the anchor rooms within the Water Garden, which are termed the Market Garden and Cultural Garden respectively. Between these spaces is the Allée, and, at the convergence of 4th Avenue, Sprague and Edmonds, a new park space is created called the Belvedere.

While each room has its own spatial and artistic character, they are also united by paving elements, lighting, planting, bollards and wayfinding. All of these elements, including public art, serve to reinforce a commitment to the human scale in the right-of-way: a place for people.

The following Plan also suggests a series of strategies that help to guide the future development along the Cultural Corridor in ways that are compatible with the historic context and current scale, massing and texture of the corridor.

The process to produce the Plan presented here was a collaborative effort between the City of Edmonds staff, the community and the design team. The community's input and critical feedback were invaluable assets in making both the process and the product a success, and the CAG would not have been able to unanimously support moving this Plan forward without the general public participating and providing significant buy-in.



PERSPECTIVE OF PROPOSED DESIGN, LOOKING NORTH FROM 4TH AND MAIN

DETAIL OF THE 'LIVING ROOM' IN THE 'MARKET GARDEN' SECTION, BETWEEN MAIN AND BELL

The layering of environmental, community, historic preservation, artistic and other values into the streetscape also offers multiple opportunities to leverage funding from outside agencies, something that will be important as the City of Edmonds manages its finances.

With both a vision and the public's support, the Cultural Corridor Plan is not simply about rehabilitating the existing infrastructure for the City. Rather it is a project that builds a sense of place, something that is not replicable or transferable but that will continue to set Edmonds apart in the coming decades. It's about promoting and sustaining the economic vitality of the city through cultural tourism, about preserving its character while offering opportunities for growth, and about placing Edmonds' community's values—neighborliness, beauty, historic preservation, environmental responsibility—in the public realm for all to appreciate.


Downtown Zones
BD1 = Downtown Retail Core
BD2 = Downtown Mixed Commercial
BD3 = Downtown Convenience Commercial
BD4 = Downtown Mixed Residential
BD5 = Downtown Arts Corridor
RM-1.5 = Multi Family RM-1.5
Approved by Edmonds City Council
Ordinance #3624, 1/16/2007
ECA
BD5
RM-1.5
BD2
BD1
BD4
SATERLANE
ALOHA WAY
CAROL WAY
GLEN ST
DALEY ST
SPRAGUE ST
BELL ST
MAIN ST
JAMES ST
DAYTON ST
MAPLE ST
ALDER ST
WALNUT ST
DURBIN ST
SUNSET AVE N
2ND AVE N
3RD AVE N
6TH AVE N
EDMONDS ST
RAILROAD AVE
RAILROAD ST
SUNSET AVE S
2ND AVE S
3RD AVE S
4TH AVE S
5TH AVE S
6TH AVE S
W DAYTON ST
ADMIRAL WAY
EDMONDS WY/SR 104
N

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Urban and Historic Context

The 4th Avenue Cultural Corridor, encompassing the area just south of Main Street to north of the Edmonds Center for the Arts (ECA), sits within the City's relatively compact historic downtown area, a few blocks east of the Puget Sound.

The buildings on 4th Avenue tend to reflect the materials and expressive details of their era, starting with early settlement in the late 19th Century with the milling and shipping of lumber on the waterfront. Early development includes churches and houses. The Edmonds Baptist Church, built in 1909, was moved to its present site at 4th and Bell in 1929, and exhibits traditional, New England-style church architecture. Homes in the area are modest in size, but include an array of architectural styles such as Tudor Revival, Victorian, Queen Anne and Craftsman.

The cornerstone of the corridor is the Edmonds Center for the Arts (ECA). The Art Deco auditorium was built in 1939 and is an excellent example of a Public Works Administration building from the era.

The community values preservation of its cultural resources, including not only individual buildings but also the City's scale, intimacy, and charm. These values are expressed in many shapes and forms, from successful adaptive reuse of significant historic buildings such as the ECA and the former Carnegie Library (Edmonds Historical Museum), to the pride many homeowners take in maintaining their historic houses and gardens.

Below is an overview of historic buildings in the corridor, followed by a block by block assessment of the corridor's urban design character–influenced greatly by these preservation efforts, yet updated and augmented in response to today's needs.



There are 12 historic properties along the 4th Avenue corridor that were identified in a 2005 Historic Survey conducted by BOLA Architecture + Planning of Seattle. These properties are mapped (left) and described on the opposite page, using the numbers and descriptions from the BOLA survey. Of these buildings only the Beeson Building (#31) was noted as being eligible for the National Register of Historic Places. Within the larger project area, the Carnegie Library (listed on the National Register of Historic Places), the Log Cabin, and the Princess Theater are buildings with historic significance.

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#7 Edmonds Baptist Church

Style: Colonial/Colonial Revival
Construction Date: 1909
Address: 404 Bell St.



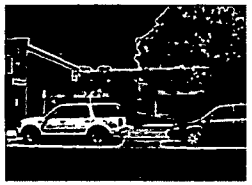
#29 Edmonds Bank

Style: Commercial Vernacular
Construction Date: 1907
Address: 324-326 Main St.



#31 Beeson Building

Style: Spanish/Mission
Construction Date: 1909
Address: 402-410 Main St.



#56 Doctor's Office

Style: Art Deco
Construction Date: 1938
Address: 110 4th Ave N.



#57 Roscoe House

Style: Vernacular
Construction Date: 1910
Address: 133 4th Ave N.



#58 August Johnson House

Style: Queen Anne
Construction Date: 1905
Address: 216 4th Ave N.



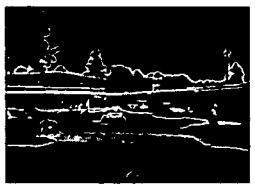
#59

Style: Arts & Crafts
Construction Date: 1905
Address: 220 4th Ave. N



#60

Style: Tudor Cottage
Construction Date: 1926
Address: 228 4th Ave. N



#61 The Edmonds Apartments

Style: Vernacular
Construction Date: 1941
Address: 304 4th Ave. N



#62 Edmonds Center for the Arts

Style: Art Deco Beaux Arts/Neo-classical
Construction Date: 1909/1939/2006
Address: 410 4th Ave. N



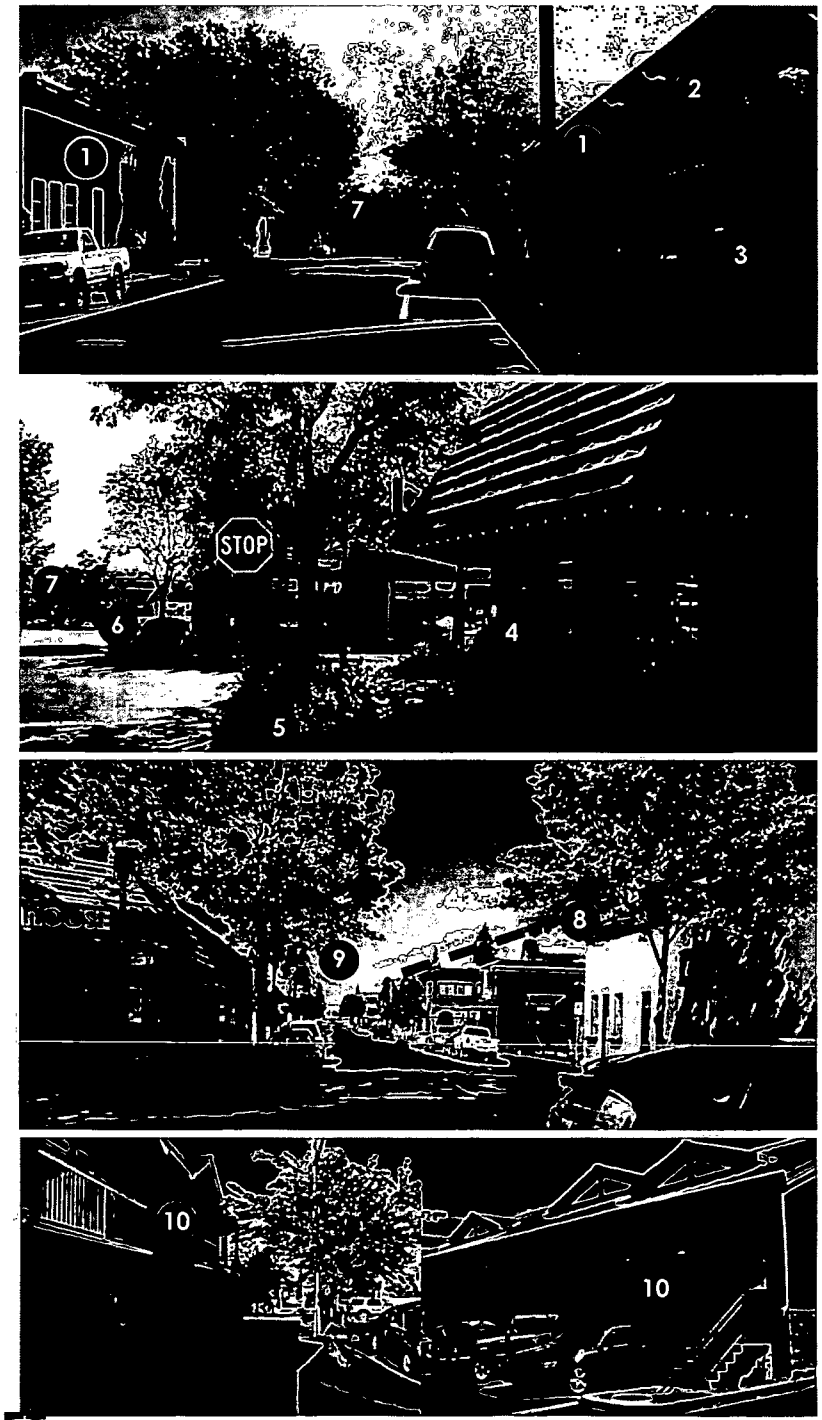
#63 Leslie Building

Style: Modern
Construction Date: 1909
Address: 115 4th Ave. S



#78 Dr. Hall House

Style: American Foursquare
Construction Date: 1910
Address: 117 4th Ave. N



Conditions at and south of 4th and Main

1. Simple, durable one-story masonry commercial structures built to the sidewalk.
2. Facade details such as goose neck lighting and awnings lend a pedestrian scale and character.
3. Shop windows.
4. Ground floor walk-in commercial uses.
5. Attractive and generous landscaping.
6. Public parking lot.
7. Corridor anchored by historic building at corner (1909 Spanish Mission Revival commercial building).
8. Varied front setbacks: commercial buildings set out to the street; residential structures set back.
9. Axial view to the ECA.
10. Animated alley facades: alley facades designed to support pedestrian activity: building entries, lighting, terraces, etc.

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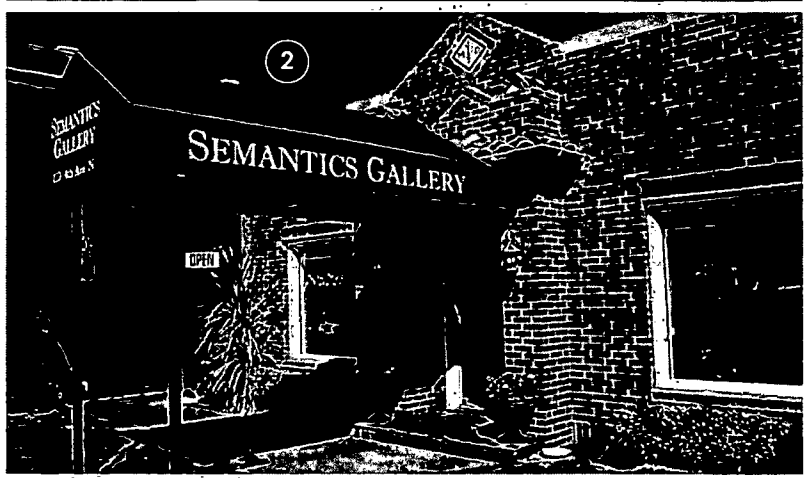




Conditions between Main and Bell

1. Eclectic architecture: buildings reflect the materials and details of their era, including Tudor revival, mid-century and neo-traditional commercial design.

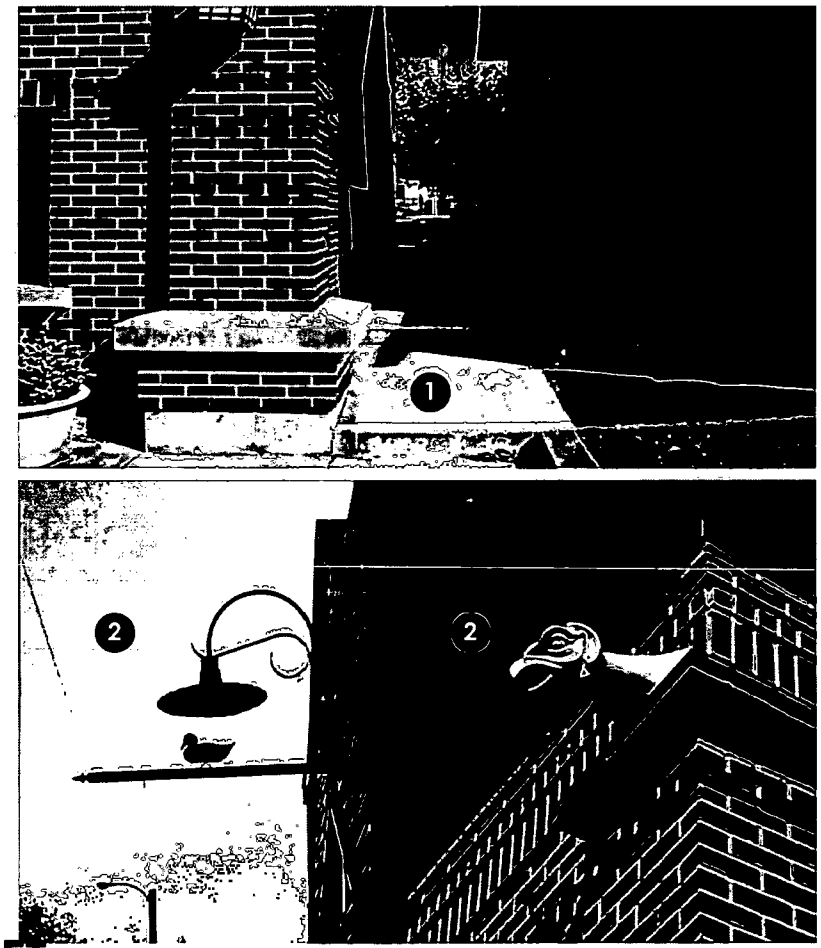
2. Welcoming businesses: prominent main building entrance facing the street; awning and signage provides comfort and ease for pedestrian walk-up traffic. Good example of reuse of residential structure for commercial business.

3. Varied setbacks but consistent street edge defined by combination of buildings, low fences and landscaping.

Conditions between Main and Bell, cont'd.

1. Mid-block pathways: connect buildings, streets, outdoor space and parking.

2. Unique objects: creativity and individual expression in the design of building facades personalize spaces and emphasize artistry and craft.



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Conditions between Bell and Edmonds

1. Newer, high quality building: exterior light fixtures, canopy, benches and landscaping designed to the scale of the ground level facade and sidewalk.

2. Recessed entry welcomes without interrupting the street wall set out to the sidewalk.

3. Appealing residential street scenes: entry porches and stoops provide transitional space between the public sidewalk and residential building. Minor grade separations between the first floor and sidewalk residential promotes privacy.

4. Lack of street trees, lighting and other streetscape amenities heighten the disconnect between this block, the Main Street district to the south, and the ECA to the north.

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Conditions between Edmonds and Third

1. Ground floor businesses in residential structures.

2. Mid-block pathways connect buildings, streets, outdoor spaces and parking.

3. Street trees are present in limited numbers, but some block views to the ECA.

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Conditions between Edmonds and Third, cont'd.

4. Garden-court style apartment.

5. Civic landmark: the ECA anchors the north portion of the corridor.

6. Views: the north end of 4th Ave near 3rd Ave offers prominent views of the Sound.

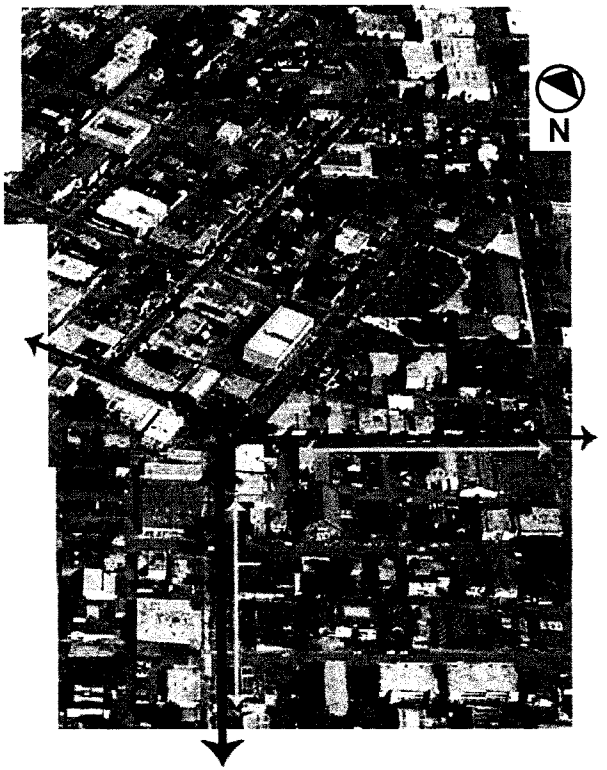




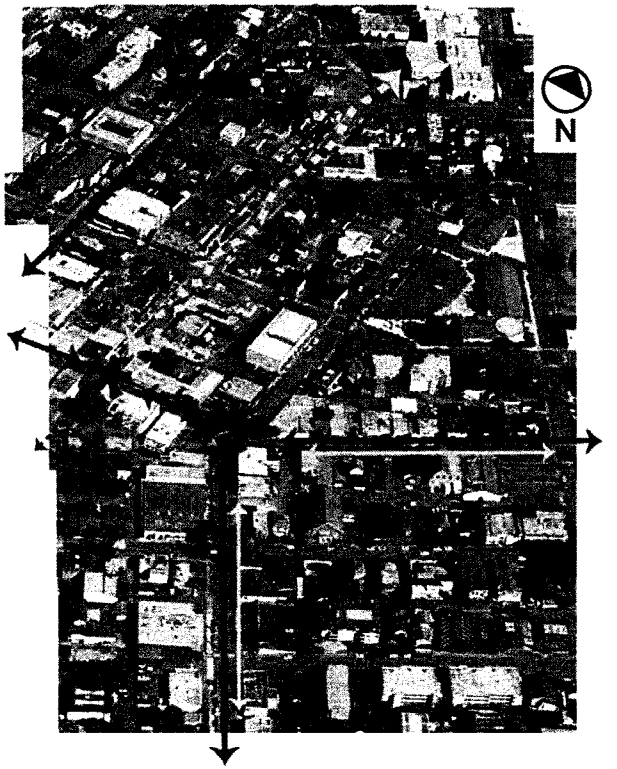




WEST LAWN OF EDMONDS CENTER FOR THE ARTS, LOOKING NORTHWEST



EXISTING CIRCULATION (RED = VEHICULAR / YELLOW = PEDESTRIAN)



PROPOSED CIRCULATION (RED = VEHICULAR / YELLOW = PEDESTRIAN)

Site Analysis

Through the site analysis process, four site characteristics were identified as needing special consideration in crafting a successful design for the Cultural Corridor. These were existing and desired circulation, views, spatial hierarchy, and drainage. The diagrams above and on the following pages illustrate the characteristics described.

Circulation

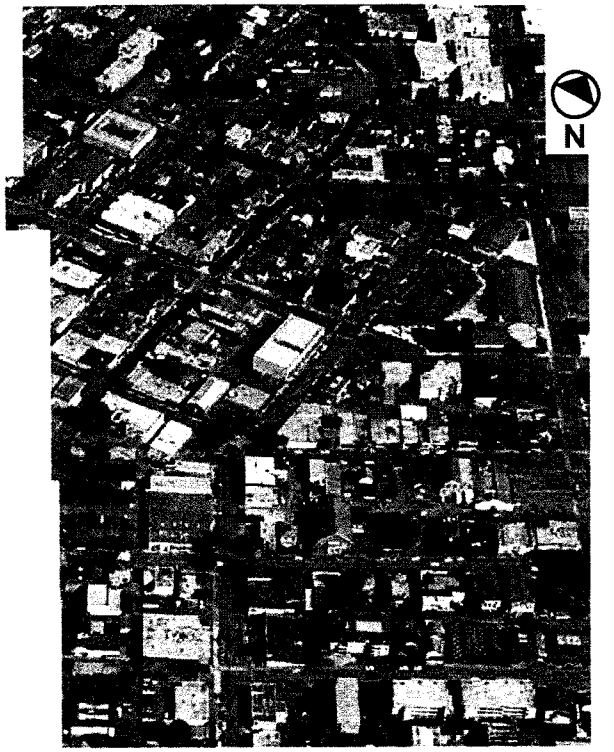
The existing vehicular circulation in downtown Edmonds is focused along Main Street, and 5th Avenue (particularly south of Main). The dominant node along this corridor is at the intersection at 5th and Main. 4th Avenue currently plays a minor role in providing a vehicular connection between Main Street and the ECA, and as an access street for the businesses, homes, and institutions along its length. At the moment, there is not a hierarchy that distinguishes 4th Avenue from 3rd or 5th Avenue in terms of access to the ECA; however, the City of Edmonds is currently developing a signage program to establish one. As a result, vehicular traffic destined for the ECA will be directed to travel north on 3rd Avenue, while the Cultural Corridor



KEY VIEWS



SPATIAL HIERARCHY



DRAINAGE

improvements along 4th Avenue will dissuade pass-through vehicular traffic.

From the pedestrian perspective, circulation is largely the same as for cars, with no significant draw welcoming visitors down 4th Avenue besides a minor visual connection between the ECA and Main Street. The 4th Avenue Cultural Corridor Project aims to re-shape this pattern, by creating an inviting, primarily pedestrian corridor that will build a stronger connection between Main Street and the ECA.

In the current design proposal, short areas of 4th Avenue adjacent to Main Street and the ECA will be one-way streets, while the middle blocks (from Bell to Daley) will allow two-way vehicular traffic. By re-working the circulation of vehicles to slow down and linger along 4th Avenue, not only will safety along the street improve, but so will the economic and social vitality of the space. Additionally, the intersection of 4th and Main will become a second focal point along the Main Street corridor, creating a node to draw people down from 5th and Main, and encouraging residents and visitors to walk the 4th Avenue Cultural Corridor as well as Main Street.

Views

Along 4th Avenue there are significant views to the west, with Puget Sound visible in places, especially from the intersections and near the ECA. The most prominent view opportunities

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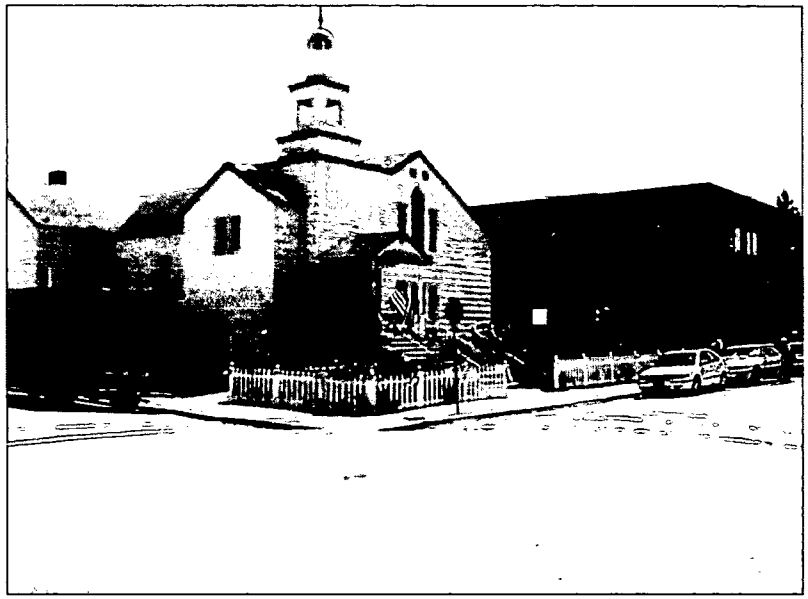
LOOKING SOUTH ON 4TH, NEAR EDMONDS STREET



NORTH SOUND CHURCH AT 4TH AND BELL

are from Main Street, from the intersection of Sprague and Edmonds Streets, and from the lawn on the west side of the ECA. Preserving the views from public and private buildings along the Corridor is also an important consideration that was brought up often during the concept development.

Spatial Hierarchy

The points of interest for users of the public space in the Corridor are currently focused near its ends, creating two magnetic poles located around Main Street and at the ECA. Businesses energize the south end, primarily between Main and Bell. The ECA and its large lawn are the main elements of opportunity for public use at the north end. This pattern suggested a design that strengthened the anchors at either end of this corridor, while creating enough sense of connection, interest, and safety between them to draw pedestrians between these activity nodes.

Drainage

The general topography of the area around 4th Avenue is a small to moderate slope down to the west. 4th Avenue itself slopes gently down from south of Main Street to Edmonds Avenue, which is the low point in the Corridor; at Edmonds the drainage flows down to the west. The intersection adjacent to the ECA is at a high point, sloping down towards Edmonds to the south, and downhill to the north as 4th curves over to 3rd Avenue.

Other Considerations

Although most street right-of-ways in downtown Edmonds are sixty feet wide, 4th Avenue has a fifty-foot wide right-of-way (ROW). While this places certain constraints on the project, this condition also offers a unique opportunity to further distinguish this corridor as a greener, more pedestrian-friendly space. Although the historic reasons for this anomaly are not apparent, preserving this spatial relationship contributes to the

distinctiveness of this corridor from other streets throughout downtown Edmonds.

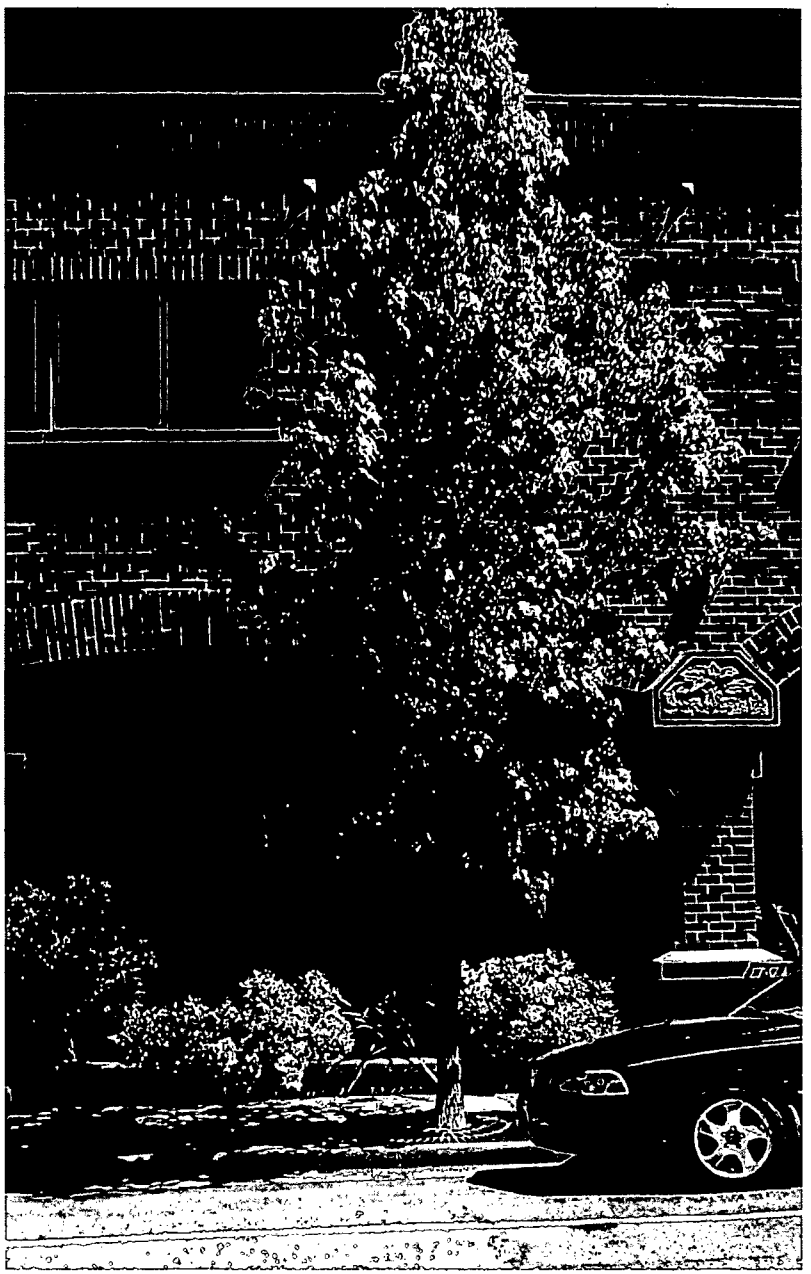
4th Avenue is surfaced with asphalt for the entire length of the site, with two travel lanes and parallel parking stalls on both the east and west sides of the street. The pavement, likely dating to the 1920s, shows signs of distress including moderate to severe cracking, as well as an exaggerated, or steep, crown to the road in certain areas.

The roadway is currently flanked by raised concrete sidewalks that have been installed over time. The sidewalks may have originally been installed at the same time as the asphalt roadway, but this cannot be confirmed with the available documentation. The majority of the sidewalks are directly adjacent to the street, without a planting strip or amenity zone to separate pedestrians from traffic, possibly due to the narrow width of the right-of-way. The sidewalks are between four and five feet wide, which is inadequate given the volume of peak pedestrian traffic, current ADA guidelines, and the anticipated increase in foot traffic along the corridor.

There are alleys that run north-south in the mid-blocks to the east and west of 4th Avenue. The alleys in the blocks adjacent to Main Street (between Main and Bell) are paved, whereas those in the more residential blocks further north are inconsistently surfaced with a mix of concrete, asphalt and gravel. Parking is available and used along the alleys behind most businesses and some residences along the corridor.

The City has stated that most underground utilities along this corridor are in reasonable to good condition, with the exception of the water pipes, which will need to be replaced with any major roadway improvements. Aspects of the storm sewer system would also be altered and updated in order to incorporate proposed low impact development systems along the corridor.

No arborist conducted tree survey or report has been completed for the corridor to assess the species and health of the trees; however, there are very few trees within the public ROW. These include: eight trees at the intersection of 4th and Main; three young trees along one property on the east side of the block between Main and Bell; three young trees along the Edmonds Conference Center; and two mid-sized trees on the east side of 4th just north of Edmonds Street. An arborist should be consulted to determine the health and value of these existing trees and to determine which should be saved as the project moves forward. As a project goal, all viable trees should be saved.



EXISTING TREE ON 4TH BETWEEN MAIN AND BELL

Guiding Principles developed by the Citizens Advisory Group (CAG)

- infuse art at every opportunity in place and in time
- express the uniqueness of Edmonds
- be a community connector
- balance the needs of all ages and user groups
- encourage economic growth
- reflect an honest and authentic community vision
- provide moments of charm and joy
- be a place of constant discovery
- contribute to the environmental health of Puget Sound

These Guiding Principles were developed and refined during the preliminary visioning process, through feedback from members of the Citizens Advisory Group (CAG) and the general public.

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Community Design Guidance

The process for the 4th Avenue Cultural Corridor conceptual design included significant public involvement, which was critical in developing the vision for the Corridor. A Citizens Advisory Group (CAG) was formed at the beginning of the process, and was comprised of local residents, business owners, arts advocates, members of the Historic Preservation Commission and Arts Commission, and professionals who were dedicated to representing the public's interest in shaping the vision for 4th Avenue.

This group came up with a draft set of guiding principles at its first meeting, which was refined by City staff and the consultants, and subsequently adopted by the CAG. These guiding principles (at left) were used as a foundation for the rest of the design process, both by the consultants in developing various alternative design proposals, as well as by members of the CAG, the City staff, and the public in providing feedback on the design.

The design development process included three CAG meetings and two public meetings. All meetings were held in the Plaza Room above the Edmonds Public Library. Based on the initial CAG meeting and consultation with the City, three alternative design concepts were developed and presented to the community: Seaside Village, Cultural Garden, and Community Living Room.

- The **Seaside Village** concept envisioned a corridor with a traditional and quaint character, taking cues from a New England town: a narrow road with curbs, sidewalks, and modest vegetation; a place that would follow other models that serve as weekend destinations.



BREAKOUT GROUPS AT A CAG MEETING



BREAKOUT GROUPS AT A CAG MEETING

- The second concept, **Cultural Garden**, focused on creating a sense of connection to nature along the corridor, by blending public and private green space through ample use of vegetation in the streetscape. An equally important theme was the incorporation of art into the gardens, creating points of interest to help draw visitors between the two anchors at the ends of the corridor; it would also incorporate low impact development (LID) features to contribute to environmental health.
- The third concept of **Community Living Room** proposed a curbless street that incorporated traffic calming measures (such as meanders and unit paving) and whose design would provide flexible spaces that served as a series of rooms, for use as parking or for community events, social space, vendors or business use.

During the CAG and public meetings to review these options, no single concept stood out as the best solution. Rather, the general consensus that emerged was that there were strong elements of all three that should be drawn out and synthesized to create a unified plan. Key ideas to work from included:

- creating a visual draw both ways down the 4th Avenue corridor;
- incorporating vegetation, particularly native plants;
- giving equal consideration and treatment to both sides of the street;
- integrating art from an early stage into the materials and detailing;
- allowing vehicle access but calming traffic speeds and volumes through narrow lanes and possibly one-way segments;
- and maintaining sufficient parking for businesses and residents.

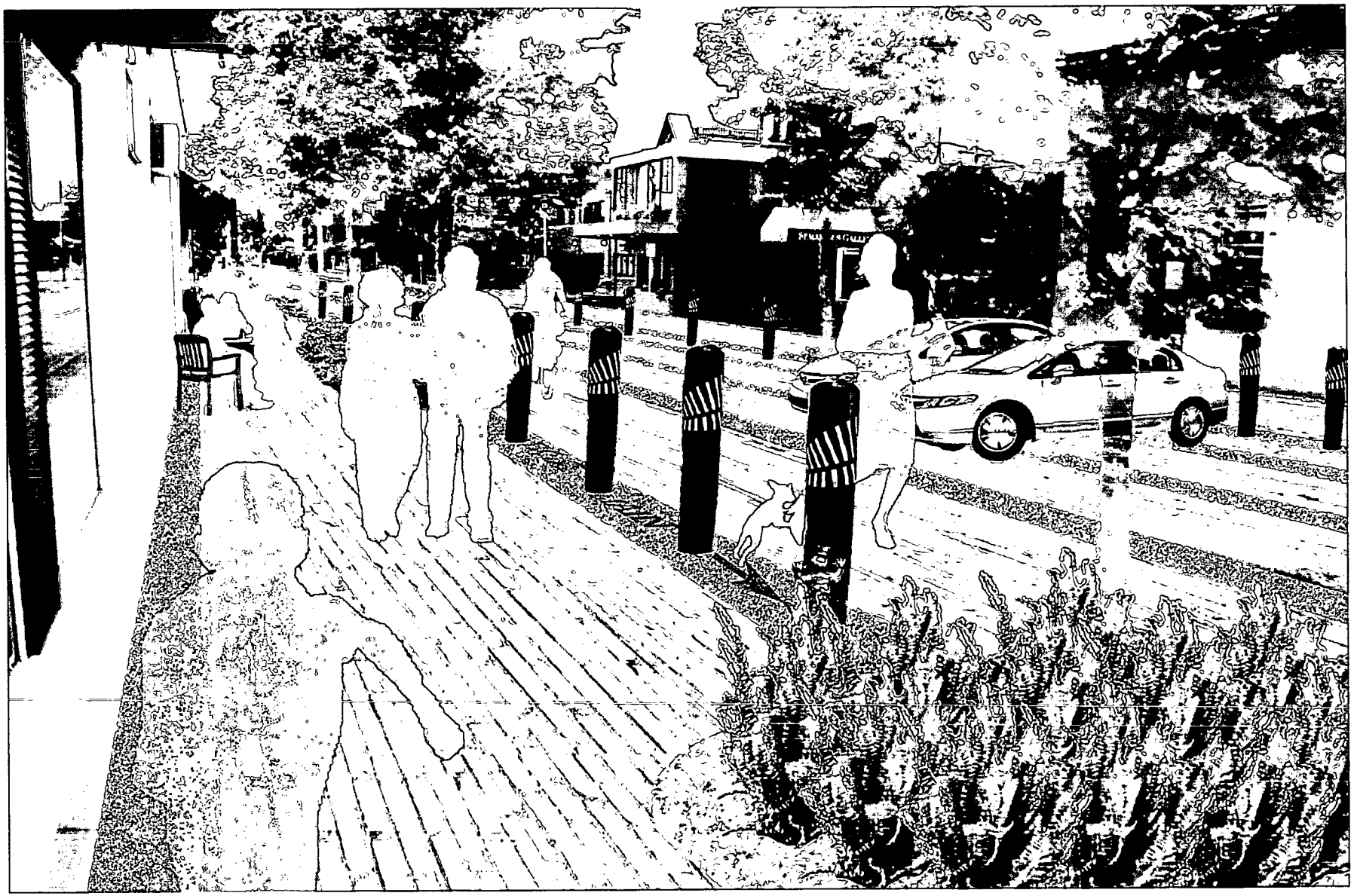


OPEN HOUSE WALK-THROUGH AT THE FINAL PUBLIC MEETING



OPEN HOUSE WALK-THROUGH AT THE FINAL PUBLIC MEETING

The proposal to create a small garden or pocket park with some of the excess paved area at the intersection of Sprague Street and Edmonds Street was included in all of the concepts. With this direction, the design team sought to develop a final design proposal.



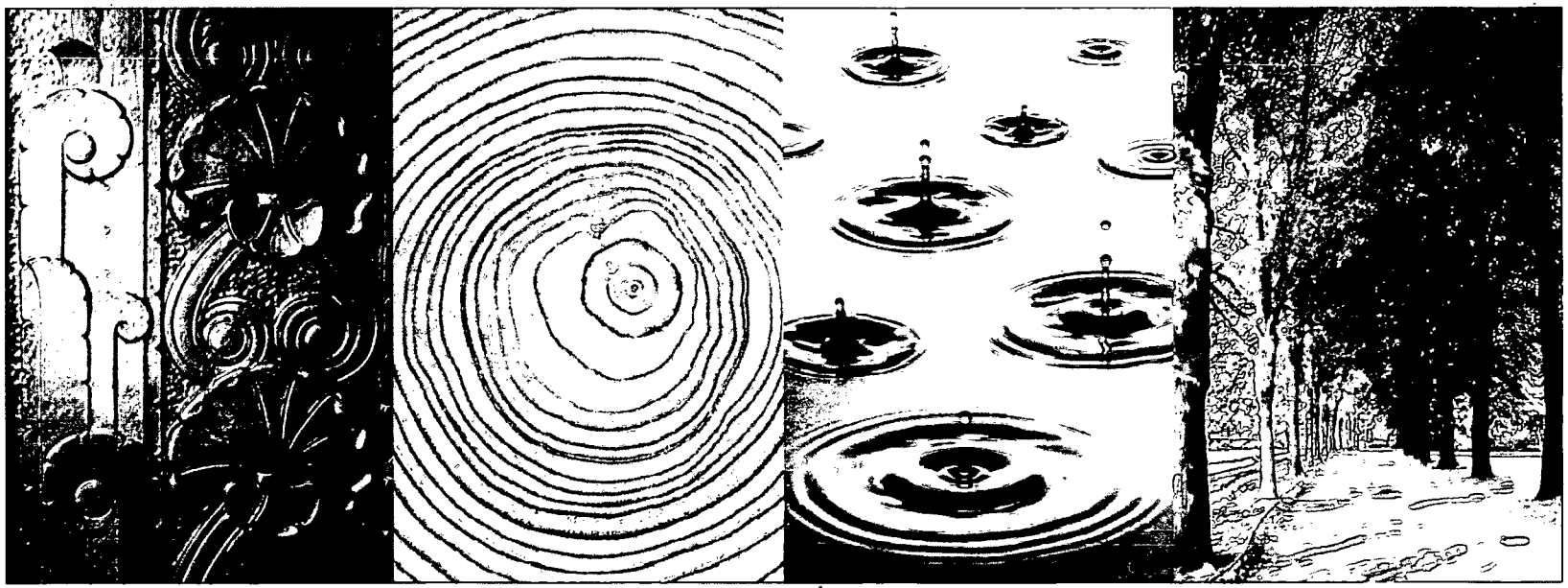
PERSPECTIVE COLLAGE DEPICTING VIEW NORTH ON 4TH AVENUE FROM MAIN STREET

Cultural Corridor Conceptual Design

In the course of working with the public and with the CAG, the vision for the 4th Avenue Cultural Corridor started to emerge less as a street and more as a landscape comprised of a series of gardens set among a collection of historic buildings. Community desires for understated lighting, pedestrian-friendly amenities, human-scaled paving, integrated art works, lush planting, and the desire for changing interest over the seasons and years all confirmed an approach to design that was more Chihuly than civil engineering, more Rodin than road geometry.

The design articulated in the pages that follow is a consensus-based vision that balances the needs of the residents, visitors, business owners, and arts patrons along the street that will enhance the cultural, environmental, and economic sustainability of the City of Edmonds as a whole. By recognizing and taking cues from the existing architecture, the streetscape design builds upon the legacy of Edmonds' first century of industry and development, as embodied in the numerous architecturally significant buildings along or adjacent to 4th Avenue, as well as upon the majestic natural setting of the City.

With the above goals in mind, the overall concept for the Cultural Corridor was defined as the **Water Garden**. The street is re-imagined as a pedestrian-friendly ramble, where automobiles can pass through, but not dominate the public right-of-way. This public space may be used by cars, but is not handed over wholesale. Rather, the dominant elements are the integration of vegetation, art, and environmental function into a linear garden that offers a full and engaging experience to a variety of users along a corridor rich in historic structures and context.



CHARACTER IMAGES

The notion of water, on the other hand, speaks to several environmental and aesthetic aspects of the site that were valuable to the members of the CAG, and also serves as a future motif from which to evolve the corridor over time. The first and most obvious informant for water is the Puget Sound, which sits at the doorstep of Edmonds. Since the City's founding, the Sound's presence has provided the basis of livelihood for many Edmonds residents, attracting lumbermen, tradespeople, artisans, and others.

The CAG also provided strong direction to explore how the street retrofit can help to improve the water quality of the Sound. Thus, each green space along the street is not only a visual amenity but also performs a vital function as a stormwater treatment facility. By visibly grafting this environmental performance onto such a high-profile streetscape, the City of Edmonds will create an exceptional multi-dimensional street corridor that will resonate with Edmonds residents for generations to come. Finally, water may also provide a conceptual springboard for art along the corridor.

Though unified around the concept of the Water Garden, the street itself is broken into a series of garden rooms that reflect the unique characteristics of the adjacent land uses, topography, and traffic. Starting from the south terminus of the study area, the first garden room is the **Market Garden**. Continuing north, between Bell and Daley is the area dubbed the **Allée**. The current large paved expanse at the intersection of Edmonds, Sprague, and 4th Avenue affords the opportunity to create a small overlook park, while enhancing the safety of the intersection. This area is called the **Belvedere**. Finally, the space north of Daley is called the **Cultural Garden**.

With this arrangement of spaces, the corridor is anchored on either end by destination zones – the Cultural and Market Gardens – where the activities of the adjacent buildings may spill onto the

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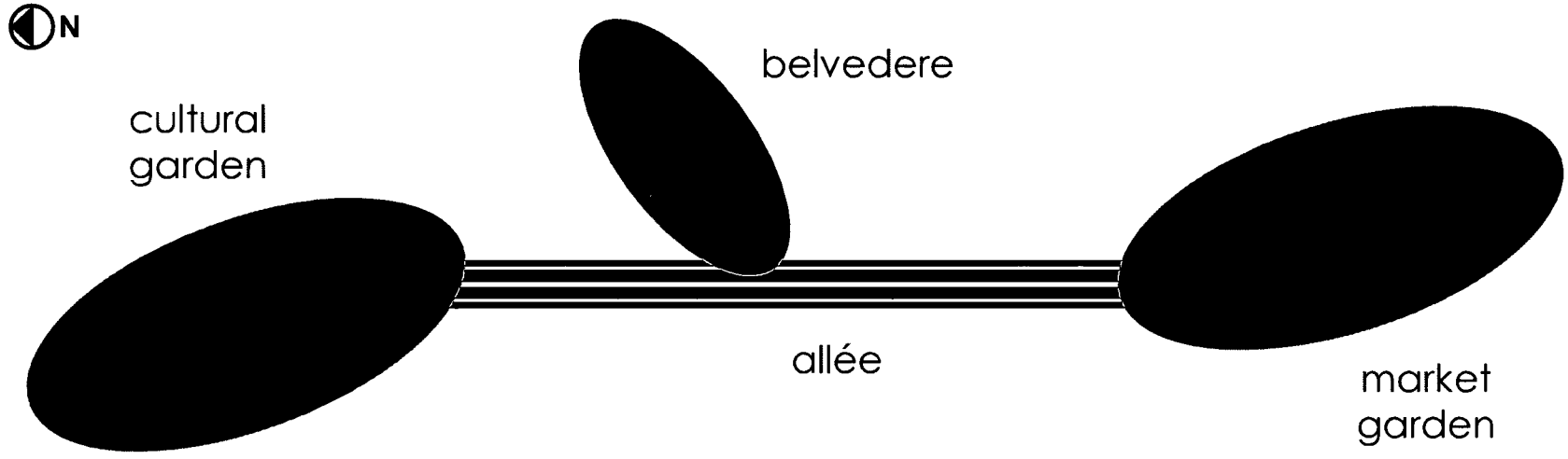


PARTI DIAGRAM

right-of-way to create a vibrant, dynamic, pedestrian-friendly public realm. Between these anchors the Corridor is much more focused on promenading, drawing users along to arrive at the lingering and activity spaces.

Despite the differentiation between the segments of the Corridor, the street concept also includes a number of elements that provide unity to the overall palette. These elements include:

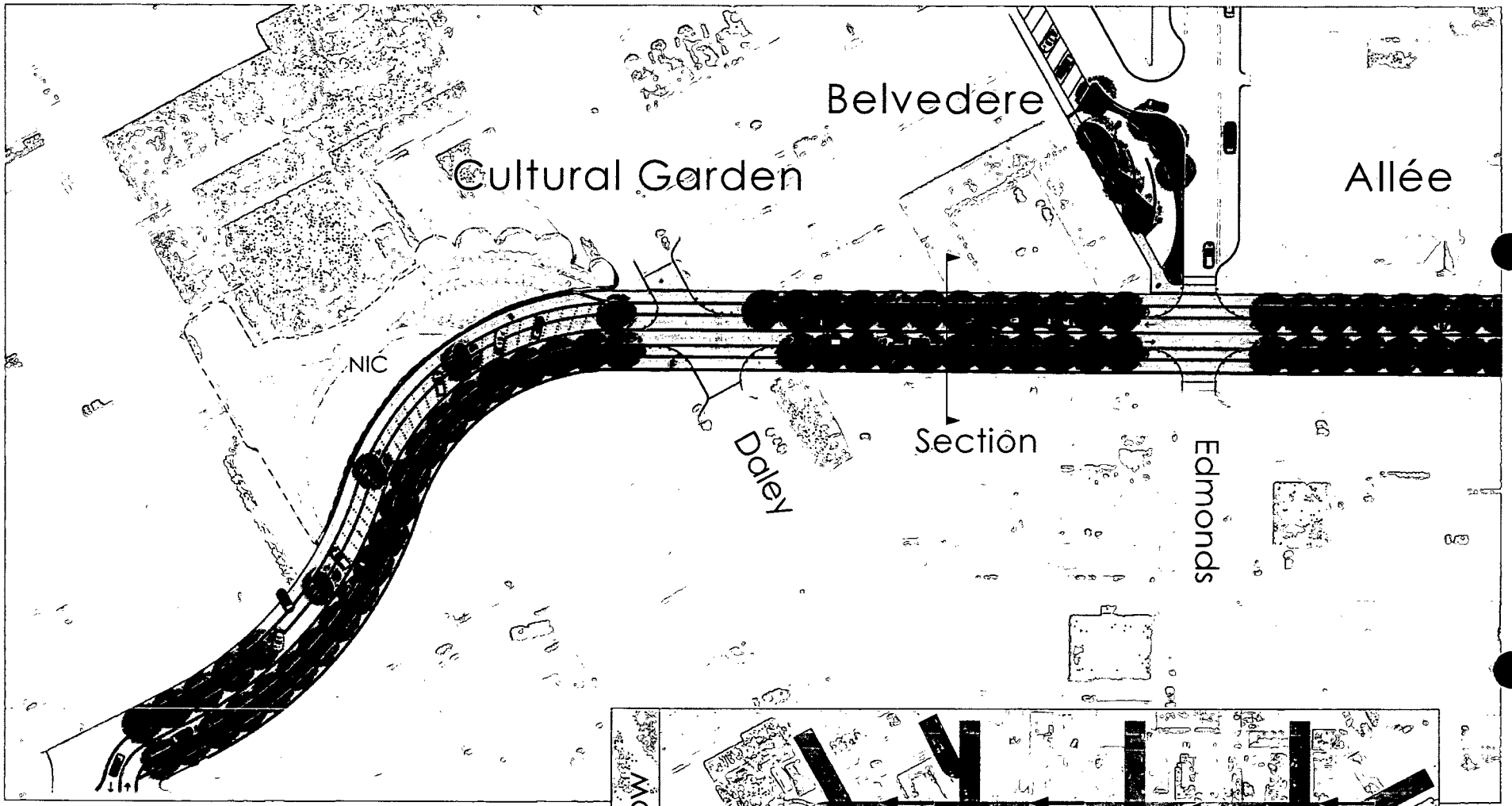
- Consistent materials
- Linear concrete "ribs" that form the organizing structure for the street
- A consistent cross-sectional profile
- A raised intersection design for pedestrian safety
- Lighting elements
- A palette of native plants
- Integrated artwork

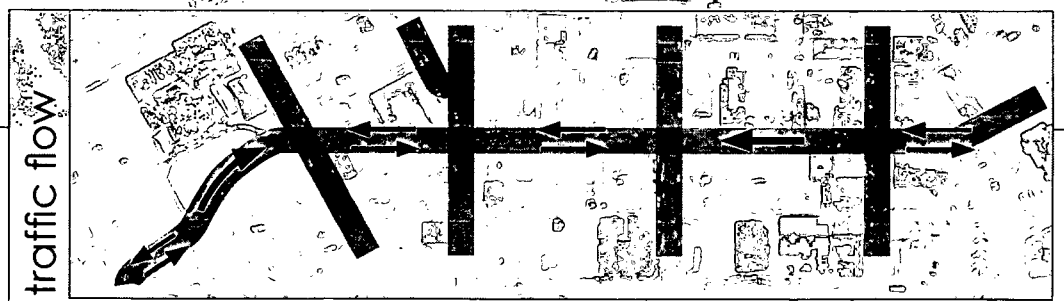
The following sections will provide a more detailed look at the design elements and unique characteristics of the individual zones.

The Market Garden

At the south end of the Cultural Corridor, the Market Garden is the active, commercial zone. Within the Water Garden metaphor, this area is the most dynamic, as everywhere one turns there are opportunities to engage edges, buildings, planted areas, and other people. Arriving by vehicle, you enter via turning from the raised intersection onto a one-way block of 4th Avenue, heading north from Main or south from Main. Two native plant gardens on either side of the driving lane form a gateway into the space north of Main.

The street truly comes alive when experienced as a pedestrian,

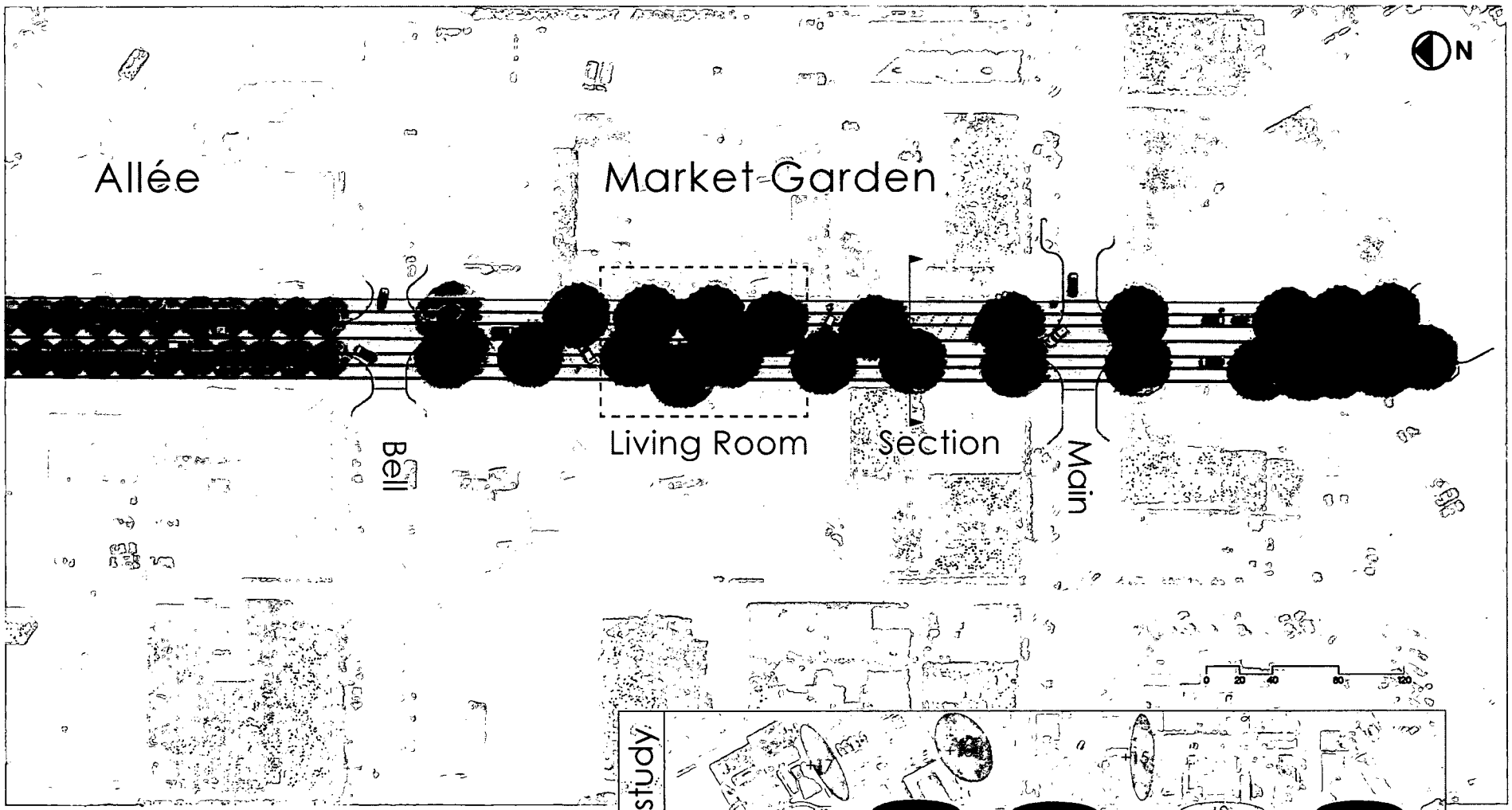




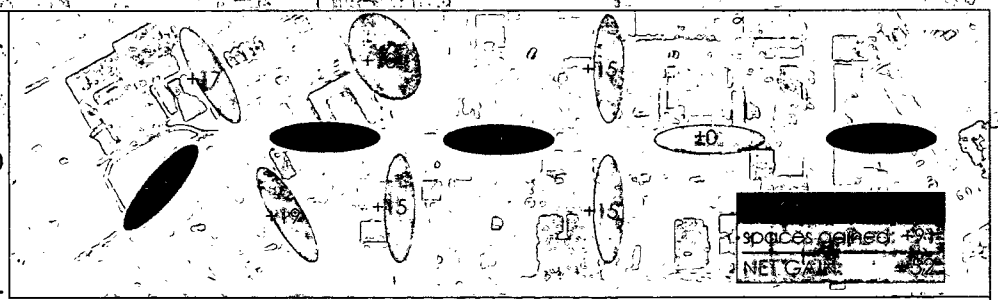
TO CALM TRAFFIC AND ALLOCATE MORE SPACE FOR PEDESTRIAN USE, THE DESIGN PROPOSES THAT FOURTH AVE BETWEEN MAIN AND BELL WILL BE ONE-WAY NORTHBOUND, AND THE SEGMENT BETWEEN DALEY AND THE ECA PARKING LOT ENTRANCE WILL BE ONE-WAY SOUTHBOUND.

FINAL CONCEPT PLAN WITH INSET
TRAFFIC FLOW AND PARKING STUDY DIAGRAMS

DRAFT



parking study



NUMBER OF PARKING SPACES GAINED IS BASED ON RE-STRIPING EXISTING STREETS ADJACENT TO 4TH AVENUE TO ACCOMMODATE MORE VEHICLES, WITH ONE SIDE OF PARALLEL AND ONE SIDE OF ANGLE-IN PARKING

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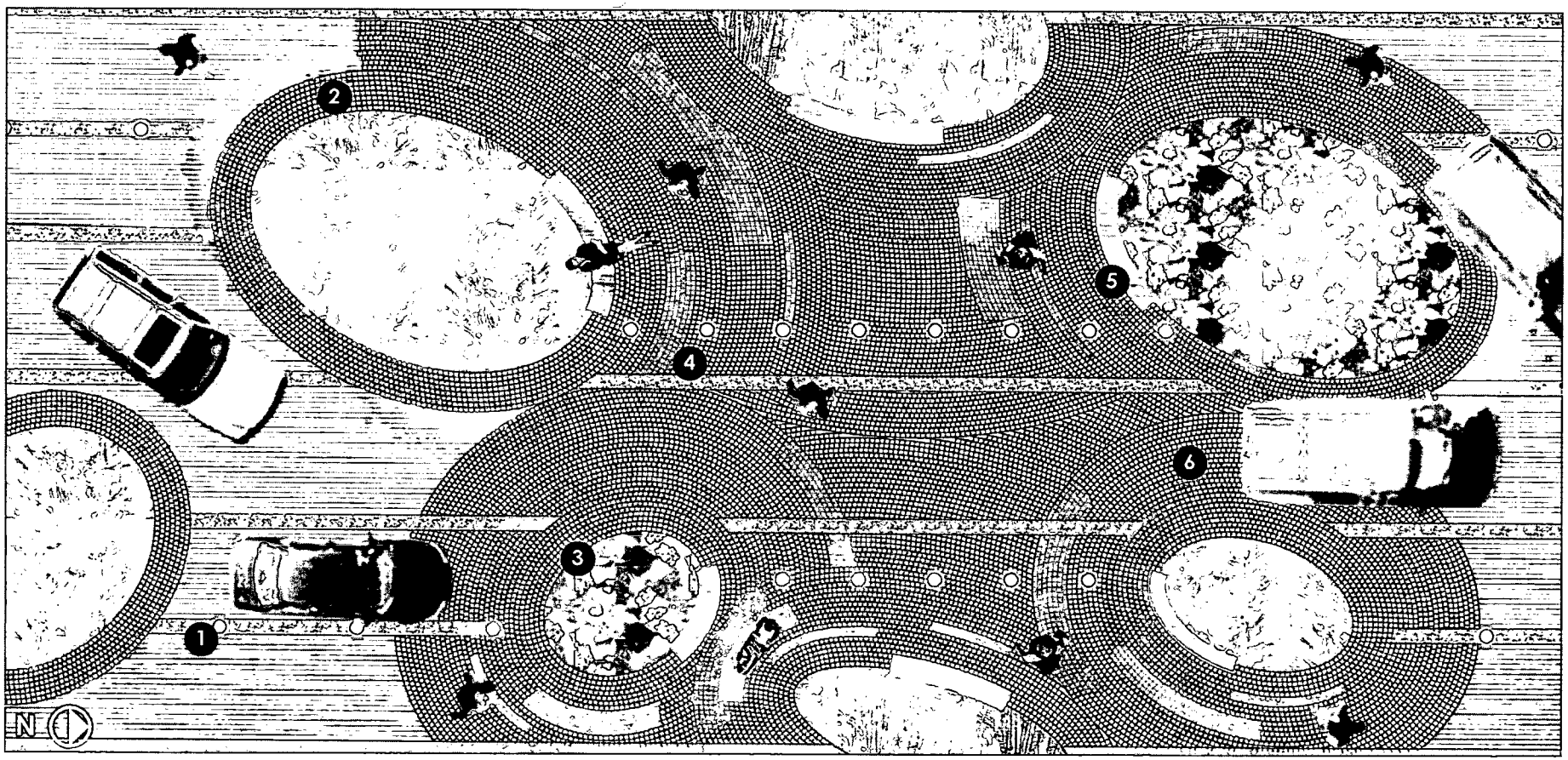


PLAN DETAIL OF LIVING ROOM AREA IN MARKET GARDEN

1. Solar-powered lighted art bollards
2. Potential wayfinding and/or interpretive signage
3. Planting pods
4. Mosaic paving
5. Integrated benches
6. Lane for vehicles to travel through



SECTION OF MARKET GARDEN STREET LAYOUT

after leaving the car behind and beginning to explore on foot. Because it is a curbless street, the space feels less like a conventional roadway than a plaza that happens to have cars in it. The 'pedestrianization' of the space continues with human-scaled modular unit pavers used throughout, and handsome, artistic lighted bollards delineating the path of travel where a curb would do so on a typical roadway.

Throughout the street, trees are planted in elliptical spaces carved out of the street. These 'planting pods' not only showcase beautiful native plants of the region, but also perform an essential stormwater function as bioretention features, collecting and cleaning polluted street runoff before discharging it to the City's stormwater pipes. In fact, these planting pods are linked together along the street to form a treatment chain for stormwater, to ensure the best treatment possible during various sizes of storm events. Interpretive signage at key locations helps visitors understand the current and historic environmental conditions of the site, and explains some of the many unseen functions and benefits of the planting pods and other sustainable site features. The design and placement of the planting pods also help to create a gentle meandering of pedestrian movement, keeping people's sightlines moving from side to side, and fostering a greater sense of discovery and involvement in the street, its elements, and adjacent businesses.

In the middle of the Market Garden is the Living Room, a mid-block resting and socializing place that extends across the street. As the vehicular path of travel bends around two of the larger planting pods, this exclusively pedestrian gathering space is formed, defined in part by its seating amenities and mosaic paving pattern. The mosaic is just one element within the art program of the street, and serves to create an ornate visual field that intensifies the pedestrian experience. It also gives an additional signal to passing drivers that this is a space meant primarily for pedestrians. The planting pods, along with the site



PERSPECTIVE OF THE ALLÉE LOOKING NORTH FROM BELL STREET

furnishings, including bollards, lighting, and benches, represent further opportunities to integrate art into the streetscape.

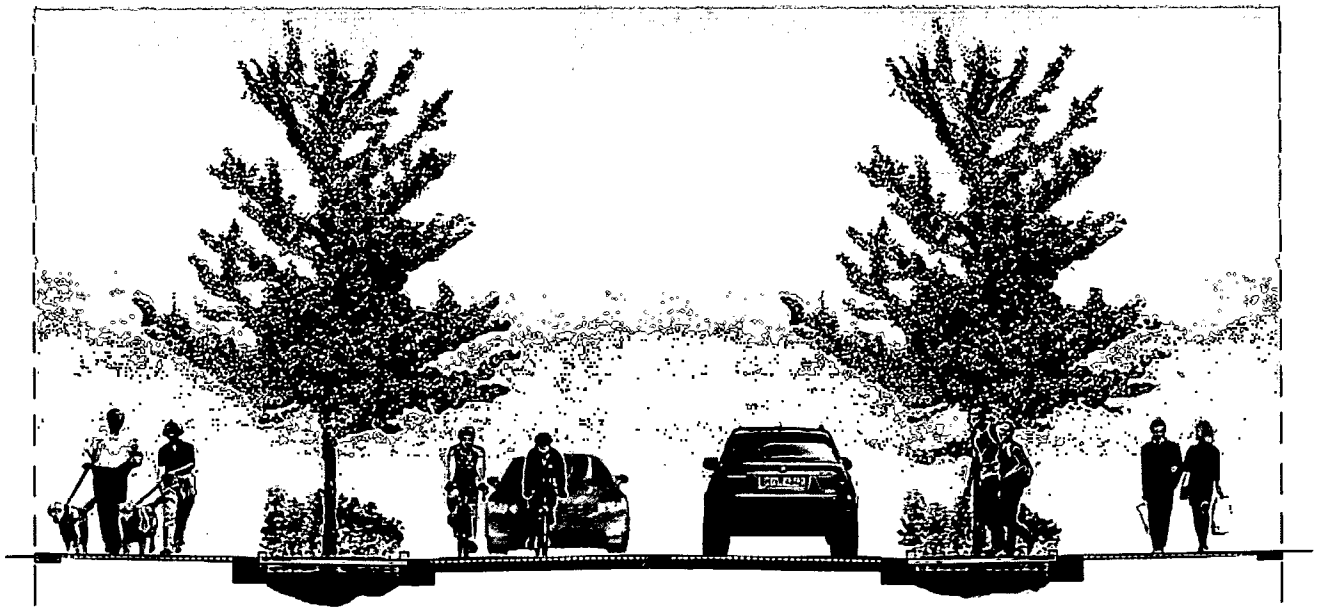
The Allée

Within the Water Garden, the Allée, between Bell and Daley Streets, is like a canal – structured but informal, channelized, and primarily about movement, but with episodic points of interest.

While the cross-section of the street remains the same as that within the Market Garden, there are clearly established pedestrian, amenity, and vehicular zones. Between the sidewalk and the travel way is a six-foot wide, flat-bottomed bioinfiltration swale. The trees, other plantings, and soil in the swale will play a key role in cleaning polluted stormwater from the street. There are small pedestrian bridges that cross the shallow swale at short intervals to provide street access for residents and other users.



PLANTING POD FUNCTIONAL DIAGRAM



SECTION OF ALLÉE STREET LAYOUT

Because of the more residential character of this portion of the street and the desire to connect the downtown with the ECA, this area finds its interest not from changing viewpoints and perspectives, creating interesting gathering spaces, but from framing, rhythm, and seriality.

A strong, tight repetition of vertical elements – street trees and art pieces – not only helps to frame the destination nodes of the Market Garden and the ECA like a Renaissance arcade, but also create a visual buffer between the residences and the vehicular lanes, which in this area accommodate travel in both directions. Road width in this section is narrowed from the current condition to two ten-foot travel lanes, which would accommodate limited on-street parking and maintain sufficient fire and emergency vehicle access. Sidewalk width increases to nine-feet on either side, plus the two six-foot wide swales.

The close spacing of the trees is designed to provide benefits both in the short-term and into the future as the street matures. Initially the cadence of the trees will help give the street a sense of maturity, rhythm and presence, as well as providing a more continuous canopy for pedestrians to enjoy. Over time, trees could be replaced by vertical art elements that continue the cadence of the allée, while providing points of interest along the way. Tree and site characteristics, including height, fruit, spread, exposure, water availability and tolerance, and location in relation to views from and uses of adjacent properties along the Corridor, will be considered when final tree species determination is made.

The Belvedere

Where there is now a sea of asphalt at the intersection of 4th Avenue with Edmonds and Sprague Streets, the Cultural Corridor will include a mini-park carved out of the right-of-way. This area has been termed the Belvedere. Both an eddy from the



0 - 5 YEARS

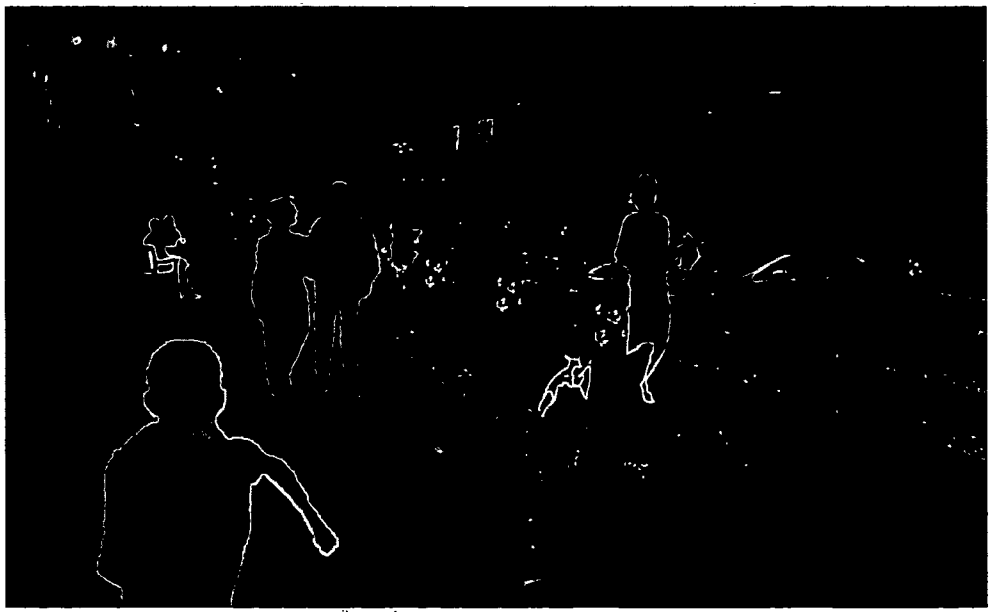


5 - 10 YEARS



10+ YEARS

ART WORK ALONG THE ALLÉE COULD ALSO HELP TO ESTABLISH AND REINFORCE THE RHYTHM OF THE ARCADE WHILE PROVIDING A VARIABLE POINT OF INTEREST.



PERSPECTIVE RENDERING LOOKING NORTH FROM 4TH AND MAIN AT NIGHT

Allée, and an overlook to the Puget Sound, this space will be a small green oasis for people to stop and rest. They will also be able to observe and experience some larger-scale art pieces that will form the nucleus of this park.

The Cultural Garden

The final space lies north of Daley Street and is dominated and informed by the Edmonds Center for the Arts. Like the Market Garden at the other end of the Corridor, the travel lane along the Cultural Garden area is one-way (in this case traveling south) except for a short segment at the north end, connecting the ECA parking lot driveway with two-way vehicle lanes. The paving treatment, road cross-section, and amenity features are also similar to the Market Garden and the Allée.

However, there are differences along the east side of the street. There is angle-in parking, to focus the arriving visitor's attention toward the ECA, and to gently dissuade them from getting back into their cars after a performance is over. Along the west side of the street, the swale and sidewalk relationship from the Allée is continued due to the adjacent properties' residential zoning and likely future buildout.

Lighting

Lighting is a critically important component for the Cultural Corridor. The need for safety and an inviting streetscape during the nighttime hours is something that everyone seems to agree is a first phase priority. Additionally, there was a desire not to over-light the street with large-scale 'cobra head' lights or overhead wires; there was also a desire to have environmentally responsible and 'dark sky' friendly lighting through the use of full cutoff, alternative energy and low-power fixtures. Technologies that might be incorporated into such fixtures include photovoltaic (solar) power cells and low-power LED lighting.

Fitting with the theme of the street as garden, the approach to lighting is precise rather than blunt. The first step would be to underground all of the various power and electrical lines along the street.

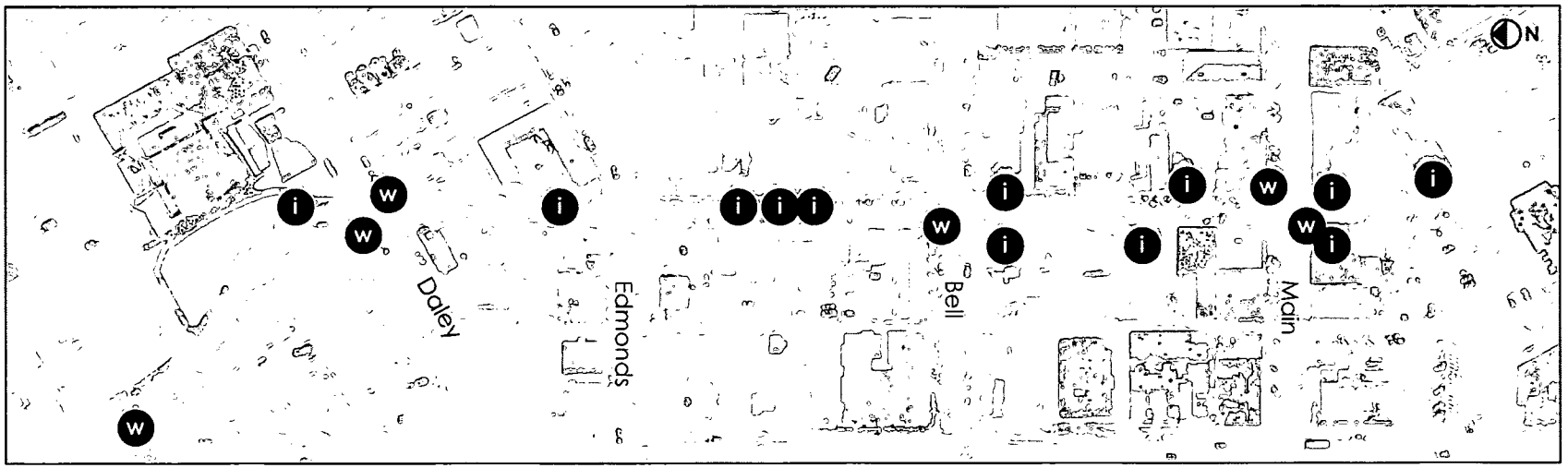
At the intersections there will be the need for overhead lights, but on the blocks themselves, a series of small scale lighting interventions will be the rule. Where possible, light will celebrate existing elements on the street, giving them a new life in the evening. For example, uplighting tree trunks in the Allée will reinforce the rhythm of the street and create an illuminated portico for patrons to travel through. In other areas, like the Market Garden, bollards will have integral lighting elements, which may be designed by artists.

In special areas, for example at the Living Room in the Market Garden, overhead pedestrian scaled lights will be required to provide proper illumination. While these could be 'off the shelf' items, the CAG agreed that a more appropriate solution would create artist-designed, solar/wind powered light elements. These elements could be created immediately to light the street now, and then be repositioned after final build-out of the street.

Wayfinding

Wayfinding is another key element in making the Cultural Corridor a success. In 2008 - 9 the City of Edmonds' Parks, Recreation and Cultural Services Department worked with sign architecture consultants Forma to develop a general citywide design standard for wayfinding signage. The project goal was to develop affordable signs that reflect the artistic orientation of the city while respecting and referring to historic aspects of the community through the use of design elements and color.

A simple design was created to reference the dominant curved lines of three of the major historical buildings in the downtown

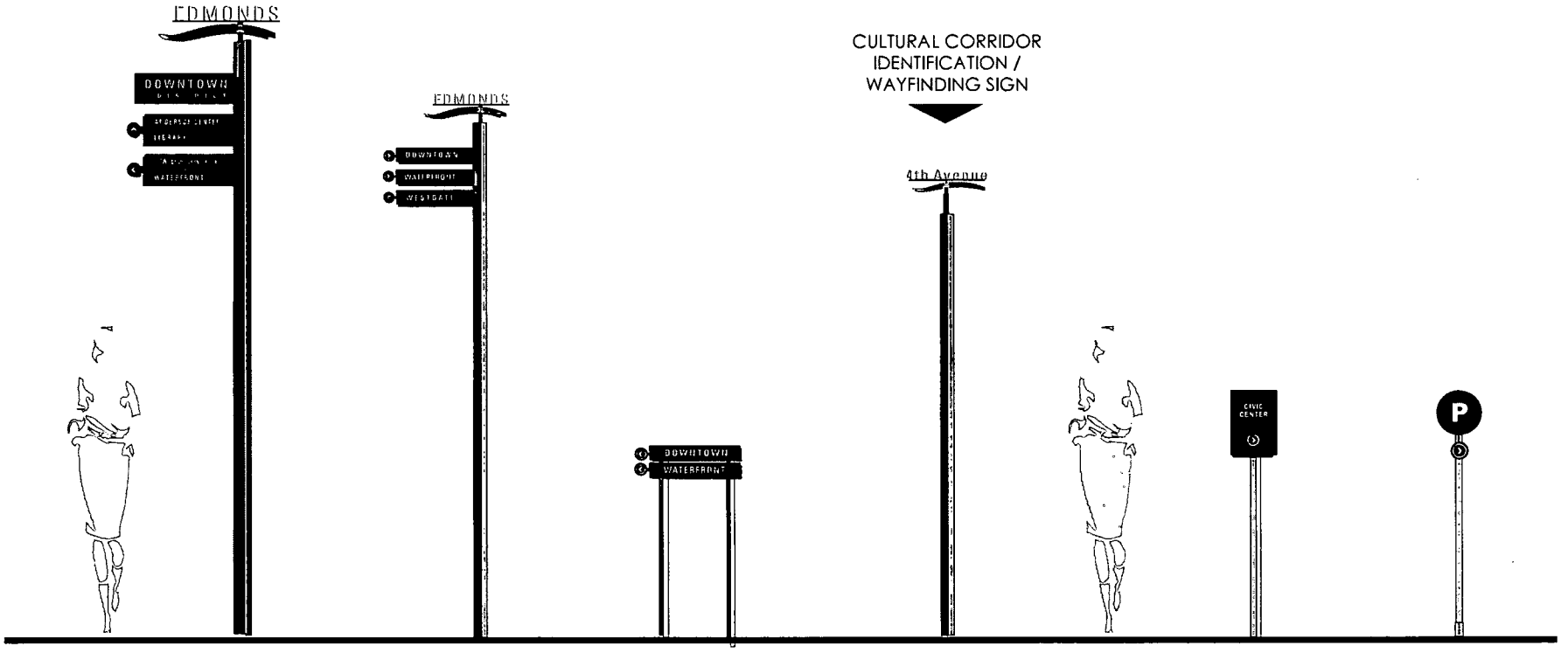


MAP INDICATING WHERE WAYFINDING (w) AND INFORMATIONAL SIGNAGE (i) MIGHT BE LOCATED ALONG THE 4TH AVENUE CORRIDOR

– the former Edmonds High School 1939 auditorium, the 1909 Beeson Building, and the 1910 Carnegie Library. The selection of muted colors with accents in metallic tones references the Art Moderne style that is typified by the auditorium which anchors the north end of 4th Avenue, now the Edmonds Center for the Arts. A unique street sign using the curved line was developed for 4th Avenue as part of the family of signs. Signage on the edge of the project area will direct visitors to the Edmonds Center for the Arts. A wayfinding sign on Bell at 4th will direct visitors to the Historic Museum and log cabin information center.

Interpretive Signage

Opportunities for interpretive signage have been identified along the corridor. At the Edmonds Center for the Arts the fact that the sweeping open area of the original building site has been retained allows for opportunities along the walkway to incorporate information in low profile installations. A monument in front of the auditorium was removed in the past but an interpretive art element has been proposed for that site as a focal point for the corridor. The 1909 Beeson Building at the south end of the corridor is already identified with a historic marker plaque, and moving north there are several opportunities to "tell the stories" of older structures that remain. The 1938 brick Doctor's office, now an art gallery, is a site where local residents still remember stories that might be incorporated in an informational piece. Across the street there are two houses built in 1910 that are now used for commercial purposes. Further north the 1905 August Johnson house is an example of a Queen Anne style structure with interesting architectural details that could provide a point of interest for the pedestrian. Approaching the auditorium, the 1930's Motorcourt Motel complex, now apartments, has stories to tell. One project proposed for informational signage for this former motel and the doctor's office is to record stories remembered by local residents about the buildings and their

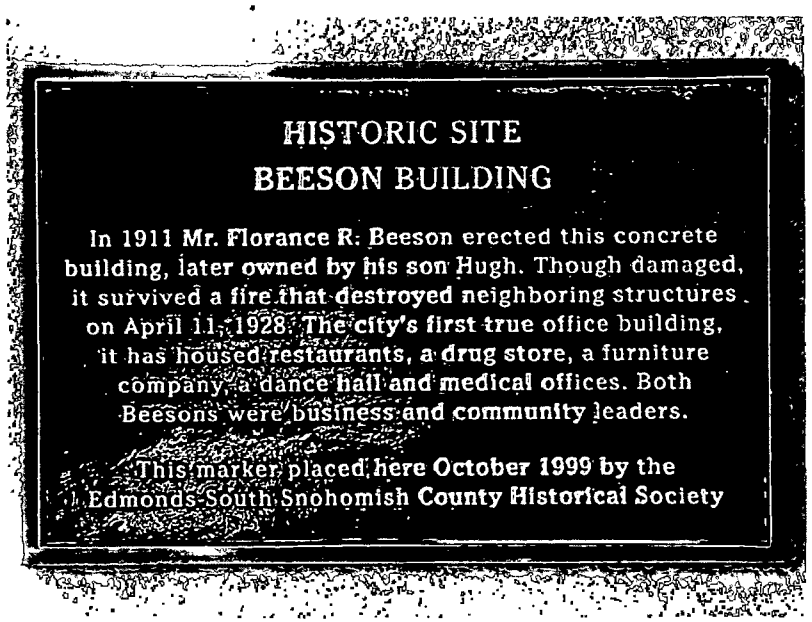


DEVELOPED BY FORMA FOR THE CITY OF EDMONDS, THIS PALETTE OF SIGNAGE INCLUDES ONE MODEL SPECIFICALLY DESIGNED FOR THE 4TH AVENUE CULTURAL CORRIDOR (INDICATED ABOVE)

former use. Both of these buildings have frontage that might be utilized for a series of low interpretive panels along the walkway.

Within the street, however, a more subtle approach to wayfinding is important in order to maintain an uncluttered visual field that focuses on destinations, rather than blocks them. For this reason, wayfinding elements are embedded in the horizontal concrete bands along the streetscape—such letters pressed into the concrete—for pedestrians to discover as they move along the streetscape. This method was used historically to identify streets in downtown Edmonds and some examples have been preserved on Main Street. While providing a sense of discovery for pedestrians, this strategy will minimize the visual distractions for those traveling in a vehicle.

Using the same 'letterpress' strategy, the stories of various buildings, businesses and remembrances will also be pressed into the concrete banding along the street. The street, in a literal way, becomes the medium upon which the community's stories are written. The various buildings identified as historic in the Downtown Survey by BOLA Architecture are prime candidates for this kind of interpretative storytelling.



EXAMPLE OF HISTORICAL MARKER EMBEDDED IN CONCRETE


WAYFINDING LETTERS EMBEDDED IN CONCRETE

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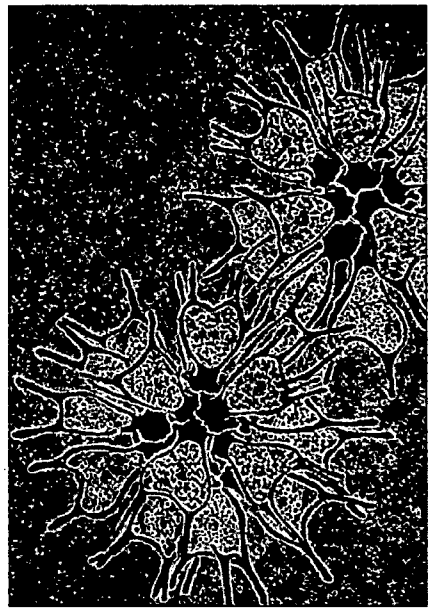
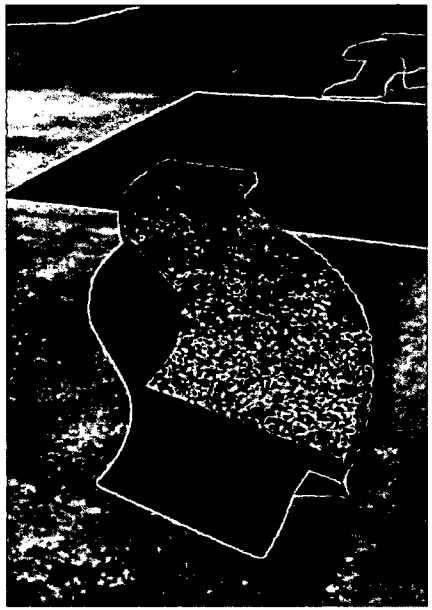
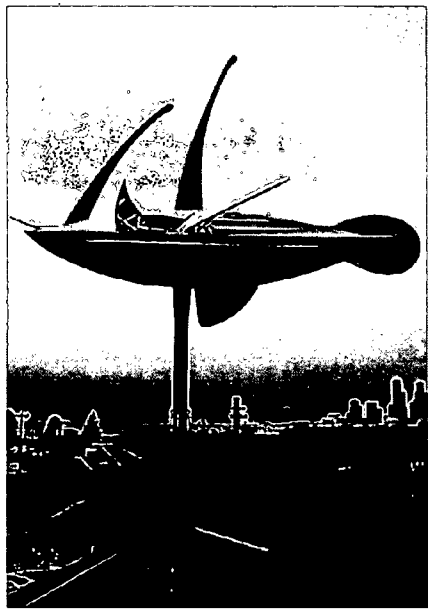


ARTIST: STACY LEVY



ARTIST: TINA HOGGATT



ARTIST: MILES PEPPER



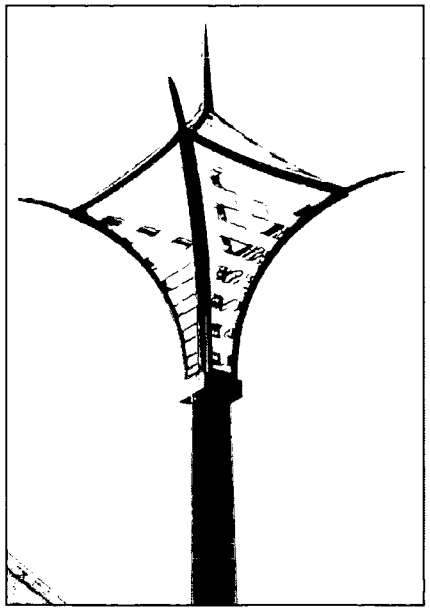
ARTIST: CAROLYN LAW

Art and Cultural Corridor Conceptual Design

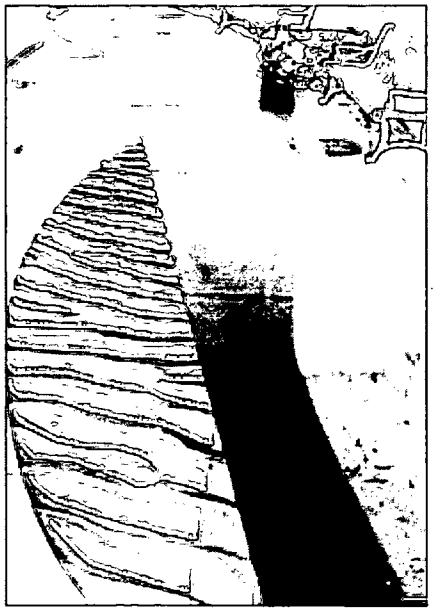
Early in the design process public art was expressed as an essential element in the redevelopment of the 4th Avenue Cultural Corridor. Edmonds' long history as an 'arts town' and its connection to the waterfront, make 'Art in the Water Garden' a compelling concept.

The blending of art and nature in the Cultural Corridor presents the opportunity to create a rich and engaging linear garden streetscape that celebrates and complements Edmonds' historic character, while bringing a new sense of life and expression to the City. Like water to the garden, art nourishes the community environment. Art paints the streetscape and its public amenities with color, texture and meaning. Art plants the seeds of creative ideas and metaphors that cultivate the Corridor as it evolves over time. Art reflects on the past, present and future, providing context unique to Edmonds. Art plays with the notion of water and sustainable solutions for a community that is perched on the edge of Puget Sound.

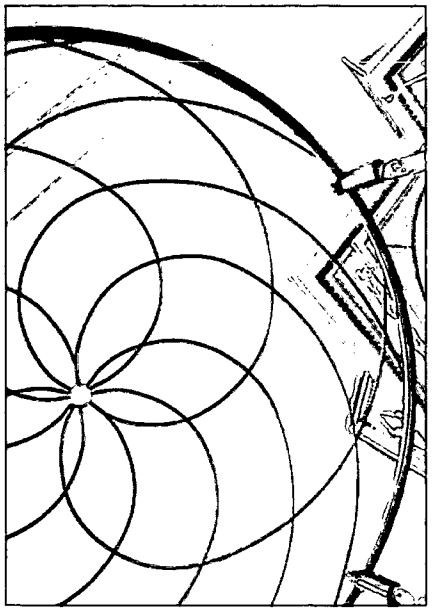
Although the Water Garden concept envelops the street as a whole, the art responds uniquely to each of the garden rooms in the Cultural Corridor. Throughout these rooms, art captures the natural world; expands the outdoor living room; illuminates day and night; and expresses the cultural community.



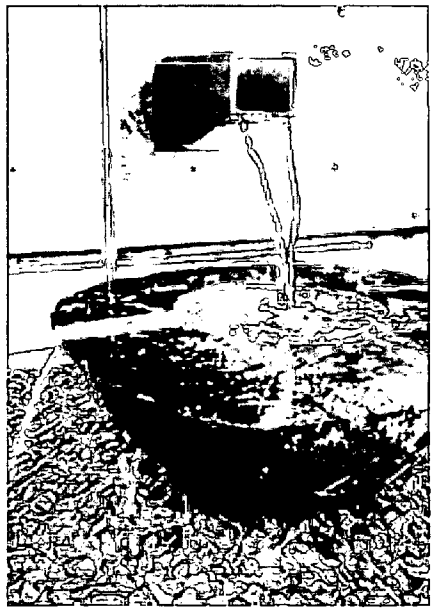
ARTIST: DAN CORSON



ARTIST: BRUCE MYERS



ARTIST: MATT CARTWRIGHT



ARTIST: GLORIA BORNSTEIN



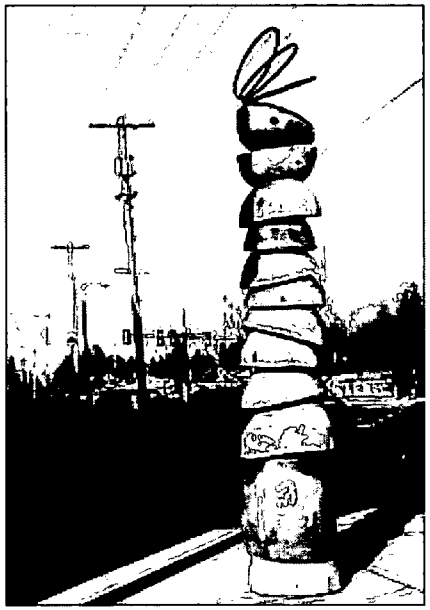
ARTIST: TOM OTTERNESS

Market Garden Art

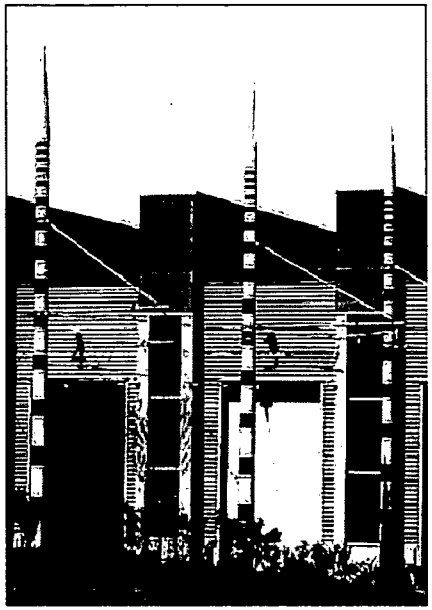
The Market Garden is an active segment of the Cultural Corridor where art has the potential to be experienced in various ways. Art that announces the Water Garden concept invites people to stroll down 4th Avenue from Main Street. Art underfoot distinguishes the pedestrian zone with unique paving treatments around gathering spaces and through crosswalks, with motifs repeated throughout the Corridor. Along the way, the planting pods, lighting, bollards and benches all furnish further opportunities to incorporate art into the streetscape.

The artwork can further articulate the sustainable intent or explore the cultural metaphors that make Edmonds so unique. The public art venue could be permanent, temporal or seasonal. Each approach provides a distinct occasion to engage, delight and surprise.

DRAFT



ARTIST: CAROLYN LAW



ARTIST: DAN CORSON / NORIE SATO



ARTIST: JULIE BERGER

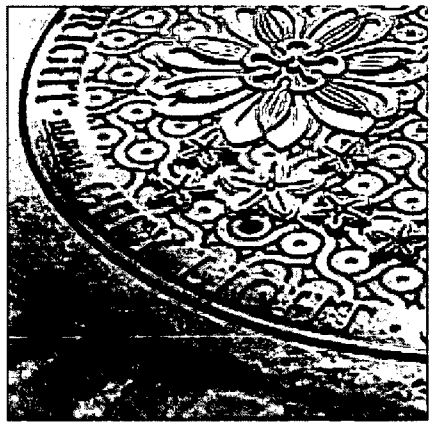


ARTIST: BARBARA GRYGUTIS

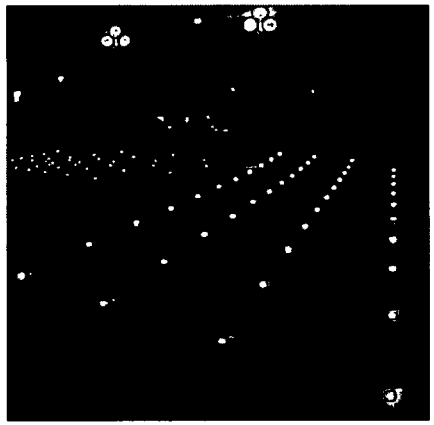
Allée Art

Within the Water Garden, the Allée, with its canal like informal structure, offers art as periodic points of interest. Vertical elements along this channelized segment of the street act as a device to clarify, punctuate and connect the downtown with the ECA. A rhythmic or sequential permanent series of sculptures, temporary programmed installations, and/or solar light elements all offer potential treatments.

Working creatively over time with the developing cadence of trees and plantings, art sustains the character of residential streets and provides a compelling experience for residents, pedestrians and vehicles alike.



ARTIST: NANCY BLUM



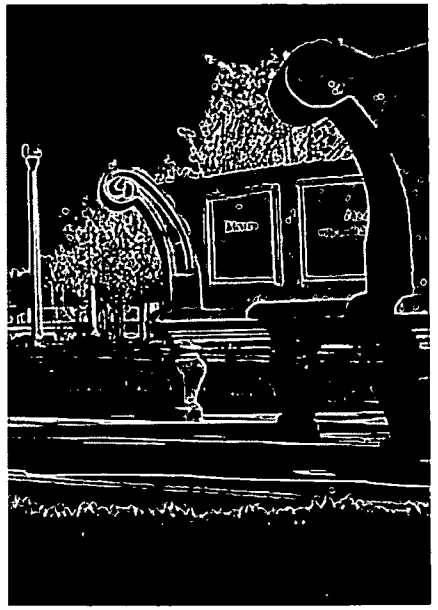
ARTIST: BELIZ BROTHER



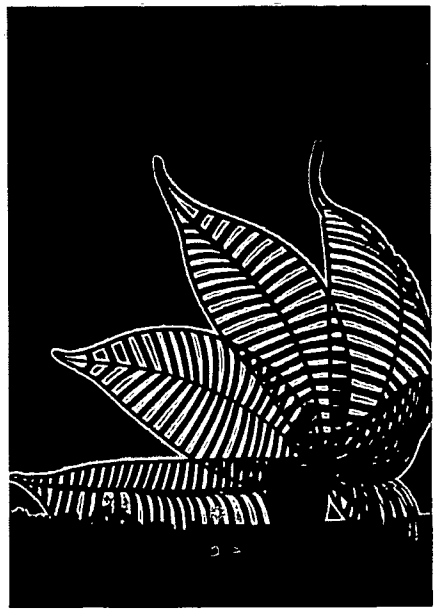
ARTIST: STACY LEVY
PHOTO: DAVID WALEGA



ARTIST: BUSTER SIMPSON



ARTIST: NORIE SATO



ARTIST: MATT CARTWRIGHT



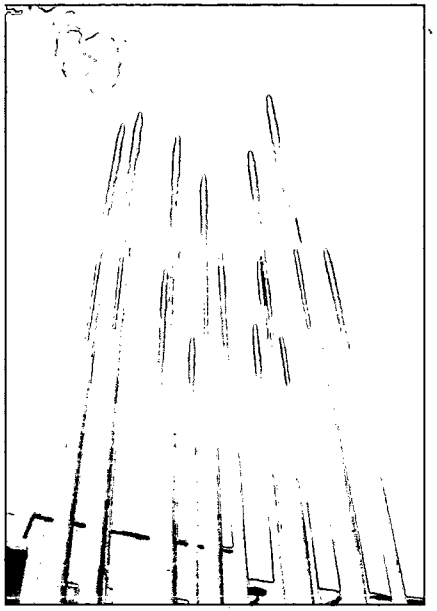
ARTIST: GLORIA BORNSTEIN
PHOTO: SPIKE MAFFORD



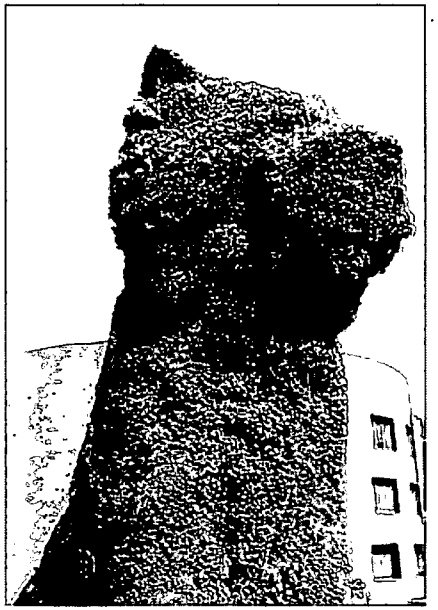
ARTIST: PAM BEYETTE

Belvedere Art

Art plays a large role in this small park. This intimate space brings enjoyment to a diverse group as a special destination. Dual forms of sculpture provide shelter to pause or rest and observe the spectacular overlook to Puget Sound. Motion, sound and playful form encourage interaction. This green oasis and eddy-like gesture perhaps yields to an environmental artist's hand as a theater garden.



ARTIST: DAN CORSON



ARTIST: JEFF KOONS



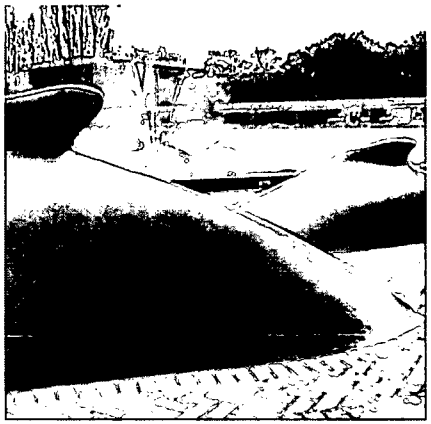
ARTIST: AKIO TAKAMORI



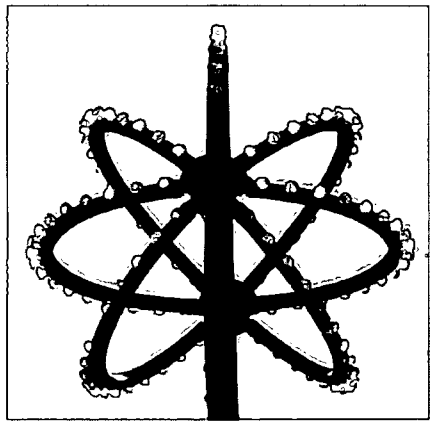
ARTIST: DAN CORSON

Cultural Garden Art

The final space is dominated by the Edmonds Center for the Arts. Since the paving treatment, road cross-section, and amenity features are similar to the Market Garden and the Allée, any art elements that are introduced may repeat here. Outside this scope of work, a large site-specific, historically-interpretive environmental or light installation project on the expansive green space adjacent to the ECA is recommended. (This spot once had an historic plaque to interpret the history of the old high school on this same location). Bold and highly visible, the artwork expresses the cultural community, marks the destination and is viewed throughout the Cultural Corridor and beyond. It is an apt site for a work that expresses and highlights the historic significance of the ECA building, and the City's history and cultural heritage in general. It is a fitting gesture that should not be overlooked, and has the potential to become a much-loved icon for the city.



ARTIST: GLORIA BORNSTEIN



SEATTLE CENTER; PHOTO: PAM BEYETTE



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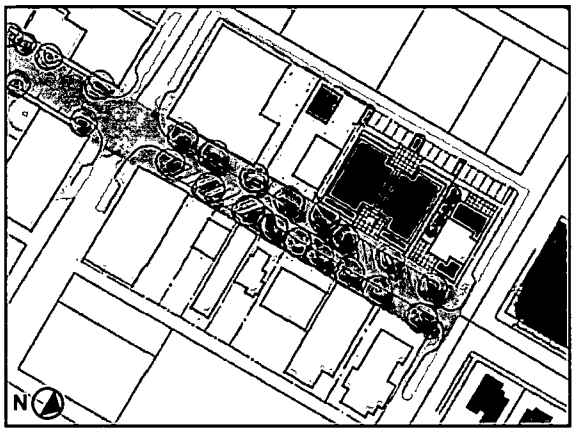
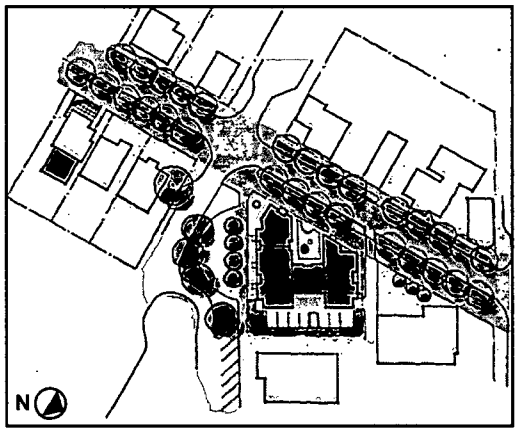
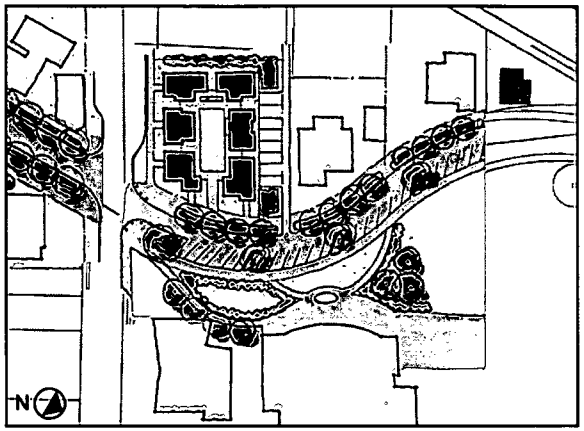






Urban Design

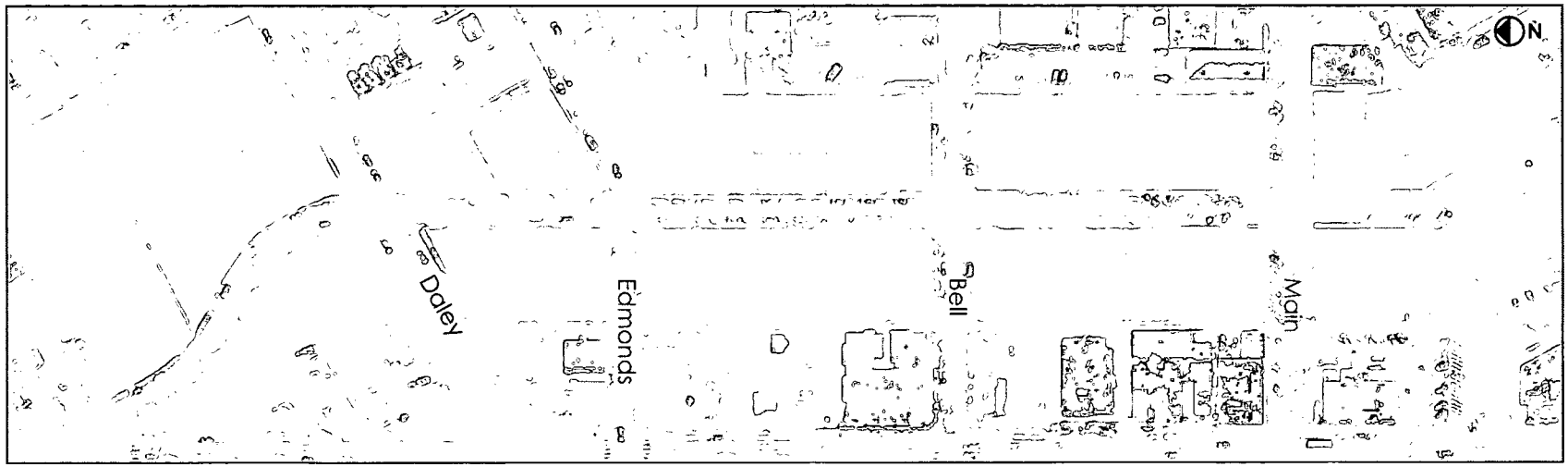
Purposes and Objectives

4th Avenue provides the physical connection between two major community destinations and hubs of activity: the historic Edmonds Center for the Arts (ECA) and the core downtown retail area. Enhancement of this corridor as a pedestrian connection highlighting cultural assets is a high priority implementation item identified in the City's Community Cultural Plan and Comprehensive Parks Plan. The pedestrian experience is largely influenced by buildings and the uses they contain, to provide attractive spaces for people to live, work and shop. An urban design framework is included in the 4th Avenue Cultural Corridor project to guide this relationship between building and street and address issues of preservation, redevelopment and adaptive reuse. By preserving the best from its past, addressing current issues, and capturing emerging opportunities, 4th Avenue can establish itself as a vital part of the Edmonds cultural experience.

The proposed streetscape design provides several key opportunities to improve the urban design character of the corridor.

These urban design enhancements can be broadly grouped into three areas:

1. **Preservation and Reuse.** Strategies pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. Part 68) to preserve, rehabilitate, restore and reconstruct historic properties in the Corridor and encourage adaptive reuse of structures in order to contribute to increased economic vitality as well as preserve the downtown's historic character. For the Beeson Building, which was identified as eligible for nomination to the National Register of Historic Places, this is a particularly important direction. In addition, the Edmonds Historic Preservation Commission has made a recommendation that



MAP OF WHICH PROPERTIES WOULD POTENTIALLY BE SUBJECT TO WHICH LEVEL OF DESIGN GUIDELINES (▨MODEST, □MODERATE, OR □FULL) WHEN CHANGES ARE MADE

the City create either a Historic Overlay or Historic District for this area (see Appendix A).

2. **Key Locations.** Several locations in the corridor have been identified as opportunities to provide a greater level of activity, uses and amenity. Examples include redevelopment of properties between Main and Bell, at Edmonds Street, and across from the ECA.

3. **Regulations.** Redevelopment studies at key locations inform recommendations to revise development standards in the current zoning designations in order to encourage private investment that, in turn, advances economic development and cultural tourism goals for the area.

Gradient Approach

Cities are constantly evolving, which means that most properties change over time. Edmonds is no different, as it experienced post war suburban development outward from the downtown area. Larger markets and auto-oriented shopping malls emerged, along with professional office development. However, the community has demonstrated its commitment to honoring its heritage and traditional small town character. From the preservation and rehabilitation of the Carnegie Library to the 2005 Historic Survey of Downtown Edmonds, many properties in the study area have been identified for preservation, rehabilitation, or restoration of structural elements, site features, or other noteworthy urban design features.

Properties having historic significance as identified in the 2005 Historic Sites Survey Map by BOLA Architecture + Planning (see facing page) should be treated to maintain the most appealing qualities of this corridor in terms of scale, character, and distinctive features and finishes. Reuse of these structures can give new life to older buildings and help contribute to an animated public realm along the Cultural Corridor. Preservation, rehabilitation, restoration or reconstruction of these properties should comply

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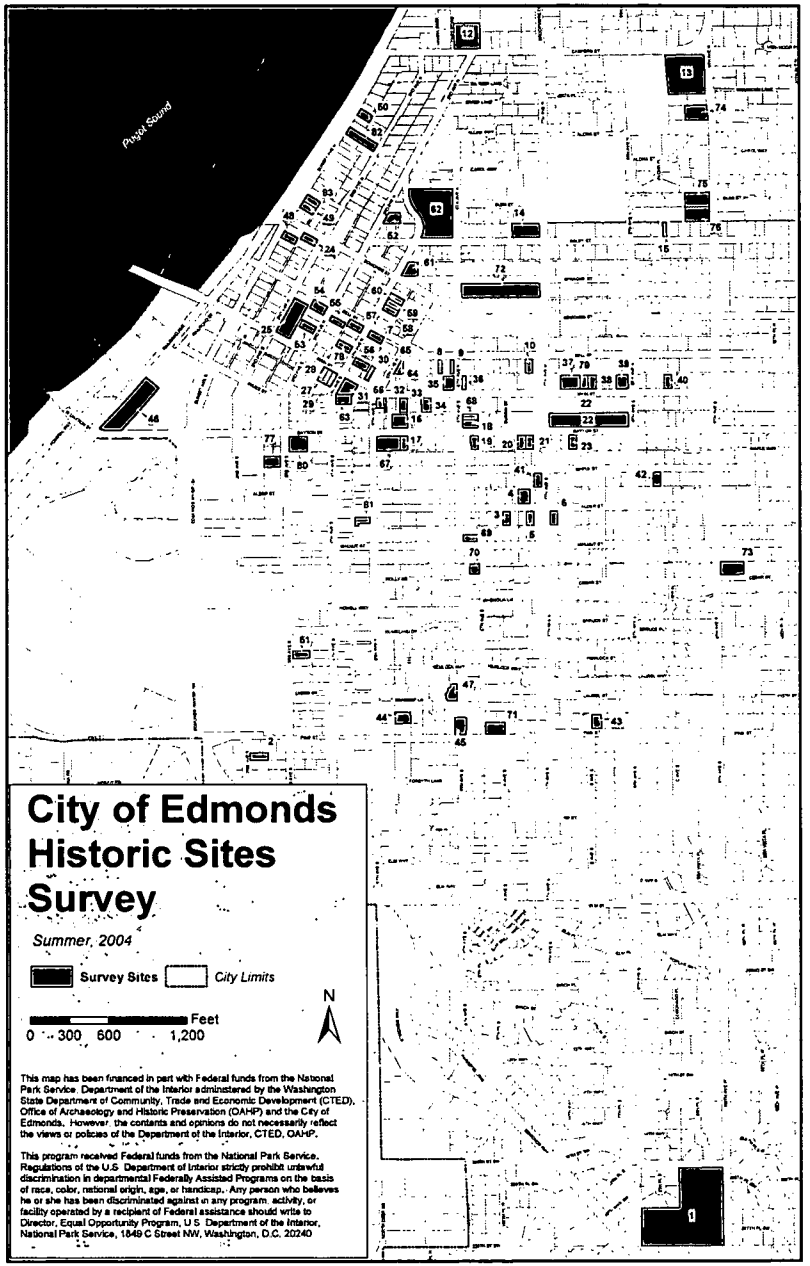
with 36 C.F.R. Part 68 - The Secretary of the Interior's Standards for the Treatment of Historic Properties (see http://www.nps.gov/history/hps/tps/standguide/index.htm). The level of restoration and preservation will depend on the individual property's significance, existing condition, and the documentation available to properly depict the original form and features. The 2009 Historic Preservation Commission Memo (see Appendix A) outlines four categories of properties within the 4th Avenue corridor:

1. Properties listed on the Edmonds Register of Historic Places.
2. Properties not on the register but which have been surveyed and classified as eligible to be listed.
3. Properties not on the register and not yet surveyed but which contribute to the historic character of the area.
4. Non-contributing properties that are within the corridor but do not contribute to its historic character.



EDMONDS HISTORIC SITES SURVEY MAP,
BY BOLA ARCHITECTURE + PLANNING (2005)



DEVELOPMENT GUIDELINES GRADIENT MAP FOR (A) MARKET AREA

These categories are referred to in the following discussion about applying a "gradient" approach to future redevelopment.

There will be instances, given the zoning for the area, where redevelopment of properties will occur. To reconcile these pressures, urban design and redevelopment strategies included in this report follow a "gradient" approach to capture the benefits of an incremental, organic growth of the corridor through a mixed-use strategy that combines new interventions with preservation. For example, buildings currently on or eligible for the National Register of Historic Places or the Edmonds Register of Historic Places (categories 1 & 2, above) could be limited to ***modest*** interventions, while ***moderate*** treatment could be applied to surveyed and classified as eligible sites, and properties which contribute to historic character (categories 2 & 3, above). ***Full*** development could potentially be applied to properties which contribute to historic character and to non-contributing properties (categories 3 & 4, above).

A. MARKET AREA: South of Main, North to Bell St.

MODEST

- Facade Improvement Design Guideline.
- Mother-in-law units with parking below (carriage house).

Types of Property: *Listed on National or Edmonds Register, or surveyed and eligible but not listed*

Incentives: *City roster of architects and small matching fund grants; preferential tax and parking incentives available to properties on Edmonds Register*

MODERATE

Context-sensitive additions:

- 'Shop house.' Maximum 60 percent of existing front facade; can not exceed 50 percent size of existing building footprint.

Types of Property: *Surveyed and eligible but not listed on Historic Register, or contributing to historic character*

Incentive: *City roster of architects and small matching fund grants; preferential tax and parking incentives available to properties on Edmonds Register*

FULL

Redevelopment:

- Maximum 14,500 square feet of lot size to prevent combining more than two parcels;
- Maximum building footprint to control bulk (e.g. 65% lot coverage);
- Entry plaza/fore-court required for larger lots (20 feet x 20 feet);
- Through-block path required for larger lots;
- 4th Avenue Design Guidelines for new development.

Types of Property: *Contributing to historic character, or non-contributing*

Incentiv: *Expedited review process and City-sponsored loan program for projects meeting design standards.*

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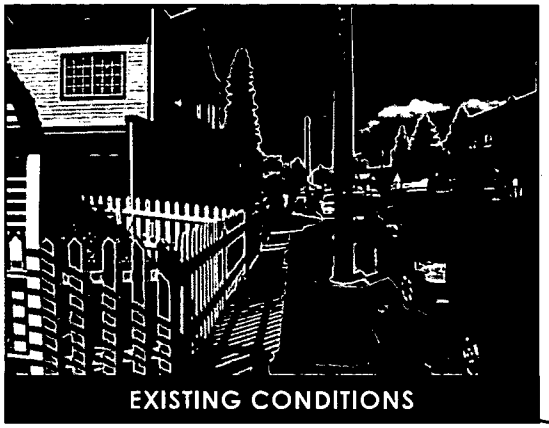
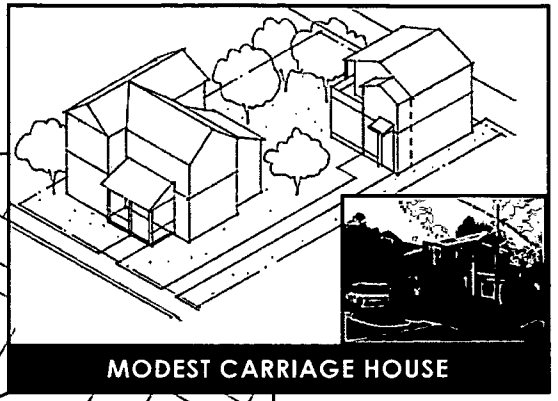
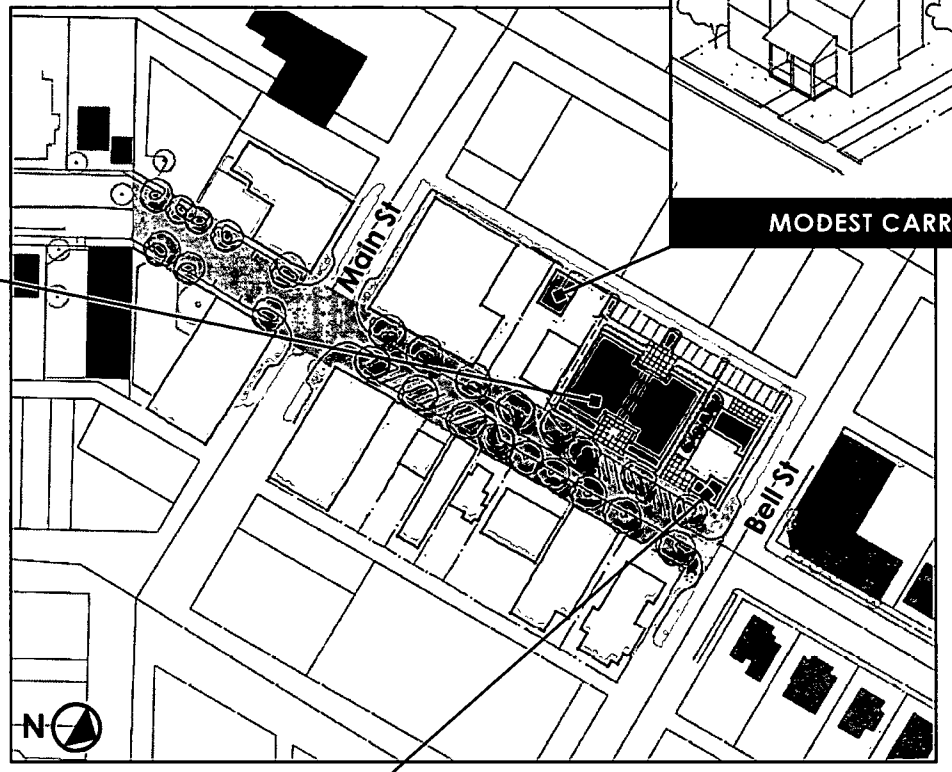


EXISTING CONDITIONS



MODEST CARRIAGE HOUSE

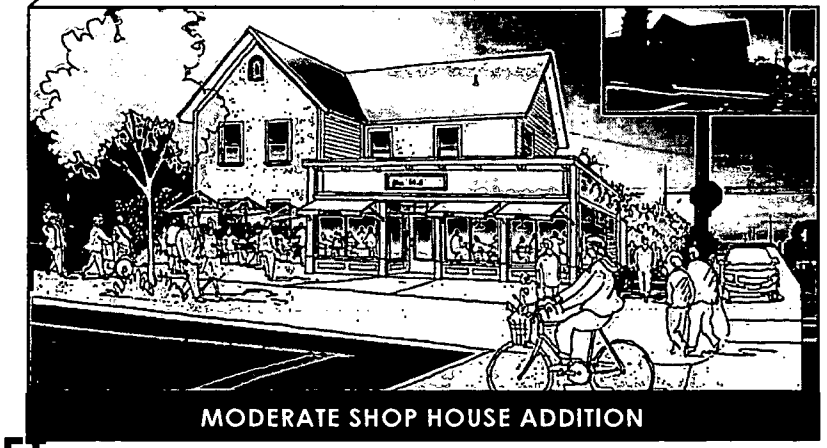




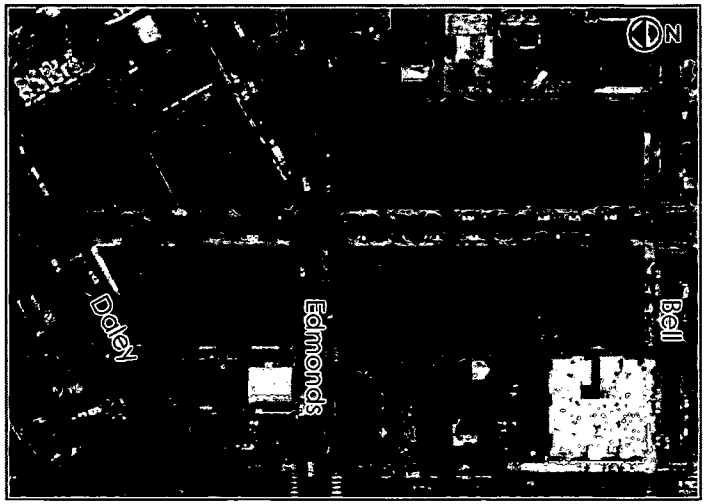
MODEST FACADE IMPROVEMENTS



FULL REDEVELOPMENT



MODERATE SHOP HOUSE ADDITION



DEVELOPMENT GUIDELINES GRADIENT MAP FOR (B) NEIGHBORHOOD AREA

The City could also consider pursuing the creation of a Historic Overlay or Historic District, which would allow for more oversight of the type and scale of development on the surrounding properties. In general, this approach recognizes how a diversity of buildings can generate more rewarding and humane architecture and urban character. Specifically, it outlines **Modest, Moderate,** and **Full** development recommendations for preservation and infill development opportunities in each of the three corridor sub-areas (Market, Neighborhood and ECA areas).

Vehicle Access

Site design for new development projects should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety. Not only does this approach minimize the impact of vehicles on the street's continuum, but it also respects the historic pattern along

B. NEIGHBORHOOD AREA: Bell to Daley St

MODEST

- Maintain and improve existing structures with 'how to guide' to historic preservation.

Types of Property: *Listed on National or Edmonds Register, or surveyed and eligible but not listed*

Incentive: *City roster of architects and small matching fund grants; preferential tax and parking incentives available to properties on Edmonds Register*

MODERATE

- Re-use of existing structures: redevelopment in back of house only (maximum 60 percent of existing building footprint);
- Sign Design Guidelines apply;
- Back of house addition requires public amenity at front (e.g. patio cafe, garden, special signage).

Types of Property: *Surveyed and eligible but not listed on Historic Register, or contributing to historic character*

Incentive: *City roster of architects and small matching fund grants; preferential tax and parking incentives available to properties on Edmonds Register*

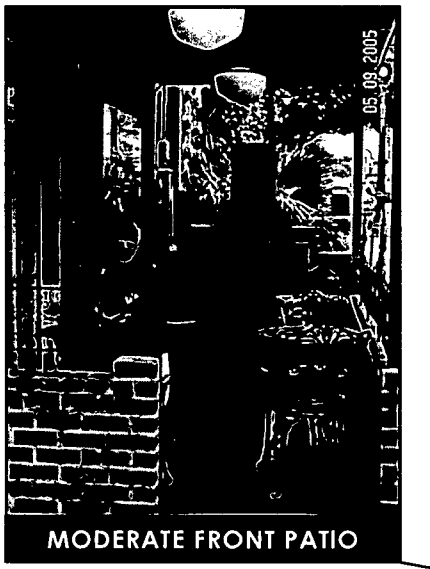
FULL

Redevelopment:

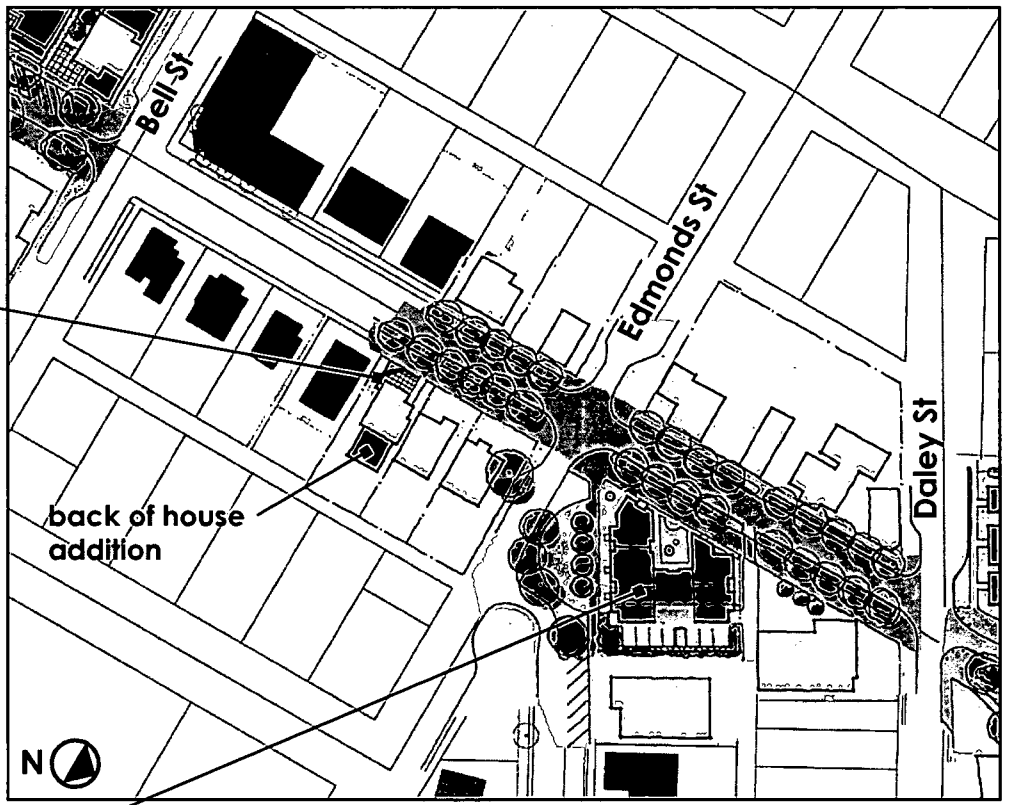
- Maximum 10,500 square feet of lot size to prevent combining more than two parcels;
- Maximum building footprint to control bulk (e.g. 60 percent lot coverage);
- Entry plaza/fore-court required for larger lots (20 feet x 20 feet);
- Through-block path required for larger lots;
- 4th Avenue Design Guidelines for new development.

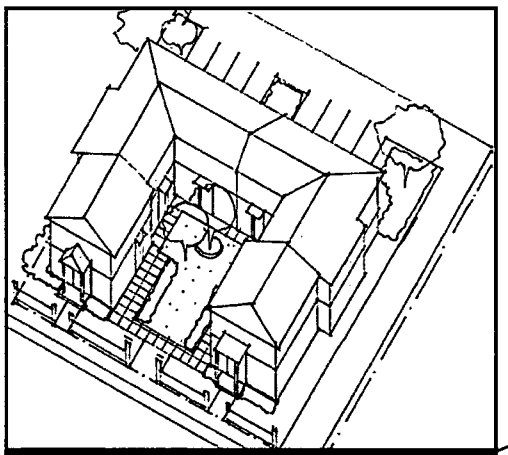
Types of Property: *Contributing to historic character, or non-contributing*

Incentive: *Expedited review process and City-sponsored loan program for projects meeting design standards.*

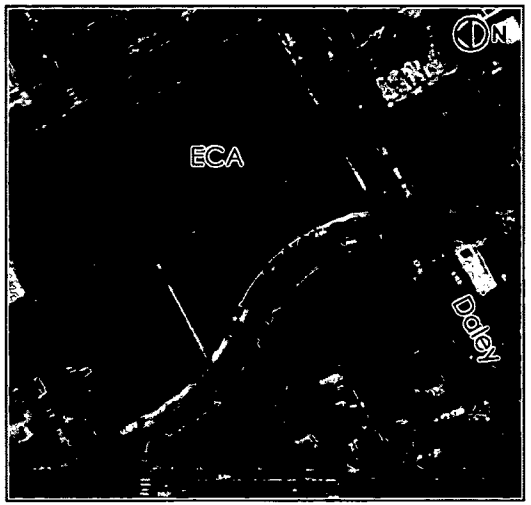


MODERATE FRONT PATIO





FULL GARDEN COURT HOUSING
(OR LIVE-WORK)



DEVELOPMENT GUIDELINES GRADIENT MAP FOR (C) ECA AREA

much of the street where many of the buildings did not have dedicated vehicular access from 4th Avenue, but rather allowed service and vehicular access via the rear alleys.

For properties fronting on 4th Avenue, access to parking shall be from the alley when the site abuts an improved alley. If alley access proves to be impractical, access shall be from the side street for corner lots. When access is only feasible from 4th Avenue, use the following techniques to minimize the impacts of driveways:

- Share driveways with adjacent property owners
- Limit driveway and curb cut width
- Extend the sidewalk pattern across the driveway

C. ECA AREA

MODEST

Maintain existing.

Types of Property: *listed on National or Edmonds Register, or surveyed and eligible but not listed;*
Incentive*: Preferential tax and parking incentives available to properties on Edmonds Register*

MODERATE

Expand what is currently allowed under home occupation regulations in Single Family zones to include some street level businesses in the spirit of the "shop house" building typology to help animate the public realm.

Types of Property: *surveyed and eligible but not listed on Historic Register, or contributing to historic character*
Incentive*: Preferential tax and parking incentives available to properties on Edmonds Register*

FULL

Redevelopment:

- Design standards and guidelines for townhouse and cottage housing at RM zone density (one unit per 1500 square feet of lot area.

Types of Property: *contributing to historic character, or non-contributing*

Incentive: *Expedited review process and City-sponsored loan program for projects meeting design standards.*

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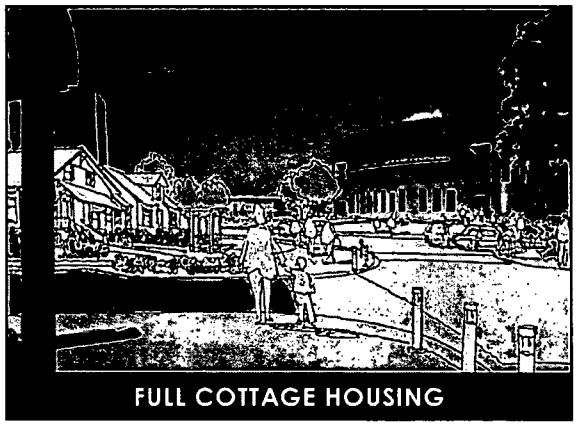
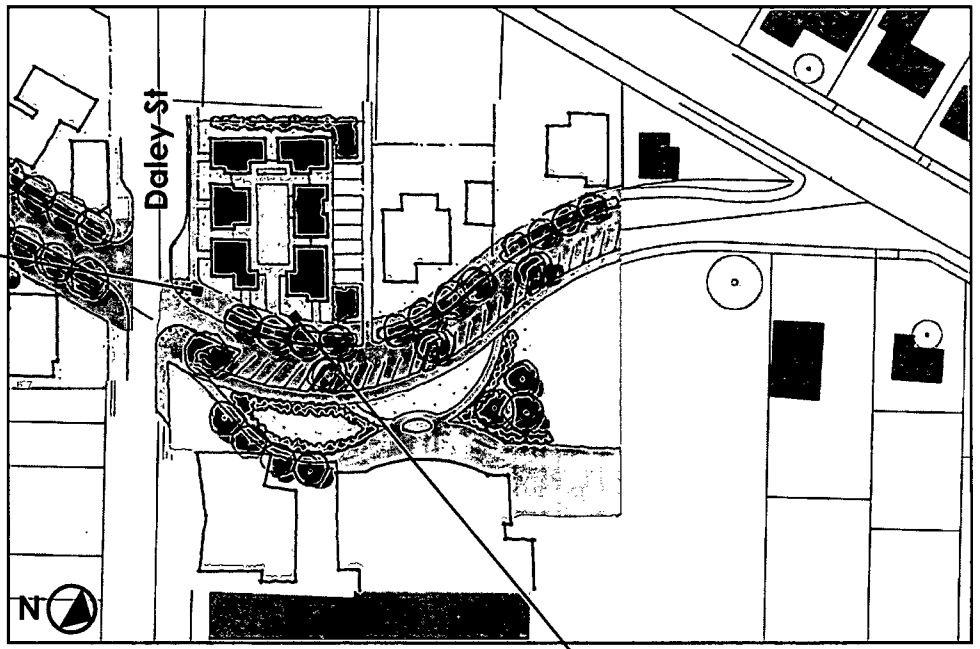
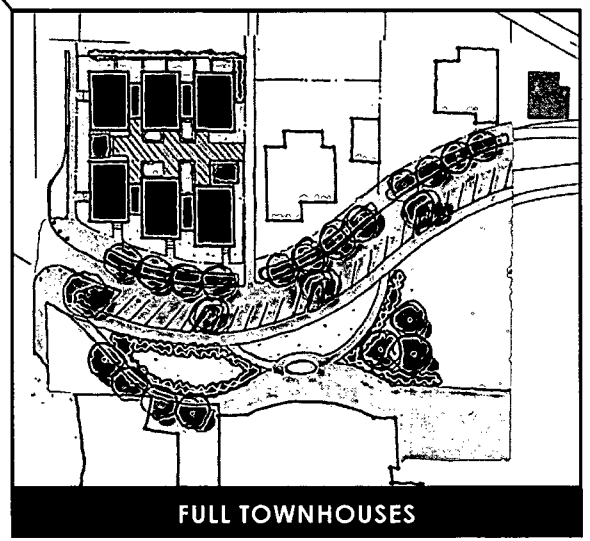
EXISTING CONDITIONS



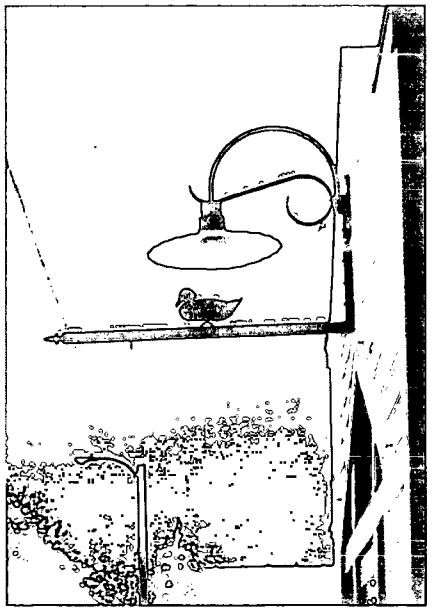
FULL COTTAGE HOUSING

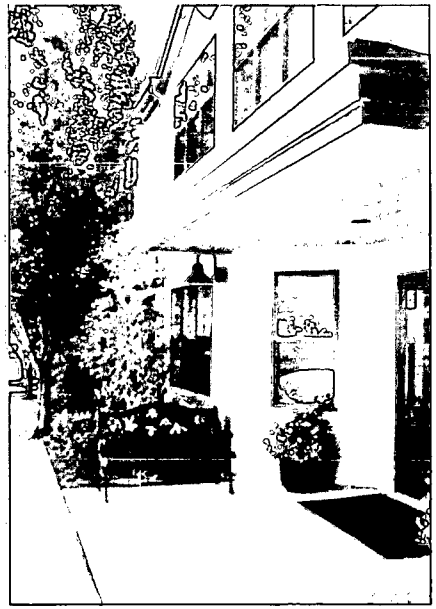






FULL TOWNHOUSES






Façade Improvement Design Guidelines

Purpose

Edmonds encourages property owners, merchants and residents to recognize, enhance, protect and promote 4th Avenue's unique character and identity. These guidelines will assist business and property owners in improving their storefronts as part of an ongoing 4th Avenue Cultural Corridor improvement process.

The guidelines encourage renovations and improvements that create a unique and attractive image for each business while respecting the original design parameters of its façade as well as those of its neighbors.

A good starting point for historic properties in the project area, is the National Park Service (NPS) Brief 17, Architectural Character, Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character. These guidelines, when used in conjunction with the Secretary of the Interior's Standards and the appropriate NPS Preservation Brief , will assist the property owner, architect and contractor identify features that should be taken into account, and methods and techniques to preserve them.

General:

- All improvements must be compatible with applicable codes, satisfy permit requirements, and conform to any other regulatory restrictions.
- Creativity is always encouraged.
- A building's historically significant or distinguishing elements should be identified and preserved, pursuant to the Secretary of the Interior's Standards of Historic Properties, as well as the appropriate NPS Technical Preservation Service's Preservation Briefs referenced in the guidelines.

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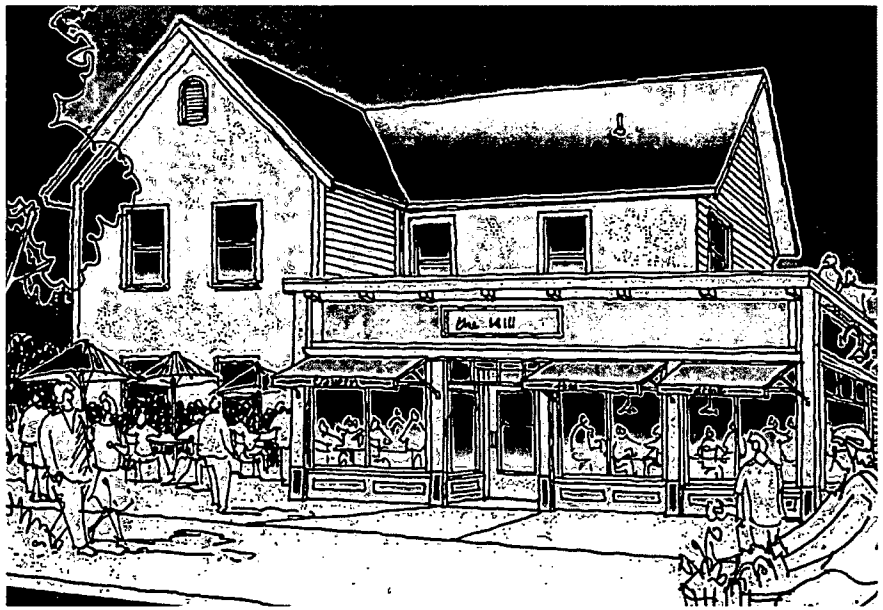
TRANSPARENT STOREFRONT WINDOWS



TRADITIONAL STOREFRONT DESIGN: PILASTERS, LOW 18" KICKPLATE AND HORIZONTAL BAND FOR SIGNAGE

- In a case where original building elements have been removed or substantially altered, contemporary treatments respecting the original and historic details are suitable.
- High-quality materials should be used in order to convey substance, longevity, and integrity.

Guidelines

A. Storefront Design and Display

- Consult the National Park Service (NPS) Preservation Brief 11, Rehabilitating Historic Storefronts for guidance in preserving the functional and decorative storefront features that help define the overall historic character of the building. Commercial buildings in the study area containing historic storefront features include the Schumacher Building (316 Main St.), Edmonds Variety Store (318 Main St.), Edmonds Bank (324-326 Main St.), the Beeson Building (402-410 Main St.), and a doctor's office (110 4th Avenue North).
- Most facades consist of an architectural framework designed to identify individual storefronts. Each storefront should respect this and extend beyond it.
- Individual storefronts should be clearly defined by architectural elements, such as pillars, piers, or separations of glass.
- A horizontal band at the top of each storefront can serve as an appropriate location for business signage.
- Storefront windows should consist of clear, 'vision' glass to maximize visibility into storefronts.
- Storefront windows should display products or services. Displays in both retail and non-retail storefront windows that add color, texture, information and/or visual activity to the pedestrian experience are encouraged.

B. Signage



BLADE SIGNS CAN ENRICH THE PEDESTRIAN EXPERIENCE



PLACEMENT AND SIZE OF AWNINGS FIT INTO THE WIDTH AND PROPORTION OF RETAIL BAYS

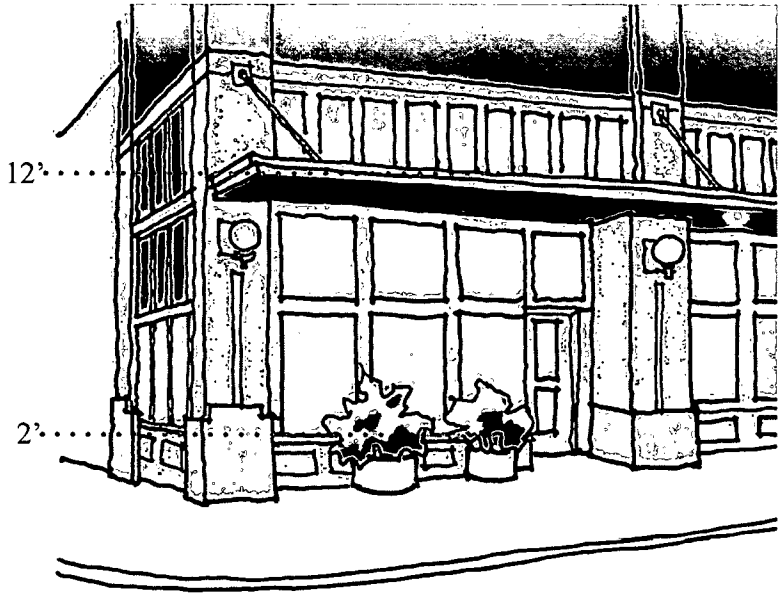
- Signage can employ colors and typefaces that are designed to complement the unique character of a storefront, or they can be used creatively to add visual interest without altering a building's primary architectural style.
- Flat wall signs installed above storefront should form a clearly articulated sign band and be integrated into the overall facade design. Other locations and types of signs could be appropriate, such as blade signs.

C. Awnings, Canopies and Marquees

- Awnings play an important role in adding to the comfort, access, attractiveness and charm of a pedestrian-oriented streetscape. Consult NPS 14, The Use of Awnings on Historic Buildings when evaluating the condition of a commercial façade, and when considering the preservation of an existing awning, or the installation of a new awning. Awnings, canopies and marquees provide a secondary location for signage.
- Overhead weather protection should reflect the overall facade organization of a building and should be located within the building elements which frame storefronts.
- Important architectural details should not be concealed by awnings, canopies or marquees.
- Awning shapes should relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged, when appropriate. Creative or unusually-shaped awnings should be designed with considerable care.
- The use of vinyl or plastic awning materials is discouraged.

D. Windows

- Whenever possible and desirable, a building's original window pattern shall be retained. Avoid blocking, reducing the size, or changing the design of windows.
- Windows with multiple, small panes should be avoided



STOREFRONT WINDOWS SHOULD BE PLACED WITHIN 2 FEET AND 12 FEET OF THE GROUND LEVEL BUILDING FACADE



SCONCES ON BUILDINGS

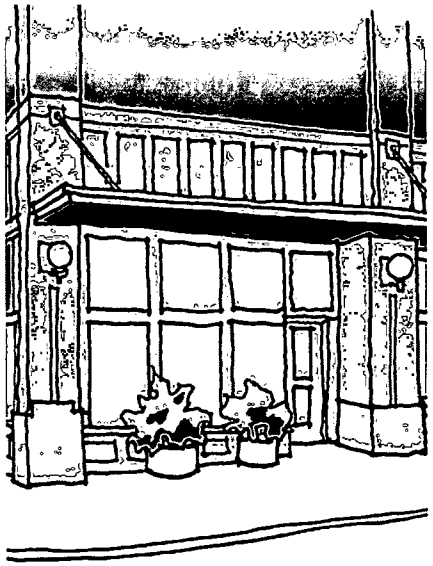
unless they are historically appropriate to the building style, or integrate well into the overall design.

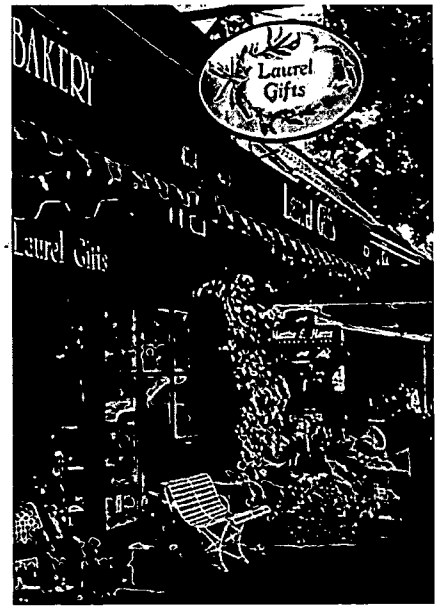
- Avoid installing opaque panels, such as metal, wood and/or other materials to replace clear glass windows.
- Many of the properties in the project area included in the City's Historic Sites Survey are houses. Original windows on these buildings are a defining features of the overall architectural character, and worthy of preservation. Consult NPS Preservation Brief 9, Repair of Historic Wooden Windows to evaluate their conditions, techniques for repair, or replacement options that maintain their design and craftsmanship.
- For metal windows, consult NPS Preservation Brief 13, The Repair and Thermal Upgrading of Historic Steel Windows.

E. Exterior Lighting

- Exterior lighting should highlight building elements, signs, or other distinctive features. Lighting that attracts attention to itself, such as neon tubing surrounding window displays, should be avoided.
- In order to maintain an attractive image, exterior building lighting should be appropriate to the building's architectural style.
- Avoid lights that glare onto streets, public ways or onto adjacent properties.
- The creative use of neon in individual circumstances can be considered. Because these guidelines strive to promote a unique character for 4th Avenue, the use of nationally distributed neon signs that promote brand name goods is discouraged.

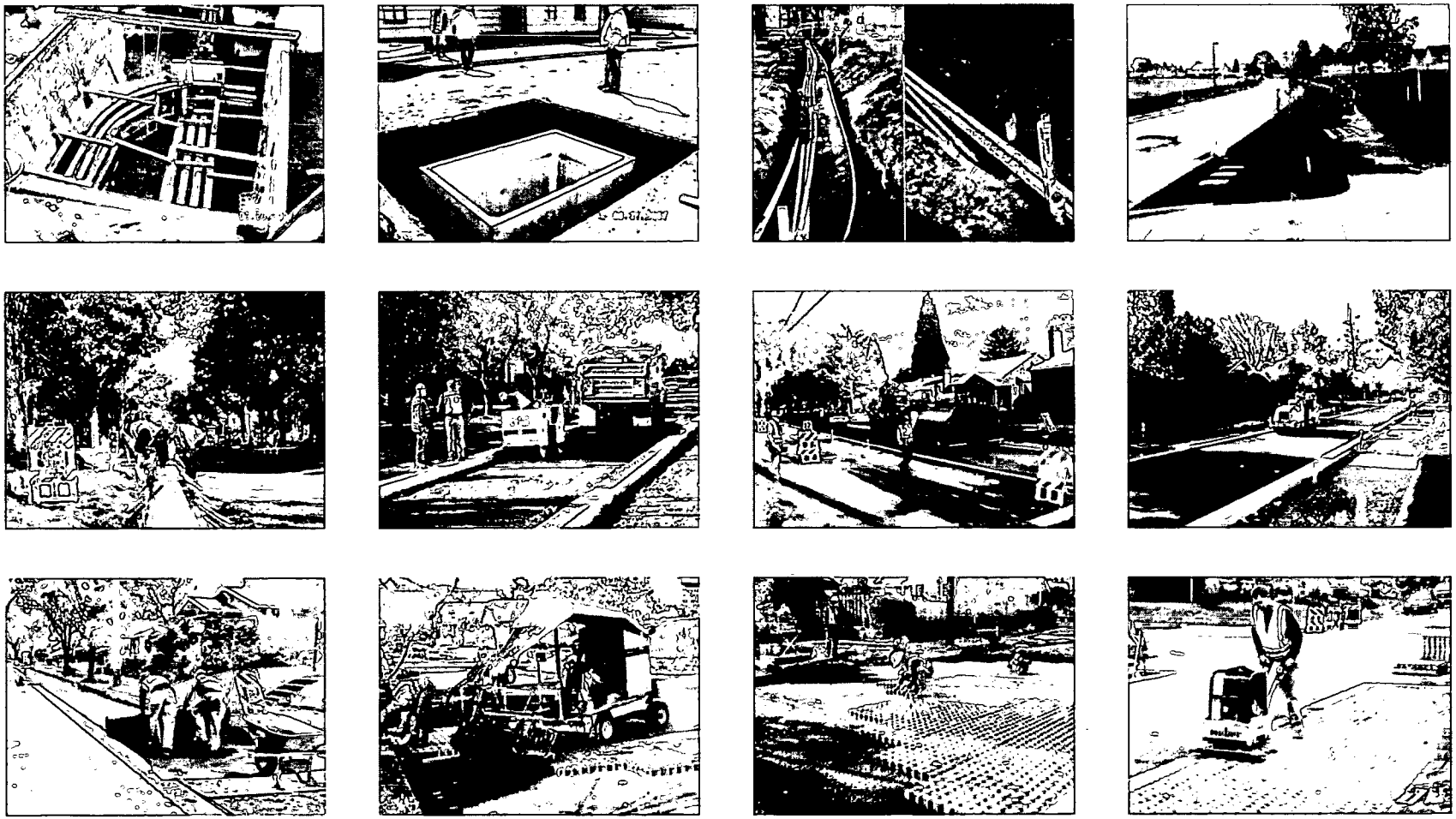
F. Exterior Materials





STREET LEVEL DETAILS

- Facade design should be complementary to a building's original materials as well as those of adjacent buildings.
- Use of decorative concrete block, applied false-brick veneer, vinyl or aluminum siding is discouraged. Other materials made to either imitate exterior finish materials or used to cover original architectural features is also discouraged. Consult NPS Preservation Brief 2, Repointing Mortar Joints in Historic Masonry Buildings guidance on appropriate materials and methods for repointing masonry buildings, including brick, stone, terra-cotta and concrete block.
- Materials used near sidewalks and adjacent to building entrances should be highly durable and easily maintained while compatible with other exterior building materials.
- Consult NPS Preservation Brief 10, Exterior Paint Problems on Historic Woodwork when considering paint removal and/ or re-painting historic buildings.



IMPLEMENTATION PHOTOS OF LID STREETS (TOP ROW: SEATTLE; MID AND BOTTOM ROWS: PORTLAND, OR)
Portland Images: Portland Bureau of Environmental Services

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Funding and Implementation

The 4th Avenue Cultural Corridor plan presented in this proposal seeks to integrate concepts of historic preservation, sustainability, economic enhancement, and urban design into a unique vision for a key public corridor in Edmonds' downtown core. By layering elements of vehicular circulation, bicycle and pedestrian infrastructure, low impact development (LID), public art, wayfinding, and historic preservation into one strategically important Corridor investment, the City has arrived at a vision for the corridor that will prove to be of exceptional value not only to today's citizens, but also to future generations.

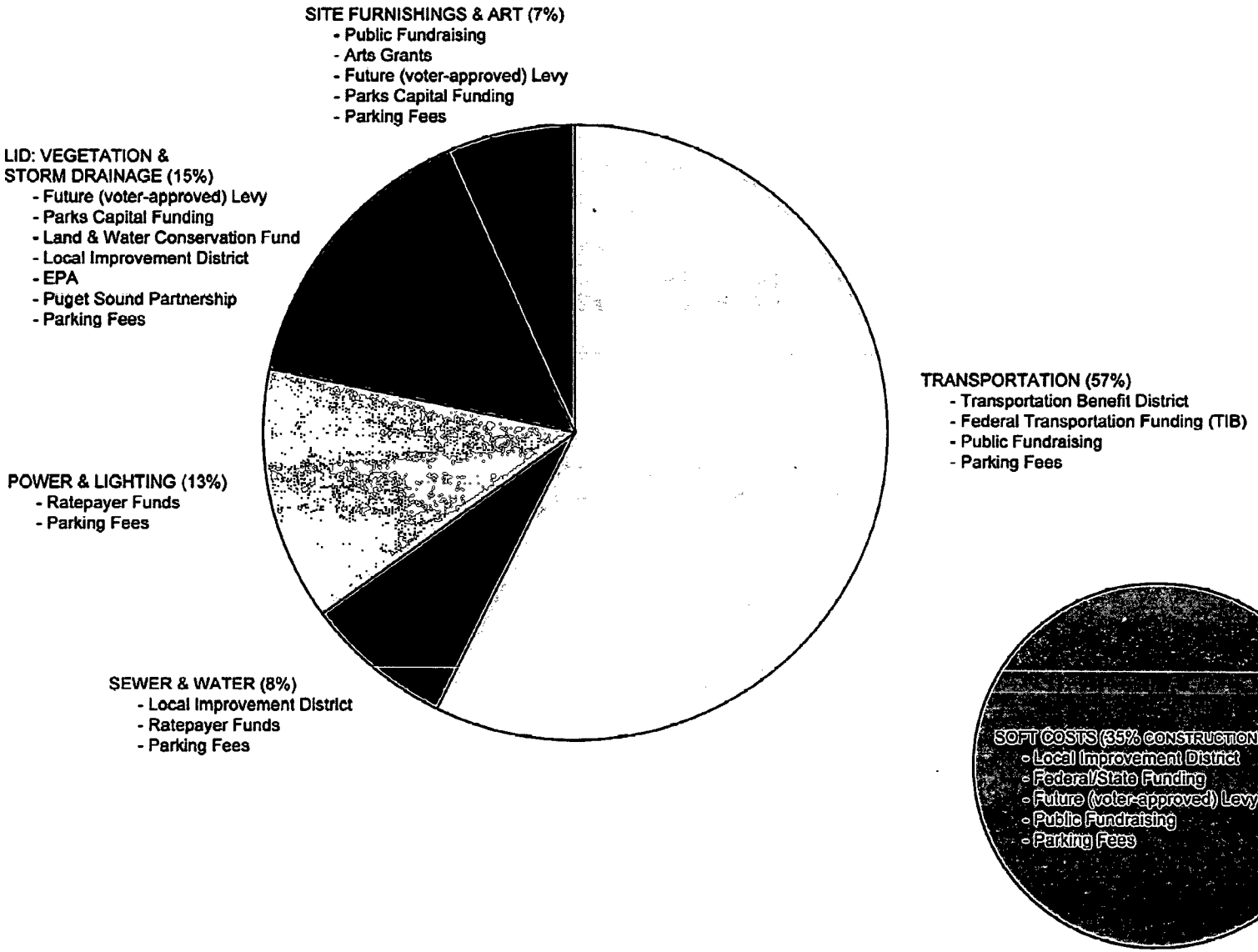
The multiple values embodied along the street also offer opportunities for the City of Edmonds to partner with a host of local and statewide funding agencies in order to complete the project, which are discussed in the following pages.

The current estimate of probable costs for implementation of the Cultural Corridor is between $5.2M and $5.6M, in 2008 dollars. These costs are subject to fluctuation – both up and down – over time, due to variations in the global and local economies. The estimate of probable costs to build re-build the streetscape includes:

TRANSPORTATION	$2,200,000
SEWER AND WATER	$350,000
POWER AND LIGHTING	$550,000
LID (VEGETATION, STORM DRAINAGE)	$600,000
SITE FURNISHINGS AND ART	$250,000
SOFT COSTS (DESIGN, ADMIN, PERMITS, PROJECT MANAGEMENT)	$1,300,000

Note that these costs include not only the surface design elements

Edmonds 4th Ave. Cultural Corridor - Potential Funding Sources



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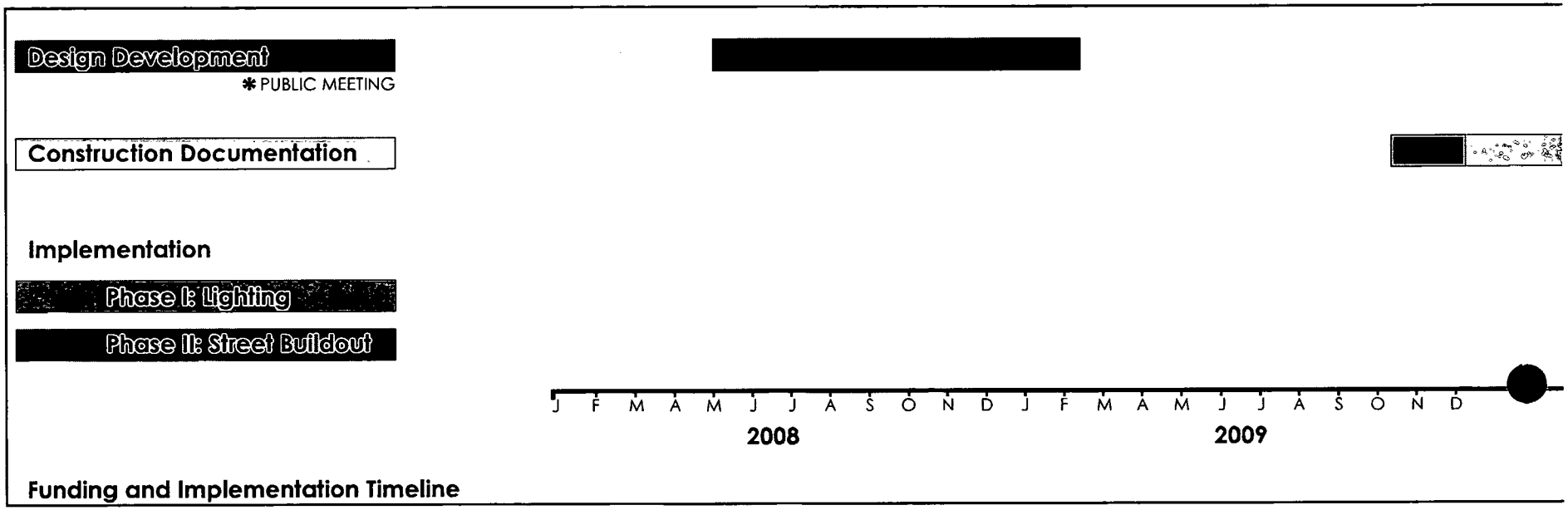
described in this document, but also various infrastructure system upgrades, including placing power lines underground and replacing of a water main under the street. The art costs listed above include costs for all of the integrated artwork (e.g. the mosaic in the community living room and the design of the bollards), but does not account for art that can be added over time. This type of artwork would be funded separately.

While project phasing can help reduce the annual impact on the City's general fund by spreading improvements over a number of years, several considerations along the street suggest that the phasing of major construction activities is not the right solution for the Cultural Corridor. These considerations include:

- Impacts to the economic vitality of businesses along 4th Avenue;
- Disruption to the residents of 4th Avenue;
- Impacts to the cultural community and the Edmonds Center for the Arts in particular;
- The efficiencies gained by placing power underground and replacing the water infrastructure at one time;
- Delay of the many benefits that this project will provide for downtown Edmonds.

There are, however, immediate actions identified by the CAG that could be implemented in the short term to improve the current safety and accessibility conditions in the Corridor, as well as to provide a signal to the community that other improvements are in the offing.

This first phase, which could begin this year (2009), would provide temporary lighting installations via artist-designed luminaires, which are solar- and/or wind-powered, embedded interpretive elements and basic wayfinding signage. These would be an immediate, welcome addition to the streetscape and would



Funding and Implementation Timeline

Leveraged Funding

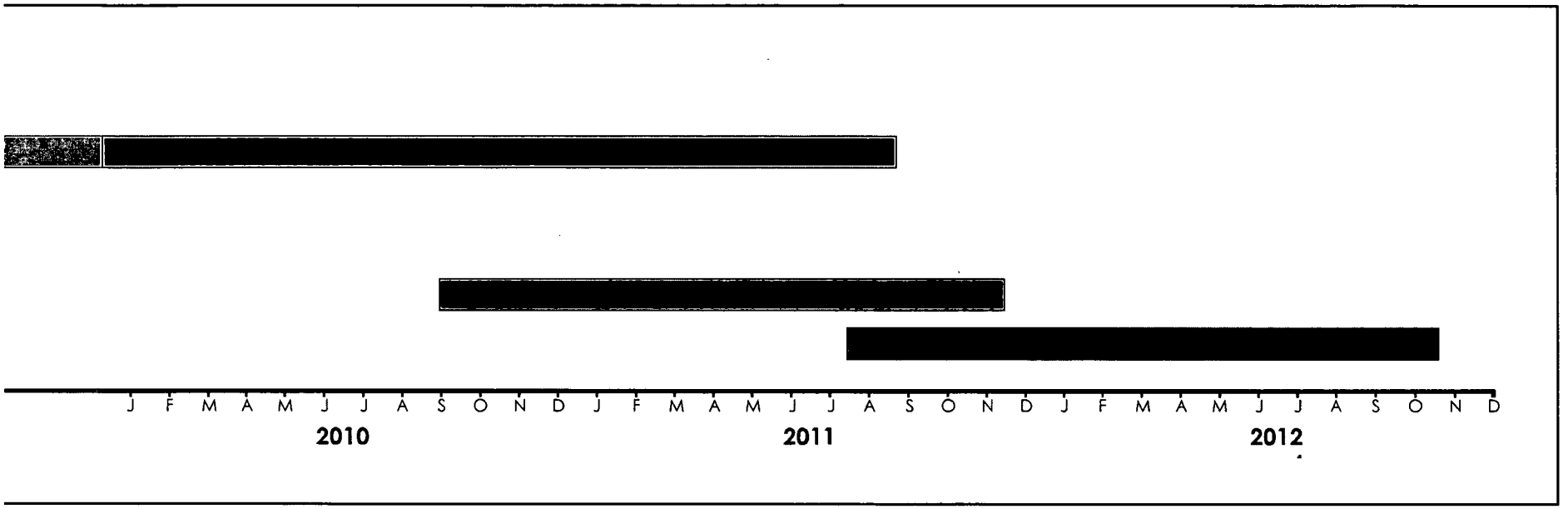
help make a connection between the ECA and Main Street. The elements of this phase could be designed and installed in such a way as to be easy to store and/or relocate during future construction along the corridor.

The second phase, which includes all further design, permitting, administrative and construction activities, would likely begin in late 2010, after grants and other funding sources have been identified and secured. This phase will likely last up to 2 years, with construction itself taking up to 9 months. During the construction process, working with residents and businesses to identify schedules that would result in the least disruption will be important.

Given the downturn in the global markets, the implementation of capital improvement projects is an opportunity to both stimulate the Edmonds economy and do so at a relative value. The following list of grant and loan programs represent a suite of tools that the City of Edmonds and its partners can use to leverage City funds to implement the Cultural Corridor Plan.

Transportation Improvement Board - The Edmonds Cultural Corridor Project may be eligible for funding from the Washington State Transportation Improvement Board under either its Urban Arterials Program or Sidewalk Program

http://www.tib.wa.gov/grants/urban/UrbanOverview.cfm



Department of Ecology Water Quality Grants and Loans - These funding mechanisms are directed toward improving water quality for Washington State's waters. With the close proximity of the Puget Sound and the use of rain gardens and bioswales, the Cultural Corridor may qualify for this opportunity

http://www.ecy.wa.gov/pubs/0810013.pdf

Public Works Construction Loan - The Public Works Construction Loan provides loans to municipalities for eligible construction projects. A strong emphasis in project selection is given to local governments that can demonstrate good management practices.

www.pwb.wa.gov

Pedestrian and Bicycle Safety Improvements - "The Pedestrian and Bicycle Safety Grants were established to address the nearly 400 statewide fatal and injury collisions involving pedestrians and bicycles each year. These safety focused projects may also support increased mobility and encourage more people to bicycle and walk."

http://www.wsdot.wa.gov/bike/funding.htm

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Edmonds Historic Preservation Commission

Edmonds Historic Preservation Commission

121 5th Ave N, Edmonds, WA 98020 • 425.771.0220

Recommendations for an Historic Preservation Plan for the 4th Avenue Cultural Corridor Project.

The 4th Avenue Cultural Corridor is a proposal intended to integrate concepts of sustainability, economic enhancement, urban design and historic preservation into a mutually supporting demonstration project in Edmonds' downtown core.

Edmonds celebrated its centennial in 1990 as one of Washington State's heritage cities. Preservation of historic resources has become an important community value as evidenced by the enduring presence of many historic buildings in the city. It is shown also in the current vitality of the commercial buildings along Main Street, and the successful adaptive use of historic buildings such as the former Carnegie Library (Edmonds Historical Museum), Edmonds Grade School (Frances Anderson Center), and the High School Auditorium (Civic/Performing Arts Center). The pride that many homeowners take in maintaining their historic houses is further confirmation of preservation values in Edmonds.

Preservation efforts in Edmonds took a formal step when the city adopted local legislation and formalized its programs as one of the State's three dozen Certified Local Governments (CLG), a planning effort which is consistent with the 1966 National Historic Preservation Act. Creation of the Edmonds Historic Preservation Commission in 2002 with city-supported staff and public participation was an important step, and it has strengthened the city's historic preservation base. Undertaking historic surveys and inventories, of which this is the first one, is another action required as part of the State's CLG program.

Recommendations.

The Edmonds Historic Preservation Commission recommends the establishment – with input from citizens and property owners – of either an Historic District or Historic Overlay which incorporates and helps to preserve the historic character of this neighborhood, in conjunction with the efforts of the Arts Commission and the establishment of the 4th Avenue Cultural Corridor. In addition, the Commission recommends that the City should:

- Establish zoning and development guidelines which protect historic structures while encouraging adaptive reuse and economic development consistent with the intent of the mixed use corridor to link the Edmonds Center for the Arts with Main Street, the commercial heart of downtown.
- Develop context-sensitive design guidelines for the categories of properties found within the 4th Avenue Cultural Corridor, applying the Secretary of the Interior's standards to historic register properties while providing for adaptive reuse of properties which contribute to the character of the area. Properties which are non-contributing should be

encouraged to redevelop in a way which supports and is compatible with the character of the area, while supporting the goals and objectives of the plan.

- Develop and apply incentives for context sensitive rehabilitation, maintenance and development of properties within the corridor, such as the preferential tax and parking incentives already available to properties on the Edmonds Register of Historic Sites.



Downtown Edmonds, 1909

Historic Context.

In Edmonds' downtown area there are many building types that represent its historic pattern of development. The houses and small-scale commercial buildings in the study area are buildings that generally feature recognizable architectural styles, details, and materials expressive of the varied eras of their construction.

During boom times in historic Edmonds, there were many multi-family dwellings. The hotels and boarding houses utilized design styles similar to the houses. Only a few of these older buildings remain, exemplified by multiplex dwellings, small apartment structures, and one converted motel. Contemporary condominiums and large apartment buildings in and around the downtown area represent the majority of multi-family buildings. They illustrate a pattern of development responsive to several factors, including the city's growing popularity, the increased cost of housing, and the increase in density and development that has occurred throughout the Puget Sound region in recent decades. The loss of many older buildings also reflects the historic lack of a concerted and coordinated effort to preserve and protect the city's past.

Most people think of design and architectural styles as applied to dwellings. However, stylistic features have been used throughout history, albeit differently, on commercial and institutional buildings. Owners of "main street" buildings that house stores, cafés, taverns, offices, and service garages often created flexible interior plans that allowed for tenant changes. In historic

downtown streets, which were pedestrian-oriented, a building footprint typically would come forward on the lot to meet the sidewalk and engage the prospective shopper. Often the façade would contain a recessed entry allowing for greater window display area. "False-front" upper story facades were constructed to make the commercial buildings appear larger. On the exterior, the design focus was on the front facade to draw customers. The commercial buildings appear to have been changed often, thus representing layers of history.

Institutional buildings such as churches, schools, fraternal halls, and government buildings, were more often designed by architects. These specialized structures were formed around their unique functions. They were intended to be long lasting institutions, and were often made with more permanent materials and greater craftsmanship. Similar to house forms, they each utilized materials and expressive details of their era.

There remain very few examples of historic industrial buildings or utilitarian structures in Edmonds. These types of buildings eschewed "style," and were built with a clear eye toward function and productivity. Typically they were demolished when no longer useful, or modified for new functions. Thus there are few examples of the historic mills, barns or railroad structures in Edmonds, and only remnants of early auto and service garages to recall early settlement patterns.

In the 4th Avenue Cultural Corridor, the width of the street was established during the founding of the town. Street widths at that time were commonly established by the width necessary to turn a horse and buggy. Sidewalks, paving, and the signage and utilities came later as the town "modernized" with the times. In our view, maintaining the relationship of the buildings and built environment to each other and to the street is of primary importance. However, fitting this built environment into a new "greener" streetscape would be a positive step to show how historic preservation can be a partner in sustainable and economic development.

In our evaluation of the historic resources within the 4th Avenue Cultural Corridor, we generally observe four categories of properties:

1. Properties listed on the Edmonds Register of Historic Places.
2. Properties not on the register but which have been surveyed and classified as eligible to be listed.
3. Properties not on the register and not yet surveyed but which contribute to the historic character of the area.
4. Non-contributing properties which lie within the corridor but do not contribute to its historic character.

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4TH AVENUE CULTURAL CORRIDOR - CITY OF EDMONDS

1. Properties on the Edmonds Register of Historic Places
(marked in red on map)

August Johnson House, 216 4th Ave N.

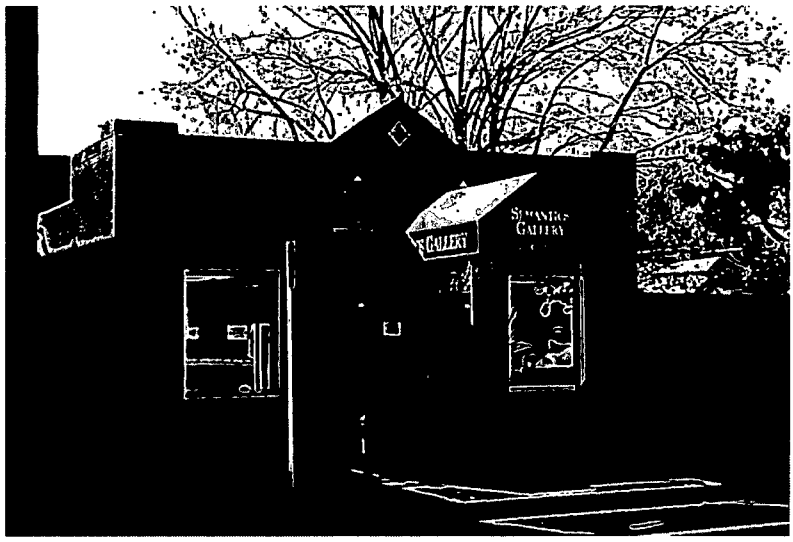


Built in 1905, the August Johnson house is a one-and-a-half story Queen Anne house with cross-gabled roof and a wide, hip-roof front porch. The entrance is just to the right of the front ell. First story is clad in beveled wood siding, while decorative shingles are used above. Corner boards are on first story only. Gable ends are decorated with elaborately carved brackets. A cutaway bay on the north side of the house also exhibits decorative brackets. Windows are primarily one-over-one sash with the exception of a cottage window in the front (west) ell. The cottage window has small square multi-colored lights along the top edge. (Bola Report)The house was moved to its current location from the west side of the street.

The property is identified as being located in a potential historic district.

2. Properties not on the Register but which have been surveyed and classified as eligible. (marked in orange on map)

110 4th Ave N



Built in 1938 as a doctor's office this small structure is generally associated with the commercial/business development of Edmonds. It is one of a few remaining commercial buildings from the 1930s and serves as a simple example of Depression-era Art Deco architecture.

This single-story commercial building is notable for its detailing and its setback from the street. It is constructed with red brick cladding laid in running bond, with buff colored bricks used to call attention to soldiered lintels, window sills and as quoins on the front outer corners. At the front of the flat roof, a capped, stepped parapet rises over the north façade to a peak in the center. A decorative "MD" tile, with the intertwined snake, is placed in the center of this peak, and outlined by buff colored bricks. The entrance is centrally located and flanked by two large square, fixed windows with black shutters. Around the entry door, which has a glass transom above, are two brick piers topped with a tiled pent roof. The north side of the building originally had three windows with buff brick lintels. The sills have been raised on the back two windows, while the third has been completely in filled with masonry. A contemporary, fabric-covered, metal framed entry canopy has been placed in front of the building in the small front yard.

(Bola Report)

The property is identified as being located in a potential historic district.

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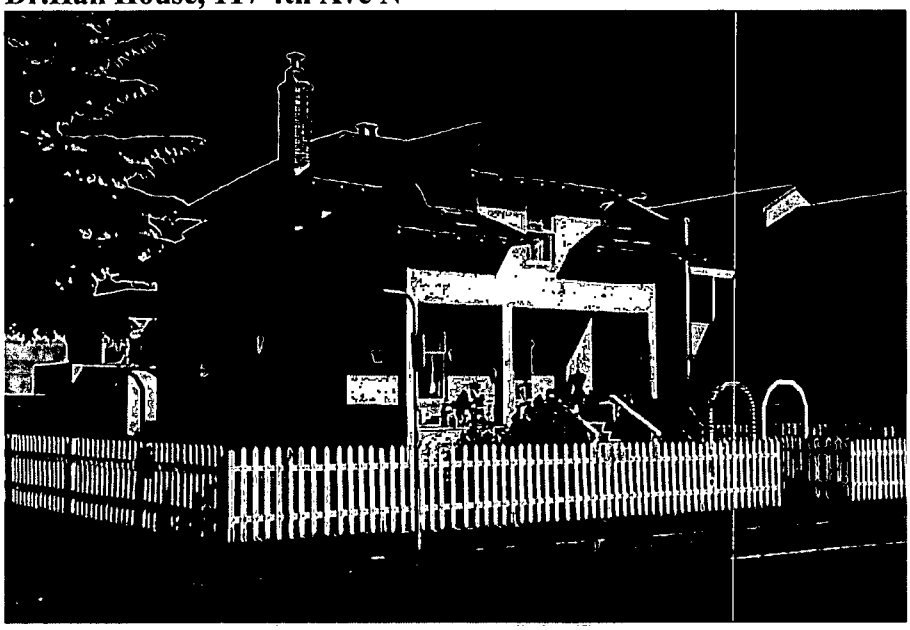
Dr.Hall House, 117 4th Ave N



A local physician, Dr. Hall, constructed this house in 1910. He used it as an office until 1927, when he sold it to Otto and Hattie Sorenson. The Sorensons resided there for 34 years until 1951. Mr. Sorenson was the former Edmonds Postmaster and was active in local civic organizations. The house is associated in general fashion with the early residential and commercial development of Edmonds.

The house is a block mass with a full-width, deep porch on the primary east façade, supported by three unevenly spaced wood-clad posts. The roof form includes a primary hip and small hip dormers on the front and sides, which are placed at the center of each elevation. A single double hung window is provided in the upper front plane of the east façade, with the recessed lower level wall features the entry and a shutter clad side window. A single-story addition projects from the back, west façade. Non-original features include cladding and entry stairs and door. (Bola Report)

The property is identified as being located in a potential historic district.

Roscoe House, 133 4th Ave N.



This house, built around 1889, is associated with the early pioneer settlement of Edmonds. Records suggest it was built by C.T.Roscoe, a Snohomish County Prosecuting Attorney. Roscoe raised the house and grade of his site with a two-foot crawl space in 1918, seeking to create "one of the nicest lots on 4th Avenue North." The house was later converted to apartments, and then changed to office space.

This cross-gabled, L-shaped house retains much of its original character despite changes over time. It is a simple vernacular structure, with its east "L section" two bays in width. A shed-roof front porch is nestled into the intersection of the ell. Windows are generally one over one, double hung types. Cladding is wood clapboard, which may be new, with corner board trim. At the back (west) openings have been altered, and a deck added at the ground level. A balcony has been added at the second level. Two former brick chimneys have been removed and the porch railing has been changed. (Bola Report)

The property is identified as being located in a potential historic district.

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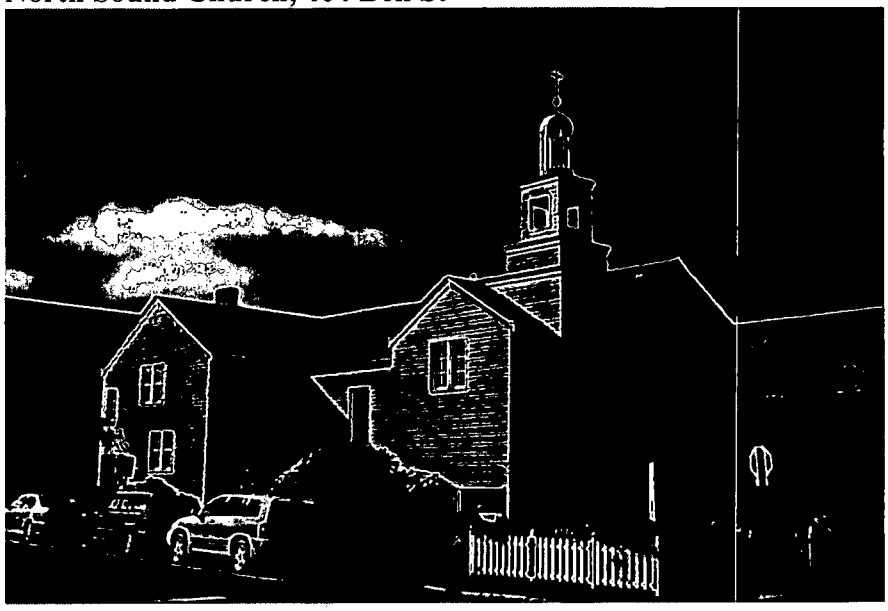
North Sound Church, 404 Bell St



The church was organized by ten residents and constructed in 1909 at the corner of 6th Avenue and Hebe Way (later Edmonds St.) for $1,460. It was then a simple 30'x 66' structure. In 1929, it was moved to the current site and a basement was added. In 1950, it was remodeled to include a new social hall and classrooms and changes were made to the façade and entry. The church has served the Edmonds Baptist community for 100 years.

The church is made up by a sequence of two story wings sheltered by varied gable roofs, with a footprint that forms a complex "H" shape. Its primary south façade is characterized by a projecting porch, with turned columns supporting a shallow gable roof, a pair of entry doors, with an engaged flat roofed section surmounted by a small bell tower and cupola. To the south of the entry porch there is a Palladian window group at the second story, with divided lites, which aligned with a tripartite assembly of double-hung windows below. Two secondary entries are provided on the north façade. Other facades also feature single and double-hung windows with divided lites. The back section of the building, with cross gable roof, appears to be a later one as indicated by its sliding and double hung windows. The wings of the building suggest its additive phases of construction but the forms are unified by the consistent painted clapboard siding and clipped roof edges. (Bola Report)

The property is identified as being located in a potential historic district.

220 4th Ave N



This house was built in 1905 and is generally associated with the residential development of Edmonds. This straightforward, one-story Arts and Crafts house is covered by metal-tiled, hipped roof. Hipped dormers rise on the north and south roof slopes, while an eyelid dormer is located on the front (west) side. The slightly flared eves are decorated by false rafter tails. A set of brick steps rises to the front door, which is sheltered by a bracketed gable. The house is sheathed with wood clapboard with the exception of the dormer cheeks, which are wood shingled. Windows are primarily one-over-one light sash. The windows in the hipped dormers have decorative diamond shaped panes. An end wall chimney on the west end of the south wall is built of clinker blocks. (Bola Report)

The property is identified as being located in a potential historic district.

228 4th Ave N



Built in the mid 1920s, this house is associated with the early residential development of Edmonds. This Tudor Revival house has a dominant side-gabled roof with a front facing cross gable that bells out on the north side to cover the entrance porch. Windows are typically three-over-one light sash and the front (west) windows are grouped in sets of

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4TH AVENUE CULTURAL CORRIDOR - CITY OF EDMONDS

three. A secondary entrance on the south side of the house is covered with a shed roof supported by simple brackets. The raised basement is lit by eight-light fixed windows.

(Bola Report)

The property is identified as being located in a potential historic district.

Philips Motorcourt Motel (Edmonds Apartments), 304 4th Ave N

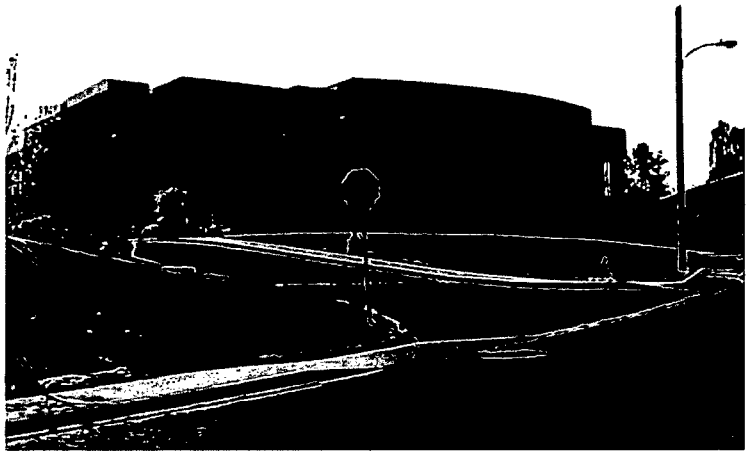


This former motel dates to 1941 when many people moved into established towns and cities, seeking employment. It is associated generally with the development of Edmonds and the rising popularity of the automobile. The building was later converted to an eight-unit courtyard apartment complex.

The single story U shaped structure encloses a central court with circular driveway. Wood clapboard sheathes the building, which is covered with a flat roof. Wall openings are varied, though many windows are one-over-one sash. Some windows have been replaced and it appears that former garage doors have been closed off. The roof parapet steps up at the center of the north façade of the north wing in a very simple effort to formalize the building, but its overall proportions are low and horizontal. (Bola Report)

The property is identified as being located in a potential historic district.

Edmonds High School (ECA), 410 4th Ave N



Begun in 1909 with additions made in the 1920s, in 1938-1939. The old school complex consisted of a number of classroom, assembly and service buildings which are located on the large through-block property. The principal building remaining on the site is the old school auditorium, which is now the main performance space in use as the Edmonds Center for the Arts. The oldest school building is two stories including a daylight basement with an estimated eight classrooms. Its painted brick facades are characterized by order and symmetry. Changes to the windows and later additions have considerably impacted the integrity of the building. The school buildings include concrete frame buildings from the 1930s which features smooth finished curved walls and Art Deco decorative details. Several of the later buildings are free standing structures which obscure views of the older building. (Bola Report)

Now in use as Edmonds Center for the Arts, the property anchors the northern end of the 4th Avenue Cultural Corridor.

The property is identified as being located in a potential historic district.

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4TH AVENUE CULTURAL CORRIDOR - CITY OF EDMONDS

3. Properties which contribute to the historic character of the area. (marked in green on map)

120 4th Ave N



Built in 1902 with later construction in 1930 this Tudor revival house named the "Beeson House" has had substantial alterations. Further investigation is needed to establish to what extent the building has changed but the name would suggest an important historic tie to Edmonds past.

This property is located in a potential historic district.

127 4th Ave N



1910 Dutch Colonial with center porch on the east façade and symmetrical dormers., Windows are one-over-one double hung sash. This single family side gable house appears to have a later addition of a porch on the south side lower level and may have been altered at the back (west) side. Further investigation will be needed to establish the eligibility of this house for inclusion on the register.

This house is located in a potential historic district.

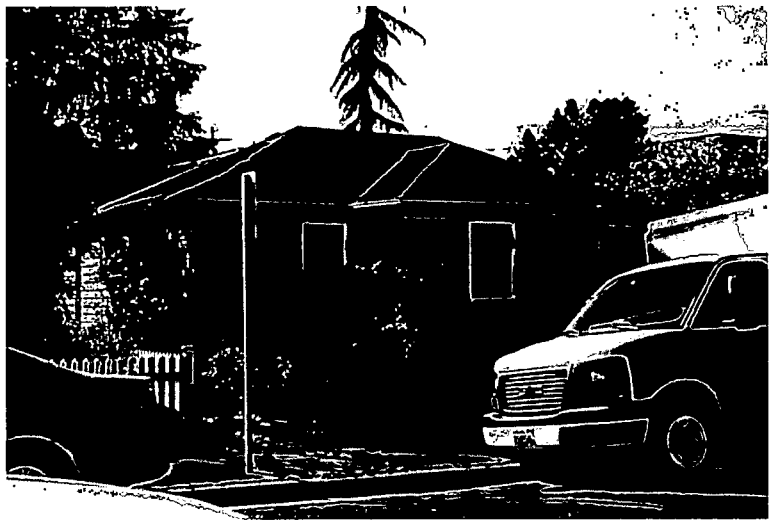
204 4th Ave N



1941 Style?

This property is located in a potential historic district

210 4th Ave N



1940 Workman's foursquare.

This property is located in a potential historic district.

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4TH AVENUE CULTURAL CORRIDOR - CITY OF EDMONDS

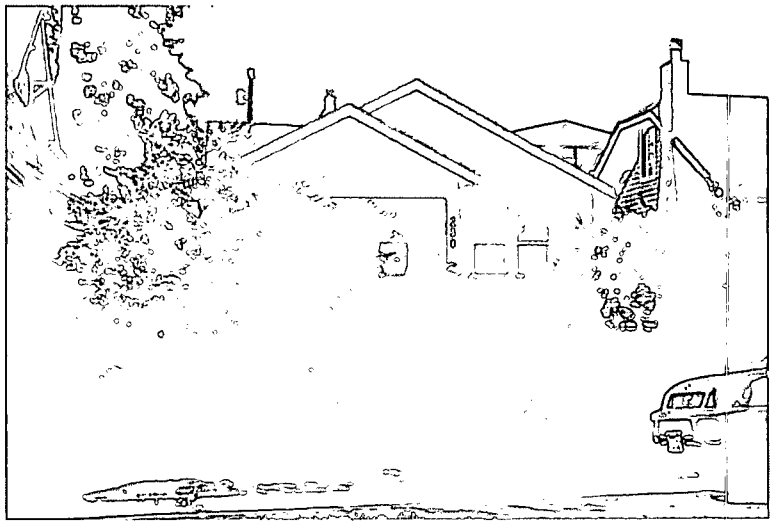
221 4th Ave N



The original structure dates to 1905 but has been substantially altered. Further investigation is required to determine to what extent the structure has been changed.

This property is located in a potential historic district.

230 4th Ave N



1930 craftsman style bungalow. Significantly modified, it still retains the form of the style and fits with its surroundings.

This property is located in a potential historic district.

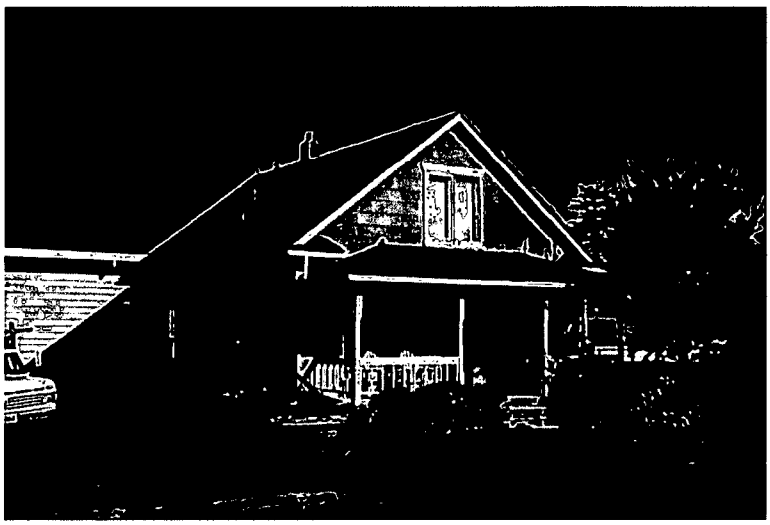
231 4th Ave N



1920 arts and crafts bungalow, side gable. Windows altered.

This property is located in a potential historic district.

233 4th Ave N



1910 vernacular. Largely unchanged exterior with front porch and front gable.

This property is located in a potential historic district.

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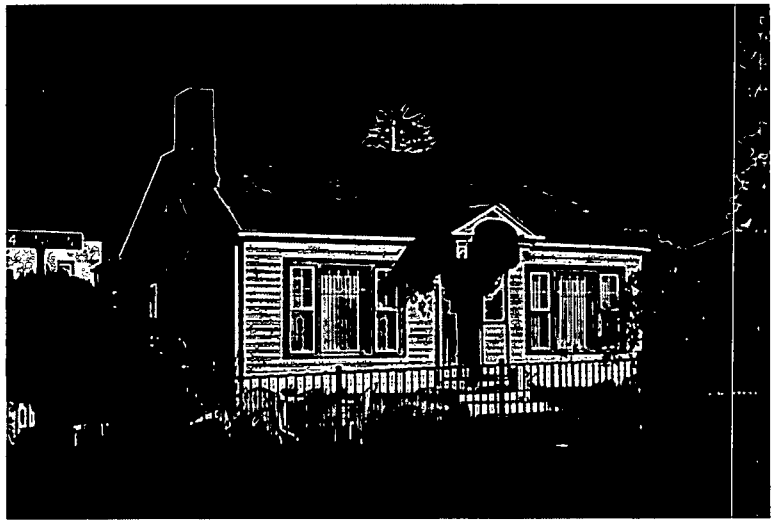
234 4th Ave N (Remodeled in historically appropriate fashion)



Original structure dates to1920 but has been raised to a two story in recent years. The building is arts and crafts style and has been rebuilt in period style, accurately.

This property is located in a potential historic district.

301 4th Ave N



~1940's Cape Cod. Dormers may have been removed.

Property is located in a potential historic district.

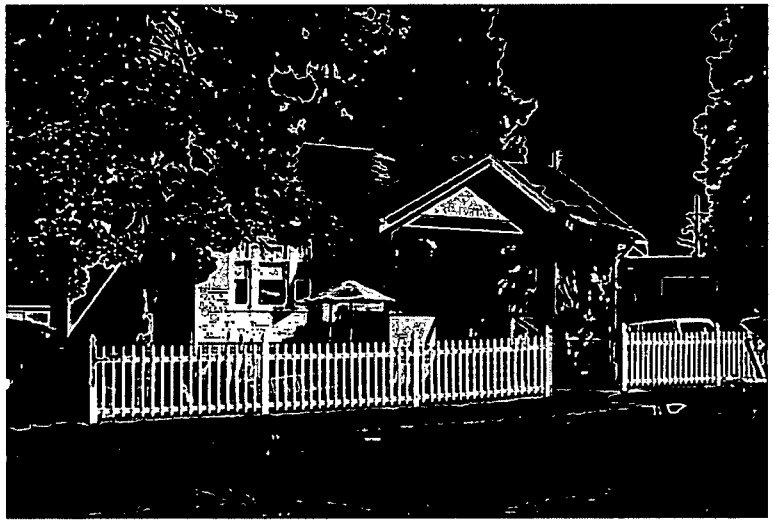
303 4th Avenue N.



Four cottages listed as a four-plex but which may have been moved from elsewhere in the town. The cottages date to 1938 which is probably the date they were placed in this location. More investigation will be required to establish the history behind these buildings. The flat-roofed sections are not original. The small scale of the structures fits the overall feel of the avenue.

This property is located in a potential historic district.

305 4th Ave N



1920 arts and crafts bungalow.

This property is located in a potential historic district.

408 4th Ave N



1939 Side gable bungalow with north side addition.

This property is located in a potential historic district.

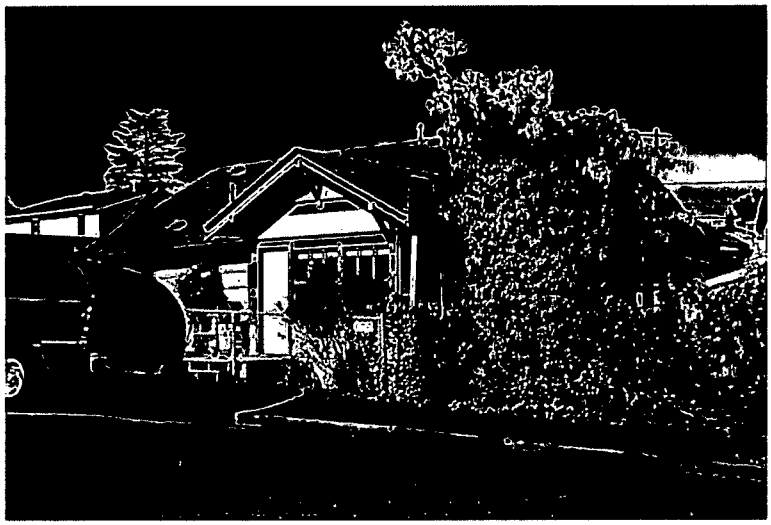
426 4th Ave N



1926 Cape Cod??

This property is located in a potential historic district.

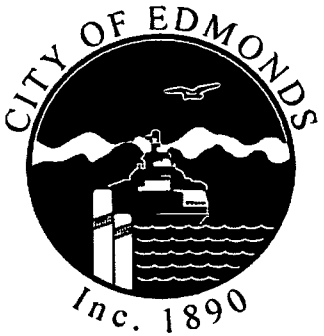
432 3rd Avenue North



This property is located in a potential historic district.

Other Properties

Properties not listed in the foregoing three categories (and not colored on the map) are not considered to be historically significant and do not contribute directly to the character of the area.



4TH Avenue Cultural Corridor
Design Implementation and Funding Plan

June 2009

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C. Discussion on possible 'green' initiatives and zoning clarifications for downtown business zones.

Rob Chave introduced the discussion by explaining that there are several items staff wishes to initiate to clean up in the existing downtown BD zones, such as the required depth of commercial uses, the zoning requirements along the 4th Avenue Arts Corridor, and clarifying where the commercial street frontages are outside of the BD1 zone. In addition, Stephen Clifton reported that staff has been fielding inquiries from major private interests on zoning requirements related to downtown; these interests range from individual property owners to developers of hotels and other projects. In all cases, concern has been expressed about working within existing code requirements. In light of the city's adoption of its sustainability element, staff considers it a good time to see whether Council would be receptive to including incentives in the code that would promote features such as green building projects (LEED Gold being an example), expanded open space and sidewalk areas, or other amenities that would improve downtown streetscape and design. Additional height was noted as being something developers have asked about, and that small, carefully situated height bonuses implemented as part of a project-specific negotiated development agreement approved by Council, could be something that staff and the Council could develop within the code.

Council Member Peterson noted that this could be something that fits well with the city's economic development goals, as well as showing leadership in sustainability and green development. Council Member Petso expressed support for including green development standards within the code as a basic requirement, but said she did not support trading environmental benefits for any increases in height or other incentives.

The Committee discussed the approach of asking the full Council to discuss the issue, or allow the Economic Development Commission to work with the Climate Committee and/or Planning Board to develop some ideas that could be brought back to the Committee for further discussion.

ACTION: The Committee agreed to forward the staff recommended minor BD zone updates (review of the 4th Avenue Arts Corridor zoning and street frontage mapping) to the Planning Board for review. The Committee also forwarded the commercial depth requirements to the Planning Board, asking the Board to review the existing depth for the BD1 zone along with the other BD zones; the Committee expressed doubt that the existing 30-foot depth in the BD1 zone is adequate to encourage sustainable commercial use.

ACTION: The Committee agreed to forward the issue of code incentives and/or requirements for sustainable development downtown to the EDC and Climate Committee to develop further, with ideas brought back to the Committee for further review and discussion.

D. Proposed 8th Ave South pathway south of Alder Street.

Rob English (City Engineer) presented Mr. Adams' proposal to build a pathway between 802 and 724 Alder St. in the unimproved 8th Ave right of way. The pathway would begin at Alder St and continue to the existing path on the south half of the 8th Ave right of way between Alder and Walnut Streets. Mr. Adams has offered to hire and pay a contractor to construct the path. The conceptual drawing submitted by Mr. Adams was shown to the committee.

The history on previous City Council action related to the possible vacation of 8th Ave and the pathway between Alder and Walnut Streets was discussed. In November 2005, the City Council decided not to pursue the vacation of 8th Ave and in February 2006, the City Council directed staff to build only the south half of the pathway between Alder and Walnut Streets.

My Edmonds News
July 27, 2011

Edmonds City Council moves toward placing $2.5 million levy on November ballot

The Edmonds City Council voted 5-2 Tuesday night to direct City staff to prepare ordinances for three separate levy proposals totaling $2.5 million, with the idea of reviewing them next week for probable placement before Edmonds voters in the fall.

The vote came after the City's Interim Finance Director, Jim Tarte, reported the result of his most recent examination of city budget numbers: that expenses will exceed revenue by nearly $347,000 at the end of 2012, with the debt increasing further in future years.

Councilmember Steve Bernheim, who introduced the proposals, said he wanted to present voters with the opportunity to approve all, some or none of what he described as "modest" levy measures, including a $1 million proposal for street overlays, a $750,000 proposal for the general fund (amended by the council later in the evening to $1 million) and $500,000 for maintenance and parks. As proposed by Bernheim, all three proposals would sunset after three years. The idea is to earn the public's trust that the money is being spent wisely, then come back with additional proposals for more money later, he said.

Both Michael Plunkett and DJ Wilson cast the "no" votes, for very different reasons. Plunkett said that he wouldn't support a levy that put money into the general fund, due to his concerns about labor costs. Wilson, on the other hand, said he was against the idea of proposing three smaller levies rather than one larger one because his past experience as a political consultant shows the public won't support them. In addition, Wilson said, the $2.5 million proposed by Bernheim won't get the city out of debt, especially given the sunset clause, and Wilson was skeptical that voters would be receptive to Bernheim's plan to come back in a few years and ask for even more money.

Next week, the council will have an opportunity to review the ordinances and decide whether to send them on for placement on the November ballot.

Bernheim said he is approaching the process by viewing voters "as part of the budgetary process." As such, "I'm not promoting a 'yes' vote, I'm promoting a people vote," he said. "Let the voters decide." If some or all of the measures are rejected, "it's not a failure," but a learning experience, he added.

In other action, the council spent quite some time considering a Planning Board recommendation to amend downtown business zones, but decided instead to table the issue so that they could discuss it further at a later date.

3 Responses to "Edmonds City Council moves toward placing $2.5 million levy on November ballot"

1. *Todd Cloutier* on July 27th, 2011 at 11:09 am

.... and a big thank you to Mr. Plunkett for completely mischaracterizing the discussion of the downtown business district proposed changes in a campaign-style email he sent out this morning to his supporters.

To be clear, there are no proposals for any taller buildings anywhere included in anything forwarded by the Planning Board. Sorry to have to say that, but Mr. Plunkett's email falsely stated what the topic of discussion was, and went on to endorse the votes of certain Council members (who are up for re-election) as somehow defending the small town charm of Edmonds.

The vote was to table discussion of Planning Board recommendations to changes to the downtown business zone – all of which were shaped by the findings of the Council-appointed Economic Development Commission.

From the Council's discussion, this was probably a good move for a different reason – few of the Council members seemed to have understood the topic sufficiently to warrant a vote at this point. Perhaps a bit more study before the next meeting will serve to keep the debate centered on the actual proposals, vice actively seeking out alarming things to say during a campaign season.

2. *Ron Bussiere* on July 27th, 2011 at 11:42 am

   If expenses will exceed revenue by the end of 2012 to the tune of $347K, has anyone asked what the latest round of COLAs cost the city in the way of a total dollar amount?

   Well, we'll see if the people will go for it. If they do, it will be because they are asleep.

3. *Ron Wambolt* on July 27th, 2011 at 12:28 pm

   I attended the meeting; the only council member who expressed any concern about expenses was Plunkett. It seems like the majority find it easier to raise our property taxes than to reduce compensation thru concessions and staff reductions as I have suggested many times.

MY Edmonds News
July 24, 2011

Edmonds City Council to consider possible levy action Tuesday night

Two items of interest on the Edmonds City Council agenda Tuesday night: possible action on a property tax levy and consideration of a Planning Board recommendation that would amend downtown business zones.

The City Council has been talking for some time about placing a levy before citizens, and the deadline is Aug. 16 to submit a measure for the November general election. Councilmembers held a workshop to discuss levy options June 28 but no recommendations were made.

As for the downtown business zone proposal, *My Edmonds News* was unable to access the council agenda portion of the City website Sunday, so we asked Planning Board member Todd Cloutier for a summary of the board's recommendation to the council.

According to Cloutier, the city's current commercial depth requirements were inconsistent throughout the city, with some zones requiring only 30 feet, and some requiring up to 60 feet. "We thought that 45 better fit the buildings of Edmonds, providing commercial depth sufficient for many uses (30 feet doesn't support a back office), while 60 feet doesn't fit in many Edmonds buildings, given the alley parking and such," he said.

The idea of designated downtown business zone streetfronts "was to clarify where commercial activity is required to be placed, in buildings in the BD zone," Cloutier said. " That is, for buildings along those streets, the streetfront, ground floor use of the building must be commercial. The intent is to ensure we have the 'critical mass' of retail and restaurants that we think we'll need to keep the downtown thriving."

Development agreements were included to permit some flexibility to property developers, providing them a way to ask for permission to not meet one or more of the development code rules. "But, the hitch of a Development Agreement is that the entire process is public, with public hearings before both the Planning Board and City Council, to ensure public concerns are addressed," he said. "Reduction of mandatory step-backs was undertaken in response to practical issues with requiring uniform step-backs on all buildings of a certain height. The resulting appearance would not match what we thought would be a beautiful downtown."

In a nutshell, the Planning Board's recommendations were made "to stimulate appropriate development in Edmonds, especially downtown, by making our code language more clear, removing restrictions that made no sense, and adding a public review process for the new tool, Development Agreements, which are seen as a more public and open process for developers asking for relaxations of current code," Cloutier said. The recommendations were discussed with the Economic Development Commission during the writing of the language for the new code, to ensure that efforts were aligned, he added.

The council meeting begins at 7 p.m. Tuesday at the Council Chambers, Public Safety Complex, 250 5th Ave. N.

June 8, 2011

Notification List

PLEASE PRINT LEGIBLY YOUR NAME, COMPLETE ADDRESS & ZIP CODE IF YOU WISH TO SPEAK OR BE NOTIFIED OF FUTURE HEARINGS ON THIS ITEM. THANK YOU.

FILE NO.: AMD20110003 **BD Zones (City)**

Doug Spee		BD 2
RON WAMBAT		BD's
CLAYTON MOSS	CMOSS@FORMASEATTLE.COM	BD 3
ERIC MOSS		

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH } **S.S.**

NOTICE OF DEVELOPMENT APPLICATION &
NOTICE OF PLANNING BOARD HEARING

Name of Applicant: City of Edmonds
File No.: AMD20110003
Project Location: N/A
Project Description: Public Hearing on potential amendments to downtown BD zones. The amendments focus on uses permitted in designated street fronts in BD zones, commercial depth requirements, reducing mandatory step-backs, and providing for Development Agreements to achieve specified city goals. More information on the draft amendments can be found at the city's website by visiting: http://www.ci.edmonds.wa.us/pb_issues.stm
City Contact: Rob Chave, AICP, Planning Manager
Email: chave@ci.edmonds.wa.us
Public Comments Due By: June 8, 2011 by 4:30 p.m.
HEARING INFORMATION
Date: June 8, 2011
Time: 7:00 p.m.
Location: Council Chambers, Public Safety Complex, 250 5th Ave. N., Edmonds
Published: May 25, 2011.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Notice of Development Application

City of Edmonds

AMD20110003

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

May 25, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Grohl
Principal Clerk

Subscribed and sworn to before me this 25th day of ~~May, 2011~~

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RLYA A. FELT
NOTARY PUBLIC
STATE OF WASHINGTON
MY COMMISSION EXPIRES
4-04-14

RECEIVED
JUN 0 2 2011
EDMONDS CITY CLERK

Account Name: City of Edmonds | Account Number: 101416 | Order Number: 0001738029

EDMONDS PLANNING BOARD
NOTICE OF PUBLIC HEARING

The City of Edmonds Planning Board is holding a public hearing on proposed changes to the City's Downtown Business (BD) zones. The changes being considered would address:

1) Permitted uses in the BD1 (Downtown Retail Core) zone. Options being considered include limiting permitted uses in the designated street front to retail-only, or to retail and service uses (excluding office uses, such as medical offices). Other uses could be located in the building, just not within the designated street front, which is defined as the first 45 feet of the building.

2) Designated street front / commercial depth requirement. Currently, the designated street front is mapped only for the BD1 zone. The mapping would be extended to other BD zones, and the commercial depth requirement would be defined consistently as the first 45 feet for all BD zones (it is currently set as 30 feet in the BD1 zone, and 60 feet in the other BD zones).

3) Building step-backs. Currently, step-backs are not required above 25 feet in the BD1 zone, but are required in other BD zones. Options being considered include removing the step-back requirement, or reducing it to 5 feet instead of the current 15 feet.

4) Development agreements. Development agreements are proposed which would enable a project to vary development standards (such as step backs, height, or other parameters) in exchange for achieving city goals, such as innovative green building design, desired uses supporting economic development priorities, or streetscape amenities. Development agreements would require a public approval process, with the ultimate decision made by the City Council.

Hearing Date/Time:	**Wednesday, June 8, 2011, beginning at 7pm**
Hearing Location:	**City Council Chamber, Public Safety Complex 250 5th Ave North in Downtown Edmonds**
File Number:	**AMD20110003**
Contact:	**Rob Chave, AICP, Planning Manager**
Comments Due By:	**June 8, 2011**

Information on this development application can be viewed or obtained at the City of Edmonds Development Services Department, 121 5th Ave North, Edmonds, WA 98020 between the hours of 8:00 A.M. and 4:30 P.M. 425-771-0220.

My Edmonds News
May 25, 2011

Planning Board to meet tonight and to hold public hearing June 8

The Edmonds Planning Board will meet at 7 p.m. tonight in the Council Chambers, Public Safety Complex, 250 5th Ave. N. One item of interest up for review is the city's code governing outdoor dining.

Looking ahead, the Planning Board announced that it will hold a public hearing at 7 p.m. June 8, also in the Council Chambers, on proposed changes to the City's Downtown Business (BD) zones. The changes being considered would address the following:

1) Permitted uses in the BD1 (Downtown Retail Core) zone. Options being considered include limiting permitted uses in the designated street front to retail-only, or to retail and service uses (excluding office uses, such as medical offices). Other uses could be located in the building, just not within the designated street front, which is defined as the first 45 feet of the building.

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Comments Due By:	**June 8, 2011**

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Douglas Spee [DSpee@speewest.com]

Press Release
City of Edmonds

May 25, 2011
For Immediate Release

To:	**City Council**	
	The Edmonds Beacon	**editor@edmondsbeacon.com**
	The Edmonds Enterprise	**mwilliams@heraldnet.com**
	The Seattle Times	**lthompson@seattletimes.com**
	The Everett Herald	**ohalpert@heraldnet.com**
	My Edmonds News	**teresa@myedmondsnews.com**
	Edmonds Patch	**heidi.dietrich@patch.com**
	Edmonds KOMO	**susieberesford@hotmail.com**

Contact: Rob Chave, Planning Manager
425.771.0220

The City of Edmonds Planning Board is holding a public hearing on proposed changes to the City's Downtown Business (BD) zones. The changes being considered would address:

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PUBLIC HEARING INFORMATION

DATE:	**June 8, 2011**
TIME:	**7:00 pm**
LOCATION:	**Council Chambers, Public Safety Complex, 250 5th Ave. N., Edmonds**

Cunningham, Diane

To: Press Releases; Council

Subject: BD zone Press Release.doc

bcc: PB, PB dist., Directors, T. Shallbetter, Doug Spee, Ron Wamboldt

Please see attached Press Release regarding Planning Board is holding a public hearing on proposed changes to the City's Downtown Business (BD) zones on June 8th.

Thank you,

Diane Cunningham | cunningham@ci.edmonds.wa.us
Planning Assistant | 425.771.0220 x 1335

In other business, the council held a lengthy discussion on a proposed interim zoning ordinance that would reduce the minimum 20-foot street setback to 5 feet in BN (business neighborhood) zones. The proposal was brought specifically to address a request by a developer to build a bank building in the Westgate neighborhood, where Edmonds is in the middle of developing a special district plan that is likely to encourage the development of pedestrian-friendly structures and storefronts. However, since the plan won't be ready until summer, and the developer was planning to move quickly on the bank project, city staff proposed that the council implement an interim ordinance that would require a more pedestrian-friendly approach: namely reducing street setbacks to bring the development closer to the street.

In the end, the council voted 2-5 against the proposal. A majority of members spoke against the idea of making a zoning decision in a hasty manner, and were also concerned that the interim zone would apply to all BN zones citywide even though the request was made on behalf of a single development in one neighborhood.

Cunningham, Diane

From: Spellman, Jana
Sent: Tuesday, March 29, 2011 3:51 PM
To: Cunningham, Diane
Cc: Petso, Lora; Chave, Rob
Subject: FW: Reply to planning board

Diane,

Would you please forward the e-mail below to the Planning Board.

Thanks.

Sincerely,
Jana Spellman
Sr. Ex. Assistant
Edmonds City Council
425.771.0248

From: Petso, Lora
Sent: Tuesday, March 29, 2011 2:08 PM
To: Spellman, Jana
Cc: Buckshnis, Diane; Plunkett, Michael
Subject: Reply to planning board

Jana-

PLEASE forward to all planning board members.

To the planning board:

I may, of course, recall this incorrectly, but this is my recall of what council referred to the planning board regarding BD1:

The items I requested that the planning board consider were (1) adequacy of first floor building height for commercial uses and (2) increasing the commercial depth to 45 feet from 30. Council expressed an interest in planning board review of the second item. (Staff represented that the first item was already sufficient for all commercial purposes).

I do not recall any of the other proposed changes being referred by council to the planning board, although I do recall general discussion of "green building" incentives. I do not recall any details regarding what would be considered adequate incentives or what would be permitted to be varied, although I do recall prefering green building *requirements rather than incentives*. I do not recall any discussion of whether green building items would apply in the BD zones, City wide, or in other particular areas.

Lora Petso

Diane-
Thanks for including me in your reply, as I can't recall receiving the original e-mail from Ms. Johnson! I must have lost it in cyberspace.