

0006.150.004B

WSS/jib

11/8/88

ORDINANCE NO. 2689

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF EDMONDS TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE LANDAU REZONE, NO. R-4-88, FROM RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD COMMERCIAL); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning Board at a public hearing, considered the following amendments to the Official Zoning Map and made their findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council after a public hearing reviewed the recommendations of the Planning Board and determined that the proposed amendment and agreement should be approved and adopting, the Findings and Conclusions of its Planning Board. NOW, THEREFORE,

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

Section 1. The Official Zoning Map of the City of Edmonds, as adopted by Section 17.00.010 of the Edmonds Community Development Code is hereby amended by changing the zoning classification of certain property hereinafter described from RS-8 (single family residential) to BN (neighborhood commercial), subject to the Concomitant Zoning Agreement, Exhibit A executed and recorded as provided herein. The legal description of the


property rezoned is set forth in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. The Planning Director is hereby instructed to effectuate the necessary amendments to the Official Zoning Map of the City of Edmonds pursuant to this ordinance.

Section 3. The Mayor is hereby authorized to execute and the City Clerk to attest to that certain document entitled "Agreement and Covenants", attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full. The City Clerk is further directed to record said Concomitant Zoning Agreement with the Snohomish County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owners.

Section 4. 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 its publication, or publication of a summary thereof consisting of its title, in the City's official newspaper.

APPROVED:


MAYOR, LARRY S. NAUGHTEN

ATTEST/AUTHENTICATED:


CITY CLERK, JACQUELINE G. PARRETT

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY M. Scott Snyder (JP)

FILED WITH THE CITY CLERK: November 8, 1988
PASSED BY THE CITY COUNCIL: November 15, 1988
PUBLISHED: November 20, 1988
EFFECTIVE DATE: November 25, 1988
ORDINANCE NO. 2689

EXHIBIT A

AGREEMENT AND COVENANTS

WHEREAS, Henry G. Landau and Joyce K. Landau, husband and wife, hereinafter referred to jointly and severally as "Owner", are owners of the following described real property located at 23115 - 100th Avenue West, in the City of Edmonds, and legally described on Exhibit "A", attached hereto and incorporated by this reference as if set forth in full.

WHEREAS, Owner has tendered this Agreement and Covenants to the City of Edmonds, a municipal corporation, hereinafter referred to as "Edmonds", and the same having been duly considered by Edmonds, and

WHEREAS, Owner has applied for a change in the zoning of the certain real property from Single-Family Residential 8,000 (RS 8) to Neighborhood Business (BN), and

WHEREAS, Edmonds has caused the application in its entirety, including, but not limited to the Environmental Checklist, to be reviewed by its Planning and Engineering Divisions and has fully considered recommendations made after such staff review, and

WHEREAS, this application has been reviewed by the Planning Board which has recommended that the rezone be approved subject to conditions of "Finding of Facts":

NOW THEREFORE,

In the event the City Council of the City of Edmonds finds the rezone of the subject property as specified above does not adversely affect the public health, safety, and general welfare, and that the rezone is justified by sufficient changes in the character of the surrounding area, and in consideration of

the City Council's rezoning the subject property and for so long as the subject property remains rezoned, Owner and City of Edmonds hereby covenant and agree to the following on behalf of themselves, their heirs, and successors, and assigns:

1. This Agreement is tendered by Owner to Edmonds and accepted by Edmonds, and all parties agree it is applicable to the parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of this Agreement shall be specifically enforceable in equity by Edmonds.

2. Edmonds shall be under no obligation to issue Owner, their heirs, their successors or assigns a building permit and/or other permits for improvements, structures or uses upon any of the subject property of Owner unless such improvements and/or uses comply with the terms of this Agreement and the applicable ordinances at the time of any application for said permits.

3. This Agreement and each part of it shall be considered covenants running with the land described above and shall be binding upon Owner, their heirs, successors and/or assigns. It shall be recorded with the Snohomish County Auditor in the grantor/grantee index with Owner being listed as the grantor and Edmonds as Grantee. All recording costs are to be paid by Owner. Such recordation and payment of said costs shall be a condition precedent to Owner exercising any rights under the terms of this Agreement.

4. In consideration of Edmonds reclassifying the subject real property from RS 8 to BN, and for so long as the

property remains so classified. Owner covenants to limit the use of such property to a single family residence or professional offices, as defined by Section 12.12.170 of the Edmonds City Code, as now exists or as may hereafter be recodified.

5. No applications shall be made by Owner, heirs, their successors, or assigns to amend this Agreement for a period of two (2) years from the date hereof. Thereafter, Owner or their successors heirs or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, heirs, its successors, or its assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds.

6. In the event that a suit is brought to enforce any of the provisions of this agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys fees.

7. It is further expressly agreed that in the event any covenant, condition, or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction herein contained.

IN WITNESS WHEREOF, the parties have executed this
contract this 9th day of November 1988.

Henry G. Landau
HENRY G. LANDAU

Joyce K. Landau
JOYCE K. LANDAU

CITY OF EDMONDS:

B. S. Miller
MAYOR,

ATTEST:

Jeaneline G. Parrett
CITY CLERK,

DATE: November 18, 1988

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this day personally appeared before me, Joyce K Landau and Henry G. Landau, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this day of November 9th, 1988.

Rosemarie A. Taylor
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this 18th day of November, 1988, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Harry L. Naughton and Jacqueline L. Parrott, to me known to be the Mayor and City Clerk of the CITY OF EDMONDS, Washington, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the official seal of said municipal corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Rhonda J. March
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds

MY COMMISSION EXPIRES 6-16-89.

EXHIBIT A

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.
EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.

EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

REZONE
FILE

February 11, 1986

City Council passes Ordinance 2550 rezoning Landau property to BN and authorizes Mayor to sign concomitant agreement.

October 1988

City Council held a public hearing on the contract rezone request of the Landau's regarding the property immediately to the south of their property, fronting 100th Ave. W. Council passed a motion to approve the request

November 1988

City Council passes Ordinance 2689 rezoning property immediately south of existing Landau office to BN and authorizes Mayor to sign concomitant agreement.

Landau's appear before the ADB to present overall site plan, which was approved.

February 28, 1989

Landau's obtain a demolition permit to begin work on new addition.

March 8, 1989

Building permit issued to begin remodel work.

March 18, 1989

Trees cut down behind eastern most building. As per the contract a new planting plan for the greenbelt area is being developed and will be submitted to the ADB for approval, with notice being sent to the adjacent property owners.

EDMONDS CITY COUNCIL MINUTES

NOVEMBER 15, 1988

The regular meeting of the Edmonds City Council was called to order at 8:00 p.m. by Mayor Larry Naughten at the Library Plaza Room, 650 Main St., Edmonds. The Council met at 6:30 to interview the personnel manager candidates and convened to an Executive Session at 7:30 to discuss labor negotiations. All present joined in the flag salute.

PRESENT

Larry Naughten, Mayor
Bill Kasper, Council President
Steve Dwyer, Councilmember
Laura Hall, Councilmember
Roger Hertrich, Councilmember
John Nordquist, Councilmember
Jack Wilson, Councilmember
Karen Abrams, Student Rep.

ABSENT

Jo-Anne Jaech,
Councilmember

STAFF

Jim Barnes, Parks & Rec. Div. Mgr.
Art Housler, Admin. Svc. Director
Bob Alberts, City Engineer
Jack Weinz, Fire Chief
Peter Hahn, Comm. Svc. Director
Wallace Tribuzio, Asst. Police Chief
Gordy Hyde, Traffic Coordinator
Mary Lou Block, Planning Div. Mgr.
Bobby Mills, Public Works Supt.
Jackie Parrett, City Clerk
Margaret Richards, Recorder

Mayor Naughten noted that City Attorney Scott Snyder was not present because of a conflict. He pointed out that none of the items on the agenda would require a legal opinion.

CONSENT AGENDA

Item (B) was removed from the Consent Agenda. COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER NORDQUIST, TO APPROVE THE BALANCE OF THE CONSENT AGENDA. MOTION CARRIED WITH COUNCILMEMBER KASPER ABSTAINING BECAUSE HE WAS NOT PRESENT AT THE MEETING WHEN ITEMS (C) AND (G) WERE DISCUSSED AND BECAUSE HE WAS OPPOSED TO ITEM (H). The approved items on the Consent Agenda include the following:

(A) ROLL CALL

*Findings/
ADB Appeal
(Resolution)* (C) ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING APPEAL OF ARCHITECTURAL DESIGN BOARD DECISION IN CONNECTION WITH REVIEW OF 15 UNIT APARTMENT BUILDING AT 555 WALNUT ST. (ADB-15-88/AP-25-88)

*Resolution
of Cooperation* (D) ADOPTED RESOLUTION 679 REAFFIRMING POLICY OF COOPERATION BETWEEN CITY OF EDMONDS AND OTHER GOVERNMENTAL UNITS WITHIN PUGET SOUND AREA

*Ferry Parking
Lot Fees* (E) ADOPTED ORDINANCE 2688 INCREASING PARKING FEE AT FERRY PARKING LOT

SEIU (F) AUTHORIZATION FOR MAYOR TO SIGN SEIU LABOR AGREEMENT

*Findings/
Rezoned (Landau)* (G) APPROVAL OF FINDINGS OF FACT, AND ADOPTION OF PROPOSED ORDINANCE 2689 AMENDING OFFICIAL ZONING MAP TO CHANGE THE ZONING DESIGNATION ON PROPERTY LOCATED AT 23115 - 100TH AVE. W. FROM RS-8 TO BN; AND AUTHORIZE EXECUTION OF CONCOMITANT ZONING AGREEMENT
(R-4-88/LANDAU)

*Findings/
Deny St. Vacation* (H) ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING DENIAL OF PROPOSED VACATION OF PORTION OF UNDEVELOPED RIGHT-OF-WAY OF NORTH MEADOWDALE RD. (ST-3-88/METCO)

APPROVAL OF MINUTES OF NOVEMBER 1, 1988 [ITEM (B) ON THE CONSENT AGENDA]

Budget Mayor Naughten referred to a memorandum by City Clerk Jackie Parrett noting that an omission had been called to her attention regarding the Council Contingency Fund and how Councilmember Wilson proposed to allocate it in the 1989 budget. She had listened to the tape of the discussion and from it suggested the following amendment to the minutes: page 2, just before Councilmember Wilson's motion at the beginning of the third paragraph from the bottom, insert the wording "In support of a larger Council Contingency Fund, Councilmember Wilson suggested the following could be funded by it: 1) Give some serious thought to three firefighters, 2) look at some other things for the Centennial, 3) there is a problem developing at the cemetery, 4) there are business community promotional activities to consider, 5) normal contingencies throughout the year, and 6) the Council should come up with some other projects for the City".

EDMONDS CITY COUNCIL
AGENDA MEMO

Item number: _____

Originator: Planning Division For Action: X For Information: _____

SUBJECT: APPROVAL OF FINDINGS OF FACT AND ADOPTION OF PROPOSED ORDINANCE
AMENDING OFFICIAL ZONING MAP TO CHANGE DESIGNATION ON PROPERTY
LOCATED AT 23115 100th AVE. W. FROM RS-8 TO BN, AND AUTHORIZING
EXECUTION OF CONCOMITANT ZONING AGREEMENT (R-4-88/LANDAU)

AGENDA TIME: Consent

AGENDA DATE: November 15, 1988

EXHIBITS ATTACHED:

1. Findings of Fact
2. Proposed Ordinance
3. City Council Minutes
October 4, 1988

Clearances: Dept./Indiv./Initials

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ADMIN SVCS/FINANCE	_____
CITY ATTORNEY	_____
CITY CLERK	_____
COMMUNITY SERVICES	<i>PAH</i>
ENGINEERING	_____
PARKS & RECREATION	_____
PLANNING	<i>MWB</i>
PUBLIC WORKS	_____
FIRE	_____
PERSONNEL	_____
POLICE	_____
COMMITTEE	_____
MAYOR	_____
COMMENTS:	_____

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: \$0	BUDGETED: \$0	REQUIRED: \$0

HISTORY AND SUMMARY STATEMENT:

On October 4, 1988, the City Council held a public hearing on the request of Henry and Joyce Landau to rezone the property at 23115 100th Ave. W. from RS-8 to BN (Contract).

The Council voted to approve the Planning Board recommendation and approve the rezone request. The City Attorney was directed to prepare the necessary ordinance.

Attached are copies of the proposed ordinance, the concomitant agreement, and the minutes from the October 4, 1988 Council meeting.

RECOMMENDED ACTION:

Adopt the proposed findings of fact and the ordinance approving the rezone and authorize the Mayor to execute the concomitant agreement.

FINR488/COUNCIL

Dr 11/9/88

EXHIBIT 1

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CITY OF EDMONDS REZONE

CITY OF EDMONDS FILE: #R-4-88 & CDC-3-88

After notification in conformance with law, the Planning Board of the City of Edmonds conducted a public hearing on August 24, 1988 on the rezone application of Henry & Joyce Landau. The applicants have requested approval of a proposal to establish Contract Neighborhood Business (BN) zoning and an amendment to the Comprehensive Plan Map for property located at 23115 100th Ave. W. Based upon the evidence presented thereat, the Planning Board makes the following findings of fact:

FINDINGS OF FACT

1. The subject property is located on the east side of 100th Ave. S., south of SR 104, in the Westgate Area of Edmonds. The site contains 11,341 square feet. There is an existing older single family residence located on the property. The subject property is currently zoned RS-8 (Single Family). The Applicants propose to rezone the property to BN under a contract restricting the uses on the property to either single family residence or professional office.
2. The area is bordered by commercial development to the north and west. The remaining areas to the south and east are single family residential uses.
3. A mitigated determination of nonsignificance has been issued by the City on the rezone request and Comprehensive Plan amendment.
4. The subject property is designated by the Comprehensive Plan Map as Low Density Residential. The area to the north is designated as Commercial/Business. The Applicants are requesting an amendment to the Comprehensive Plan to change the land use designation on the property to Commercial/Business.
5. The applicant intends to incorporate the subject property into his existing professional office complex located adjacent the subject property to the north.
5. Concern was expressed by residential property owners to the southwest about traffic and commercial uses increasing in the neighborhood.
6. The subject property is physically suited for development under both the existing or proposed commercial zoning.

CONCLUSIONS OF LAW

1. The proposed rezone and Comprehensive Plan amendment appear consistent with the goals and policies of the Edmonds Comprehensive Plan.
2. The proposed contract restricts the types of land uses on the property to professional office or single family residence. Such uses are compatible to those in the immediate area.
3. No significant adverse environmental impacts have been identified as a result of these proposals.
4. The Planning Board supports the concept of a contract rezone on the subject property.
5. A contract rezone is the most appropriate action, if the subject property is to be rezoned for commercial use.

RECOMMENDATION TO THE CITY COUNCIL

The Planning Board of the City of Edmonds recommends to the City Council that Rezone Application R-4-88 and Comprehensive Plan Amendment CDC-3-88 be approved.

This recommendation was passed unanimously by the Planning Board.

The Board recommends that the Architectural Design Board strongly review development plans to insure that the number of access points on 100th Ave. W. is reduced and that the property is developed as part of a unified complex with the properties to the north.

PASSED the 24th day of August, 1988.


JEFF PALMER, CHAIR
EDMONDS PLANNING BOARD

PBRECR4/TXTDVB51

0006.150.004B
WSS/jib
11/8/88

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF EDMONDS TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE LANDAU REZONE, NO. R-4-88, FROM RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD COMMERCIAL); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning Board at a public hearing, considered the following amendments to the Official Zoning Map and made their findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council after a public hearing reviewed the recommendations of the Planning Board and determined that the proposed amendment and agreement should be approved and adopting, the Findings and Conclusions of its Planning Board.
NOW, THEREFORE,

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

Section 1. The Official Zoning Map of the City of Edmonds, as adopted by Section 17.00.010 of the Edmonds Community Development Code is hereby amended by changing the zoning classification of certain property hereinafter described from RS-8 (single family residential) to BN (neighborhood commercial), subject to the Concomitant Zoning Agreement, Exhibit A executed and recorded as provided herein. The legal description of the

property rezoned is set forth in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. The Planning Director is hereby instructed to effectuate the necessary amendments to the Official Zoning Map of the City of Edmonds pursuant to this ordinance.

Section 3. The Mayor is hereby authorized to execute and the City Clerk to attest to that certain document entitled "Agreement and Covenants", attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full. The City Clerk is further directed to record said Concomitant Zoning Agreement with the Snohomish County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owners.

Section 4. 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 its publication, or publication of a summary thereof consisting of its title, in the City's official newspaper.

APPROVED:

MAYOR, LARRY S. NAUGHTEN

ATTEST/AUTHENTICATED:

CITY CLERK, JACQUELINE G. PARRETT

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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

0006.150.004B

WSS/jib

11/8/88

SUMMARY OF ORDINANCE NO. _____

of the City of Edmonds, Washington

On the ____ day of _____, 1988, 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 OFFICIAL ZONING MAP OF THE CITY OF EDMONDS TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE LANDAU REZONE, NO. R-4-88, FROM RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD COMMERCIAL); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this ____ day of _____, 1988.

CITY CLERK, JACQUELINE G. PARRETT

AGREEMENT AND COVENANTS

WHEREAS, Henry G. Landau And Joyce K. Landau, husband and wife, hereinafter referring to jointly and severally as "Owner", are owners of the following described real property located at 23115 - 100th Avenue West, in the City of Edmonds, and legally described on Exhibit "A", attached hereto and incorporated by this referenced as if set forth in full.

WHEREAS, Owner has tendered this Agreement and Covenants to the City of Edmonds, a municipal corporation, hereinafter referred to as "Edmonds", and the same having been duly considered by Edmonds, and

WHEREAS, Owner has applied for a change in the zoning of the certain real property from Single-Family Residential 8,000 (RS 8) to Neighborhood Business (BN), and

WHEREAS, Edmonds has caused the application in its entirety, including, but not limited to the Environmental Checklist, to be reviewed by its Planning and Engineering Divisions and has fully considered recommendations made after such staff review, and

WHEREAS, this application has been reviewed by the Planning Board which has recommended that the rezone be approved subject to conditions of "Finding of Facts":

NOW THEREFORE,

In the event the City Council of the City of Edmonds finds the rezone of the subject property as specified above does not adversely affect the public health, safety, and general welfare, and that the rezone is justified by sufficient changes in the character of the surrounding area, and in consideration of

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the City Council's rezoning the subject property and for so long as the subject property remains rezoned, Owner and City of Edmonds hereby covenant and agree to the following on behalf of themselves, their heirs, and successors, and assigns:

1. This Agreement is tendered by Owner to Edmonds and accepted by Edmonds, and all parties agree it is applicable to the parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of this Agreement shall be specifically enforceable in equity by Edmonds.

2. Edmonds shall be under no obligation to issue Owner, their heirs, their successors or assigns a building permit and/or other permits for improvements, structures or uses upon any of the subject property of Owner unless such improvements and/or uses comply with the terms of this Agreement and the application ordinances at the time of any application for said permits.

3. This Agreement and each part of it shall be considered covenants running with the land described above and shall be binding upon Owner, their heirs, successors and/or assigns. It shall be recorded with the Snohomish County Auditor in the grantor/grantee index with Owner being listed as the grantor and Edmonds as Grantee. All recording costs are to be paid by Owner. Such recordation and payment of said costs shall be a condition precedent to Owner exercising any rights under the terms of this Agreement.

4. In consideration of Edmonds reclassifying the subject real property from RS 8 to BN, and for so long as the

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property remains so classified, Owner covenants to limit the use of such property to a single family residence or professional offices, as defined by Section 12.12.170 of the Edmonds City Code, as now exists or as may hereafter be recodified.

5. No applications shall be made by Owner, heirs, their successors, or assigns to amend this Agreement for a period of two (2) years from the date hereof. Thereafter, Owner or their successors, heirs, or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, heirs, its successors, or its assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds.

6. In the event that a suit is brought to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys fees.

7. It is further expressly agreed that in the event any covenant, condition, or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction herein contained.

IN WITNESS WHEREOF, the parties have executed this
contract this _____ day of _____ 19____.

HENRY G. LANDAU

JOYCE K. LANDAU

CITY OF EDMONDS:

MAYOR, _____

ATTEST:

CITY CLERK, _____

DATE: _____

Exhibit A

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.

EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

Mayor Naughten said the issue would be discussed at a committee meeting.

Mayor Naughten closed the audience portion of the meeting.

REVIEW OF PROPOSED MODIFICATION TO PERSONNEL CONSULTANT CONTRACT (JANET PADGETT ASSOCIATES)

Personnel Consultant Contract
Councilmember Jaech noted that she submitted a proposal to the Council from Janet Padgett with six elements contained in it. She said Attorney John Wallace advised her that the bidding process must be conducted again if the Council wished to proceed with the proposal.

Councilmember Hall requested that the Council recess to an executive session to discuss the contract. City Attorney Scott Snyder said the discussion would fall under an exemption of the Open Public Meetings Act if the Council made a determination to go out for public bid. However, if the Council intended to renegotiate the contract and include an amendment, then the discussion should take place at a public forum. Councilmember Hall said she wished to discuss the public bid process.

COUNCILMEMBER HALL MOVED, SECONDED BY COUNCILMEMBER WILSON, TO RECESS TO AN EXECUTIVE SESSION FOR NO LONGER THAN FIVE MINUTES TO DISCUSS A CONTRACT MATTER. MOTION CARRIED. The Council recessed to an executive session at 7:35 p.m. and reconvened at 7:46 p.m.

Councilmember Jaech said the Council would like to proceed with Task II of the proposal to develop a job description for the Personnel Manager and place the remainder of the items on hold.

COUNCILMEMBER JAECH MOVED, SECONDED BY COUNCILMEMBER HALL, TO REQUEST THE CITY ATTORNEY TO DRAFT AN AMENDMENT TO THE ORIGINAL CONTRACT TO INCORPORATE TASK II AT A PRICE OF \$500 AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT. MOTION CARRIED.

*Rezone -
Heritage area*
HEARING ON PLANNING BOARD RECOMMENDATION REGARDING AMENDMENT TO COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL/BUSINESS; AND CONTRACT REZONE FROM RS-8 TO BN ON PROPERTY LOCATED AT 23115 - 100TH AVE. W. (FILE CDC-3-88/R-4-88) (APPLICANTS: HENRY AND JOYCE LANDAU)

Assistant City Planner Duane Bowman reported that on August 4, 1988, the Planning Board held a public hearing on the applications submitted by Henry and Joyce Landau to amend the Comprehensive Plan Map and to rezone the property at 23115 - 100th Ave. W., Edmonds. The specific requests are to amend the Comprehensive Plan Map to designate the subject property Commercial/Business rather than Low Density Residential and to rezone the property from RS-8 to Contract BN (Neighborhood Business). The Planning Board recommended approval of both requests.

Mr. Bowman noted that copies of the Planning Board recommendations, the minutes of their August 24, 1988 meeting, a vicinity map, a plot plan of the subject property, and the proposed contract were included in the Council packets.

Mr. Bowman said it is the recommendation of Staff to adopt the Planning Board's findings and recommendation and direct the City Attorney to prepare the necessary ordinance.

Mr. Bowman reviewed a vicinity map. He said professional office buildings are located on lots 1 and 2 of the Bergquist Addition and a residence is located on lot 3. He said Mr. Landau intends to modify the existing structures to incorporate them if the application is approved.

Councilmember Hertrich inquired about parking provisions. Mr. Bowman said parking requirements will be imposed at the time of development by the Architectural Design Board (ADB). Councilmember Hertrich inquired if Mr. Landau will delete a curb cut if an entrance is omitted. Mr. Bowman said the City will impose that requirement when the proposal to modify the existing structures is submitted.

Henry Landau, 23829 - 115th Pl. W., said the majority of the adjacent property owners were in support of the modification to the covenant that governs all properties in the Bergquist Addition.

Mr. Landau said the existing office buildings are occupied by his engineering firm. He reviewed the modifications that he intends to make to the structures to incorporate them. He said the parking lot will be located behind the building, and access will be through the existing entrances to the buildings. Mr. Landau said the fifteen foot rear setback will be adhered to, and landscaping will be provided around the perimeter of the parking lot.

Mr. Landau requested the City Engineer to review the issue of deleting the curb cut on lot 3 before imposing that requirement. He preferred that the curb cut remain because he said people coming out of the shopping center are not allowed to make a left turn on 100th so they use the driveway on lot 3 to make a "U" turn.

City Attorney Scott Snyder reminded the Council that the issue of curb cuts was part of the ADB plan approval and was not contained anywhere in the contract.

Mayor Naughten opened the public portion of the hearing. No public input was offered.

Councilmember Nordquist expressed concern that the provisions of the agreement or zoning may be changed subsequent to the two-year term as stated in Item #5 of the agreement. Mr. Snyder noted that a rezone does not have a two-year period but another rezone could not be proposed for two years.

Councilmember Hertrich inquired if a two-year period was standard in contract rezone agreements. Mr. Snyder said there may be longer or shorter terms. He pointed out that the Council's obligation was to either approve or disapprove the contract rezone, noting that they did not have the power or luxury to renegotiate the term. Councilmember Hertrich felt the Council should have input as to the term of the contract.

Councilmember Hertrich inquired if Mr. Landau was amenable to a longer contract term. Mr. Landau said he did not foresee any change in use of the subject property. He said, however, he would prefer that additional restrictions not be imposed unless there was a definite reason.

Mayor Naughten closed the public portion of the hearing.

Councilmember Jaech said she did not like to see erosion of single-family zoning. She suggested that a five year term be considered to make everyone feel more at ease.

COUNCILMEMBER HALL MOVED, SECONDED BY COUNCILMEMBER NORDQUIST, TO ADOPT THE PLANNING BOARD'S FINDINGS AND RECOMMENDATION AND DIRECT THE CITY ATTORNEY TO PREPARE THE NECESSARY ORDINANCE.

Councilmember Nordquist pointed out that the properties on which Albertson's and Olson's are located in Westgate are zoned BN. He said the property in question had a potential to be rezoned to a higher use in the future, noting that an imbalance of uses and zoning would occur.

Councilmember Hertrich said he was prepared to vote in favor of the contract rezone if the applicant was amenable to a longer term. Mr. Snyder noted that after two years, the Council could, at its discretion, downzone the property to RS-8 upon the application of a neighbor or based upon an action of the Planning Board to do a comprehensive rezone of the area. He said the Council could deny the contract rezone and cite a two-year limitation to be inadequate, based on criteria in the zoning code.

Councilmember Hall said Westgate was in a transitional stage, and she felt the proposed contract rezone was an ideal way to deal with combining business and residential areas.

Councilmember Wilson said he would vote in favor of the proposed contract rezone but would be against a rezone application to BC in the future.

MOTION CARRIED WITH COUNCILMEMBER DWYER ABSTAINING (because he was not present for all of the testimony).

ADB Appeal - Clouston
HEARING ON APPEAL OF ADB DECISION REGARDING DENIAL OF REMOVAL OF A TREE IN THE PUBLIC RIGHT-OF-WAY AT 555 WALNUT ST. IN CONJUNCTION WITH DEVELOPMENT OF A 15 UNIT APARTMENT BUILDING (APPELLANT: MONTE CLOUSTON) (ADB-15-88/AP-25-88)

Councilmember Jaech said she lived across from the project and felt she should not participate in the decision-making process. She stepped down from the dais.

Assistant City Planner Duane Bowman submitted photographs of the tree in question to the Council.

Mr. Bowman reported that on September 7, 1988, the Architectural Design Board (ADB) denied the request of Monte Clouston to remove the large Madrona tree located in the right-of-way in front of his property at 555 Walnut Street. A 15 unit apartment is currently under construction on the site.

Mr. Bowman noted that copies of the appeal letter, the minutes from the September 7, 1988 ADB meeting, and a site plan were included in the Council packets.

Mr. Bowman said the tree is healthy and poses no hazard to the public. Alternatives, such as the use of pavers, are available to address the problem of damage to the sidewalk from the root system of the tree. Mr. Bowman said Staff recommends that the ADB decision be upheld and that special care be required during construction to assure that the tree is not damaged. He said special care is to be defined and administered by the City's Grounds Maintenance Division and Planning Division.

Mayor Naughten said the issue would be discussed at a committee meeting.

Mayor Naughten closed the audience portion of the meeting.

REVIEW OF PROPOSED MODIFICATION TO PERSONNEL CONSULTANT CONTRACT (JANET PADGETT ASSOCIATES)

Personnel Consultant Contract
Councilmember Jaech noted that she submitted a proposal to the Council from Janet Padgett with six elements contained in it. She said Attorney John Wallace advised her that the bidding process must be conducted again if the Council wished to proceed with the proposal.

Councilmember Hall requested that the Council recess to an executive session to discuss the contract. City Attorney Scott Snyder said the discussion would fall under an exemption of the Open Public Meetings Act if the Council made a determination to go out for public bid. However, if the Council intended to renegotiate the contract and include an amendment, then the discussion should take place at a public forum. Councilmember Hall said she wished to discuss the public bid process.

COUNCILMEMBER HALL MOVED, SECONDED BY COUNCILMEMBER WILSON, TO RECESS TO AN EXECUTIVE SESSION FOR NO LONGER THAN FIVE MINUTES TO DISCUSS A CONTRACT MATTER. MOTION CARRIED. The Council recessed to an executive session at 7:35 p.m. and reconvened at 7:46 p.m.

Councilmember Jaech said the Council would like to proceed with Task II of the proposal to develop a job description for the Personnel Manager and place the remainder of the items on hold.

COUNCILMEMBER JAECH MOVED, SECONDED BY COUNCILMEMBER HALL, TO REQUEST THE CITY ATTORNEY TO DRAFT AN AMENDMENT TO THE ORIGINAL CONTRACT TO INCORPORATE TASK II AT A PRICE OF \$500 AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT. MOTION CARRIED.

HEARING ON PLANNING BOARD RECOMMENDATION REGARDING AMENDMENT TO COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL/BUSINESS; AND CONTRACT REZONE FROM RS-8 TO BN ON PROPERTY LOCATED AT 23115 - 100TH AVE. W. (FILE CDC-3-88/R-4-88) (APPLICANTS: HENRY AND JOYCE LANDAU)

*Rezone -
Hertrich
and*
Assistant City Planner Duane Bowman reported that on August 4, 1988, the Planning Board held a public hearing on the applications submitted by Henry and Joyce Landau to amend the Comprehensive Plan Map and to rezone the property at 23115 - 100th Ave. W., Edmonds. The specific requests are to amend the Comprehensive Plan Map to designate the subject property Commercial/Business rather than Low Density Residential and to rezone the property from RS-8 to Contract BN (Neighborhood Business). The Planning Board recommended approval of both requests.

Mr. Bowman noted that copies of the Planning Board recommendations, the minutes of their August 24, 1988 meeting, a vicinity map, a plot plan of the subject property, and the proposed contract were included in the Council packets.

Mr. Bowman said it is the recommendation of Staff to adopt the Planning Board's findings and recommendation and direct the City Attorney to prepare the necessary ordinance.

Mr. Bowman reviewed a vicinity map. He said professional office buildings are located on lots 1 and 2 of the Bergquist Addition and a residence is located on lot 3. He said Mr. Landau intends to modify the existing structures to incorporate them if the application is approved.

Councilmember Hertrich inquired about parking provisions. Mr. Bowman said parking requirements will be imposed at the time of development by the Architectural Design Board (ADB). Councilmember Hertrich inquired if Mr. Landau will delete a curb cut if an entrance is omitted. Mr. Bowman said the City will impose that requirement when the proposal to modify the existing structures is submitted.

Henry Landau, 23829 - 115th Pl. W., said the majority of the adjacent property owners were in support of the modification to the covenant that governs all properties in the Bergquist Addition.

Mr. Landau said the existing office buildings are occupied by his engineering firm. He reviewed the modifications that he intends to make to the structures to incorporate them. He said the parking lot will be located behind the building, and access will be through the existing entrances to the buildings. Mr. Landau said the fifteen foot rear setback will be adhered to, and landscaping will be provided around the perimeter of the parking lot.

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EDMONDS CITY COUNCIL
AGENDA MEMO

Item number: _____

Originator: Planning Division For Action: X For Information: _____

SUBJECT: HEARING ON PLANNING BOARD RECOMMENDATION REGARDING AMENDMENT TO COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL/BUSINESS; AND CONTRACT REZONE FROM RS-8 TO BN ON THE PROPERTY LOCATED AT 23115 100TH AVE. W. (CDC-3-88/R-4-88) (APPLICANTS: HENRY AND JOYCE LANDAU)

Clearances: Dept./Indiv./Initials

AGENDA TIME: 30 Minutes

AGENDA DATE: October 4, 1988

EXHIBITS ATTACHED:

1. Planning Board Recommendation
2. Planning Board Minutes 8/24/88
3. Vicinity Map
4. Plot Plan
5. Proposed Contract

=====

ADMIN SVCS/FINANCE	_____
CITY ATTORNEY	_____
CITY CLERK	_____
COMMUNITY SERVICES	_____ <i>PET</i>
ENGINEERING	_____
PARKS & RECREATION	_____
PLANNING	_____ <i>MHB</i>
PUBLIC WORKS	_____
FIRE	_____
PERSONNEL	_____
POLICE	_____
COMMITTEE	_____
MAYOR	_____
COMMENTS:	_____

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: \$0	BUDGETED: \$0	REQUIRED: \$0

HISTORY AND SUMMARY STATEMENT:

On August 24, 1988, the Planning Board held a public hearing on the applications submitted by Henry and Joyce Landau to amend the Comprehensive Plan Map and to rezone the property at 23115 100th Ave. W., Edmonds.

The specific requests are to amend the Comprehensive Plan Map to designate the subject property Commercial/Business rather than Low Density Residential and to rezone the property from RS-8 to Contract BN (Neighborhood Business). The Planning Board recommends approval of both requests.

Attached are copies of the Planning Board recommendations, the minutes from their August 24, 1988 meeting, a vicinity map, a plot plan of the subject property and the proposed contract.

RECOMMENDED ACTION:

Adopt the Planning Board findings and recommendation and direct the City Attorney to prepare the necessary ordinance.

R488MEM/COUNCIL

JP 9-29-88

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CITY OF EDMONDS REZONE

CITY OF EDMONDS FILE: #R-4-88 & CDC-3-88

After notification in conformance with law, the Planning Board of the City of Edmonds conducted a public hearing on August 24, 1988 on the rezone application of Henry & Joyce Landau. The applicants have requested approval of a proposal to establish Contract Neighborhood Business (BN) zoning and an amendment to the Comprehensive Plan Map for property located at 23115 100th Ave. W. Based upon the evidence presented thereat, the Planning Board makes the following findings of fact:

FINDINGS OF FACT

1. The subject property is located on the east side of 100th Ave. S., south of SR 104, in the Westgate Area of Edmonds. The site contains 11,341 square feet. There is an existing older single family residence located on the property. The subject property is currently zoned RS-8 (Single Family). The Applicants propose to rezone the property to BN under a contract restricting the uses on the property to either single family residence or professional office.
2. The area is bordered by commercial development to the north and west. The remaining areas to the south and east are single family residential uses.
3. A mitigated determination of nonsignificance has been issued by the City on the rezone request and Comprehensive Plan amendment.
4. The subject property is designated by the Comprehensive Plan Map as Low Density Residential. The area to the north is designated as Commercial/Business. The Applicants are requesting an amendment to the Comprehensive Plan to change the land use designation on the property to Commercial/Business.
5. The applicant intends to incorporate the subject property into his existing professional office complex located adjacent the subject property to the north.
5. Concern was expressed by residential property owners to the southwest about traffic and commercial uses increasing in the neighborhood.
6. The subject property is physically suited for development under both the existing or proposed commercial zoning.

CONCLUSIONS OF LAW

1. The proposed rezone and Comprehensive Plan amendment appear consistent with the goals and policies of the Edmonds Comprehensive Plan.
2. The proposed contract restricts the types of land uses on the property to professional office or single family residence. Such uses are compatible to those in the immediate area.
3. No significant adverse environmental impacts have been identified as a result of these proposals.
4. The Planning Board supports the concept of a contract rezone on the subject property.
5. A contract rezone is the most appropriate action, if the subject property is to be rezoned for commercial use.

RECOMMENDATION TO THE CITY COUNCIL

The Planning Board of the City of Edmonds recommends to the City Council that Rezone Application R-4-88 and Comprehensive Plan Amendment CDC-3-88 be approved.

This recommendation was passed unanimously by the Planning Board.

The Board recommends that the Architectural Design Board strongly review development plans to insure that the number of access points on 100th Ave. W. is reduced and that the property is developed as part of a unified complex with the properties to the north.

PASSED the 24th day of August, 1988.


JEFF PALMER, CHAIR
EDMONDS PLANNING BOARD

PBRECR4/TXTDVB51

EXHIBIT 2

THESE MINUTES SUBJECT
TO SEPTEMBER 14 APPROVAL

PLANNING BOARD MINUTES

August 24, 1988

The regular meeting of the Edmonds Planning Board was called to order at 7:00 p.m. by Chairperson Jeff Palmer in the Plaza Meeting Room of the Edmonds Library Building.

PRESENT

Jeff Palmer, Chair
Sharon Claussen
Don Lewis
Hank Lewis
Bill Mathias
Janet Phillips

ABSENT

Dean Nordquist

STAFF PRESENT

Duane Bowman, Asst. City Plnr.
Karin Noyes, Recorder

Mr. Nordquist was absent from the meeting for business related reasons.

APPROVAL OF MINUTES

MS. PHILLIPS MOVED, SECONDED BY MR. H. LEWIS, TO APPROVE THE MINUTES OF AUGUST 10, 1988, AS SUBMITTED. MOTION CARRIED.

STAFF AND PLANNING BOARD COMMENTS

Mr. Bowman reminded the Board of the Pine Ridge Park tour scheduled for September 14 at 6:00 P.M. He said the Board members should meet at the Francis Anderson Center, where a van will be available to transport them to and from the park. Mr. Bowman suggested that each Board member get in touch with Mr. Jim Barnes to obtain a copy of the preliminary plan for the park.

Ms. Phillips indicated that she would meet the Board members at the park.

Mr. Don Lewis requested that Mr. Bowman check with the Planning Division Secretary to make sure she has his correct telephone number. He said that he has two secretaries and an answering service so there is no reason for the Planning staff not to get in touch with him prior to each meeting. Mr. Bowman indicated he would check to make sure staff has the correct number.

AUDIENCE COMMENTS

Natalie Shippen, 1022 Euclid, referred the Board to a letter she distributed to each member. She said that in the letter she mentioned two studies describing different transportation plans other jurisdictions have for the City of Edmonds. She said these are the only two plans for the ferry transportation within the City. Ms. Shippen expressed her concern that it is difficult for the public to determine what the Council's reaction to these two plans is. Ms. Shippen presented the Board, in her letter, with some suggestions and indicated that she would like the Board to respond to these suggestions for the ferry transportation.

Ms. Shippen stated her feeling that if the City does not make a stand and inform the public of their official position, the Transportation Department could assume that the City does not care what happens to the ferry transportation. Ms. Shippen hoped the Board could place this discussion on a future agenda.

Mr. Palmer said the Board would review Ms. Shippen's letter and, at a future meeting, determine if the Board would like to pursue this discussion on a future agenda.

CDC-3-88

HENRY & JOYCE LANDAU

&

R-4-88

AMENDMENT TO THE COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL/BUSINESS AND CONTRACT REZONE FROM RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD BUSINESS) ON THE PROPERTY LOCATED AT 23115 100TH AVENUE WEST IN EDMONDS

Mr. Bowman reviewed the staff report with the Board and presented transparencies to indicate the location and existing site plan for the proposed property.

Ms. Phillips pointed out that her daughter and the Landau's daughter are friends. She inquired if there was anyone in the audience who would object to her participation in this discussion. Mr. Palmer inquired of the audience if any were opposed to Ms. Phillips participating in the discussion and decision. No member of the audience expressed an objection to Ms. Phillips' participation and the hearing continued.

Mr. Bowman specifically pointed out that if the contract rezoning were approved, the only two uses allowed on the property would be a single family dwelling or professional office.

Mr. Palmer inquired if the Landaus owned the two parcels of property to the north. Mr. Bowman replied affirmatively and explained that both have contract rezones to limit the use to single family dwellings or professional offices.

Mr. D. Lewis questioned whether the Board should be discussing this issue as an individual rezoning. He suggested that perhaps the Board should hold off on this discussion until the comprehensive plan for the Westgate area is completed. Mr. Bowman explained that any individual has the right to request a rezoning at any time. Mr. Bowman said the Board should evaluate this contract rezoning request in light of the existing zoning and not what the Board is proposing for the Westgate area.

Henry Landau, 23829 - 115 Place West, indicated that he is the applicant for the rezoning request. Mr. Landau used Mr. Bowman's map transparency and again pointed out the two parcels his business currently occupies and where the proposed property is located.

Mr. Landau explained that in 1985, in order to rezone the property, the City required him to apply for a modification of the covenants of the Bergquist Addition that limited the potential uses of properties to single family dwellings. He said that the nearby property owners agreed to modify the covenants and the City, in turn, granted him a contract rezoning.

Mr. Landau said that his company has now grown too large for their existing facilities and the only two options are to expand his current offices to include the proposed property or relocate outside the City of Edmonds. He indicated that he enjoys the City of Edmonds, as do his employees. He would prefer to stay within the City.

Mr. Landau said that he again confronted the residents of the Bergquist Addition to inquire if the covenants could be modified. This time, a majority of the people agreed to the change. He said his wife went through the neighborhood to obtain the resident's approval. When she obtained approval from the majority of residents, she stopped. She did not contact everyone in the neighborhood.

Mr. Landau said that several of his neighbors have said they would prefer his office buildings to be located on the site rather than a rental house. Mr. Landau said that if the contract rezoning is granted, he will still have to obtain approval from the Architectural Design Board and try to make the new office building compatible with the other remodeling that has been done.

Ima Wright, 23124 - 100th Avenue West, said her and her neighbor have lived in the Bergquist area since 1952 and she does not want to move. She said she does not want the City to commercialize everything. She wishes the City would not do that to them. If the City commercializes everything, she has nothing left.

Marie Young, 23122 - 100th Avenue West, inquired how much more traffic would be generated if the additional space is turned into business. She said they have enough traffic right now without adding to the businesses in the area. She said the parking lot at the Landau's current business is always full and everyday the traffic is horrendous along 100th West.

Mr. Landau said he could understand the concerns of the neighbors about the traffic. He said that in comparison to most types of businesses, one could conclude that his business generates very little traffic. There is only his employees coming in the morning and leaving in the evening and two to four visitors per day. He said that most of his business is done outside of the City. Mr. Landau said that he expects to have to provide additional parking if the contract rezoning is granted.

Mr. H. Lewis inquired if there was a proposed site plan available for this property. Mr. Bowman said a site plan has not been submitted for review yet. Mr. Bowman pointed out where the parking lot would most likely be located.

Mr. H. Lewis pointed out that there is nothing in the conditions of the proposed contract rezoning that requires the applicant to be bound to a site plan for parking arrangements. Mr. H.

Lewis said he was concerned that the site be developed to be compatible with the other two existing office buildings.

Mr. Bowman said it is the applicant's intent to develop the property in a manner compatible with the existing office buildings. Mr. Bowman said the review of the site plan will be conducted by the Architectural Design Board.

BOARD MEMBER PALMER MOVED, SECONDED BY MR. D. LEWIS, TO APPROVE CDC-3-88 and R-4-88 SUBJECT TO THE CITY ATTORNEY'S REVIEW AS TO FORM AND USES AS NOTED IN THE AGREEMENT.

Mr. H. Lewis said that he supported the approval of the contract rezone but was concerned that the Board is not taking steps to encourage the applicant to blend the three properties together. He said he would like to see a site plan.

Mr. Palmer said he made a site visit before the meeting and looked at all three parcels. He said that it looked as though it would be very difficult to place an access on the proposed property. Because of this, Mr. Palmer said he is confident that the Architectural Design Board and the Engineering Department can handle the site plan approval.

Mr. Bowman pointed out that the Architectural Design Board, along with the Public Works Director, has every authority to either approve or disapprove of curb cut plans.

MR. PALMER AMENDED HIS MOTION TO INCLUDE A RECOMMENDATION TO THE ARCHITECTURAL DESIGN BOARD THAT THEY LOOK AT ALL THREE SITES AS A COMBINED COMPREHENSIVE SITE PLAN AND SPECIFICALLY ADDRESS ON SITE AND ACCESS POINTS ONTO 100TH AVENUE WEST. MR. D. LEWIS, THE SECONDER OF THE MOTION, AGREED TO THE AMENDMENT. MOTION CARRIED.

DISCUSSION REGARDING TREE CUTTING POLICY AND CLEARING PERMITS

Mr. Palmer reviewed the guidelines for participation in the public hearing with the audience. The following are his remarks:

This is a complex and emotion-filled issue. It will be important for everyone in the room to remember that the Board is here to listen to everyone's opinions, experiences, and suggestions in an atmosphere that is respectful of the individual and promotes free expression.

The Board is not here to pass judgement on individuals or their actions or to re-hear already decided issues, but rather to explore the depth and ramifications of the issue and focus on solutions. Outbursts will not be permitted.

Before you speak, please take a moment to organize your thoughts. If everyone does this, we may be able to avoid unnecessary duplications. If you just wish to agree to disagree with a position already stated, you need only say, "I agree or disagree."

If you have written documentation, photographs, or other evidence to present to the Board, please be prepared to turn over those materials to the Assistant City Planner, Mr. Bowman, so that they can be made an official part of the record.

At the conclusion of the public hearing, it will be up to the Planning Board to decide if and/or how the issues should be dealt with. I do not expect that action beyond that will take place tonight. It may include the possibility of additional hearings on all or a portion of the issues.

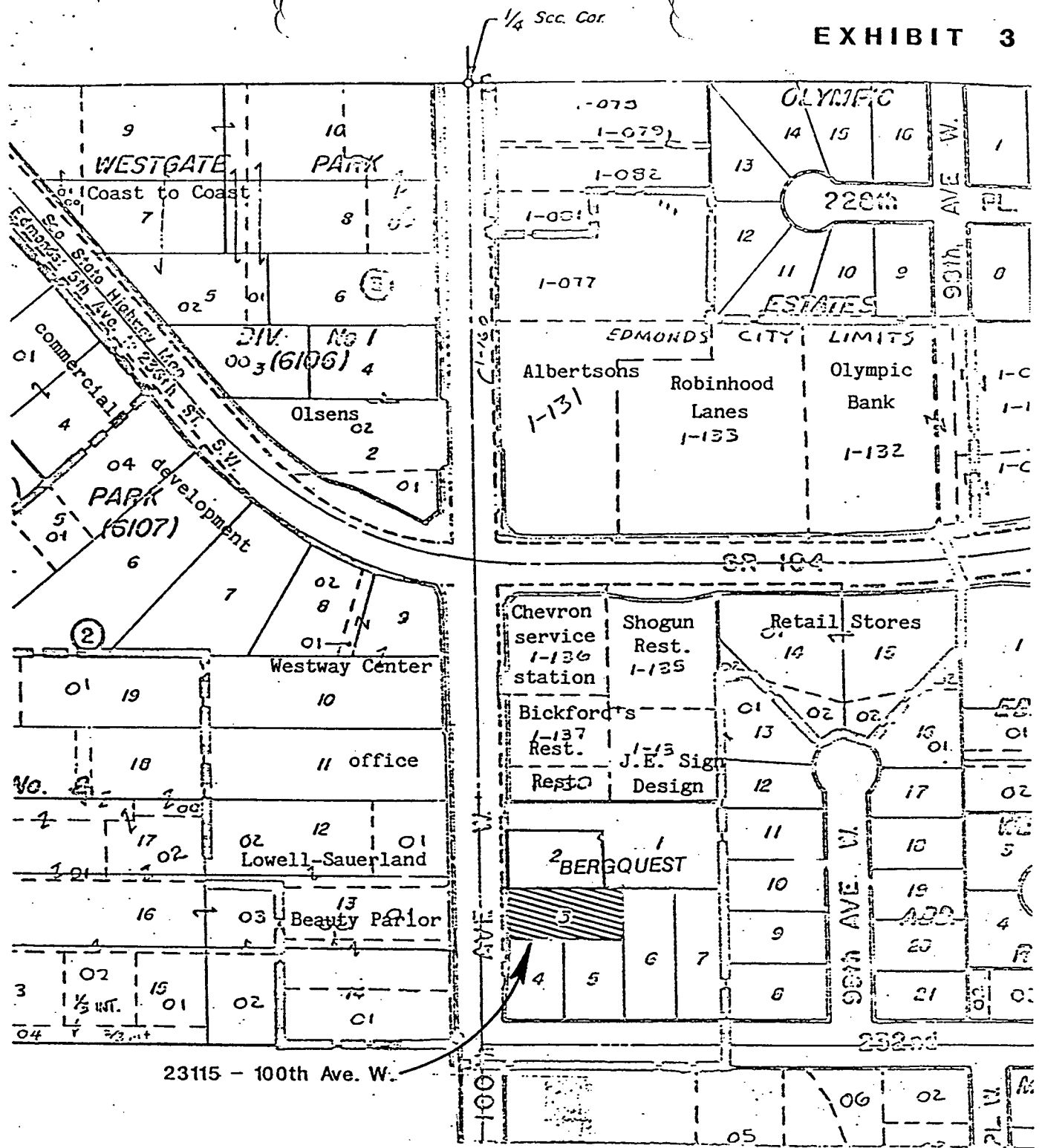
Each speaker must speak from the podium and begin with their name and address. These are official proceedings, their content is recorded, and a clear record must be maintained.

There are 21 people signed up to speak. Ninety minutes has been set aside for the public hearing. That will give each speaker four minutes to speak. Transfer or reserving of time will not be permitted. If time remains after all those who signed up to speak have spoken, then additional testimony may be taken.

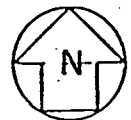
Persons not wishing to speak but who wish to have their names and addresses made a part of the record for the possibility of notification of future hearings on this issue, should also place their names on the sign up sheet.

Mr. Bowman said that many of the individuals in the audience he recognizes from 1983 when the tree issue was discussed. Mr. Bowman explained that this discussion stems from a request from Mayor Naughten for the Board to look into the possibility of amending the City's policy for tree trimming and removal from public properties. Mr. Bowman read the current resolution stating the City's policy for tree trimming and removal from public properties.

EXHIBIT 3



SCALE: 1 inch equals 200 feet



Reference: Adapted from tax map for Sec. 36, T27N, R3E, W.M.

VICINITY MAP

EXHIBIT 4

JERROLD O. EFFENBERGER
(OFFICE BUILDING)

JEROLD L. ELERT
(J.E. SIGN DESIGN, INC.)

(BUCKFORD'S RESTAURANT)

(HAPPY BURGER RESTAURANT)

GERALD W. LOVELL
AND
JURGEN P. SAUERLAND
(OFFICE BUILDING)

HENRY G. LANDAU
(LANDAU ASSOC. INC.)

EXISTING
OFFICE
BUILDING

EXISTING OFFICE BUILDING

EXISTING
SINGLE
FAMILY
RESIDENCE

**Subject
Property**

ROBERT THORSEN

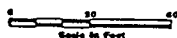
F. REDENBAUGH

RONALD FISCHER

SEVART N. MILLER

232nd ST. S.W.

100th AVENUE N.W.



LANDAU ASSOCIATES, INC.

PLOT PLAN

AGREEMENT AND COVENANTS

WHEREAS, Henry G. Landau And Joyce K. Landau, husband and wife, hereinafter referring to jointly and severally as "Owner", are owners of the following described real property located at 23115 - 100th Avenue West, in the City of Edmonds, and legally described on Exhibit "A", attached hereto and incorporated by this referenced as if set forth in full.

WHEREAS, Owner has tendered this Agreement and Covenants to the City of Edmonds, a municipal corporation, hereinafter referred to as "Edmonds", and the same having been duly considered by Edmonds, and

WHEREAS, Owner has applied for a change in the zoning of the certain real property from Single-Family Residential 8,000 (RS 8) to Neighborhood Business (BN), and

WHEREAS, Edmonds has caused the application in its entirety, including, but not limited to the Environmental Checklist, to be reviewed by its Planning and Engineering Divisions and has fully considered recommendations made after such staff review, and

WHEREAS, this application has been reviewed by the Planning Board which has recommended that the rezone be approved subject to conditions of "Finding of Facts":

NOW THEREFORE,

In the event the City Council of the City of Edmonds finds the rezone of the subject property as specified above does not adversely affect the public health, safety, and general welfare, and that the rezone is justified by sufficient changes in the character of the surrounding area, and in consideration of

the City Council's rezoning the subject property and for so long as the subject property remains rezoned,, Owner and City of Edmonds hereby covenant and agree to the following on behalf of themselves, their heirs, and successors, and assigns:

1. This Agreement is tendered by Owner to Edmonds and accepted by Edmonds, and all parties agree it is applicable to the parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of this Agreement shall be specifically enforceable in equity by Edmonds.

2. Edmonds shall be under no obligation to issue Owner, their heirs, their successors or assigns a building permit and/or other permits for improvements, structures or uses upon any of the subject property of Owner unless such improvements and/or uses comply with the terms of this Agreement and the application ordinances at the time of any application for said permits.

3. This Agreement and each part of it shall be considered covenants running with the land described above and shall be binding upon Owner, their heirs, successors and/or assigns. It shall be recorded with the Snohomish County Auditor in the grantor/grantee index with Owner being listed as the grantor and Edmonds as Grantee. All recording costs are to be paid by Owner. Such recordation and payment of said costs shall be a condition precedent to Owner exercising any rights under the terms of this Agreement.

4. In consideration of Edmonds reclassifying the subject real property from RS 8 to BN, and for so long as the

property remains so classified, Owner covenants to limit the use of such property to a single family residence or professional offices, as defined by Section 12.12.170 of the Edmonds City Code, as now exists or as may hereafter be recodified.

5. No applications shall be made by Owner, heirs, their successors, or assigns to amend this Agreement for a period of two (2) years from the date hereof. Thereafter, Owner or their successors, heirs, or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, heirs, its successors, or its assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds.

6. In the event that a suit is brought to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys fees.

7. It is further expressly agreed that in the event any covenant, condition, or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction herein contained.

IN WITNESS WHEREOF, the parties have executed this
contract this _____ day of _____ 19____.

HENRY G. LANDAU

JOYCE K. LANDAU

CITY OF EDMONDS:

MAYOR, _____

ATTEST:

CITY CLERK, _____

DATE: _____

Exhibit A

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.

EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CITY OF EDMONDS REZONE

CITY OF EDMONDS FILE: #R-4-88 & CDC-3-88

After notification in conformance with law, the Planning Board of the City of Edmonds conducted a public hearing on August 24, 1988 on the rezone application of Henry & Joyce Landau. The applicants have requested approval of a proposal to establish Contract Neighborhood Business (BN) zoning and an amendment to the Comprehensive Plan Map for property located at 23115 100th Ave. W. Based upon the evidence presented thereat, the Planning Board makes the following findings of fact:

FINDINGS OF FACT

1. The subject property is located on the east side of 100th Ave. S., south of SR 104, in the Westgate Area of Edmonds. The site contains 11,341 square feet. There is an existing older single family residence located on the property. The subject property is currently zoned RS-8 (Single Family). The Applicants propose to rezone the property to BN under a contract restricting the uses on the property to either single family residence or professional office.
2. The area is bordered by commercial development to the north and west. The remaining areas to the south and east are single family residential uses.
3. A mitigated determination of nonsignificance has been issued by the City on the rezone request and Comprehensive Plan amendment.
4. The subject property is designated by the Comprehensive Plan Map as Low Density Residential. The area to the north is designated as Commercial/Business. The Applicants are requesting an amendment to the Comprehensive Plan to change the land use designation on the property to Commercial/Business.
5. The applicant intends to incorporate the subject property into his existing professional office complex located adjacent the subject property to the north.
5. Concern was expressed by residential property owners to the southwest about traffic and commercial uses increasing in the neighborhood.
6. The subject property is physically suited for development under both the existing or proposed commercial zoning.

CONCLUSIONS OF LAW

1. The proposed rezone and Comprehensive Plan amendment appear consistent with the goals and policies of the Edmonds Comprehensive Plan.
2. The proposed contract restricts the types of land uses on the property to professional office or single family residence. Such uses are compatible to those in the immediate area.
3. No significant adverse environmental impacts have been identified as a result of these proposals.
4. The Planning Board supports the concept of a contract rezone on the subject property.
5. A contract rezone is the most appropriate action, if the subject property is to be rezoned for commercial use.

RECOMMENDATION TO THE CITY COUNCIL

The Planning Board of the City of Edmonds recommends to the City Council that Rezone Application R-4-88 and Comprehensive Plan Amendment CDC-3-88 be approved.

This recommendation was passed unanimously by the Planning Board.

The Board recommends that the Architectural Design Board strongly review development plans to insure that the number of access points on 100th Ave. W. is reduced and that the property is developed as part of a unified complex with the properties to the north.

PASSED the 24th day of August, 1988.


JEFF PALMER, CHAIR
EDMONDS PLANNING BOARD

PBREC4/TXTDVB51

THESE MINUTES SUBJECT
TO SEPTEMBER 14 APPROVAL

PLANNING BOARD MINUTES

August 24, 1988

The regular meeting of the Edmonds Planning Board was called to order at 7:00 p.m. by Chairperson Jeff Palmer in the Plaza Meeting Room of the Edmonds Library Building.

PRESENT

Jeff Palmer, Chair
Sharon Claussen
Don Lewis
Hank Lewis
Bill Mathias
Janet Phillips

ABSENT

Dean Nordquist

STAFF PRESENT

Duane Bowman, Asst. City Plnr.
Karin Noyes, Recorder

Mr. Nordquist was absent from the meeting for business related reasons.

APPROVAL OF MINUTES

MS. PHILLIPS MOVED, SECONDED BY MR. H. LEWIS, TO APPROVE THE MINUTES OF AUGUST 10, 1988, AS SUBMITTED. MOTION CARRIED.

STAFF AND PLANNING BOARD COMMENTS

Mr. Bowman reminded the Board of the Pine Ridge Park tour scheduled for September 14 at 6:00 P.M. He said the Board members should meet at the Francis Anderson Center, where a van will be available to transport them to and from the park. Mr. Bowman suggested that each Board member get in touch with Mr. Jim Barnes to obtain a copy of the preliminary plan for the park.

Ms. Phillips indicated that she would meet the Board members at the park.

Mr. Don Lewis requested that Mr. Bowman check with the Planning Division Secretary to make sure she has his correct telephone number. He said that he has two secretaries and an answering service so there is no reason for the Planning staff not to get in touch with him prior to each meeting. Mr. Bowman indicated he would check to make sure staff has the correct number.

AUDIENCE COMMENTS

Natalie Shippen, 1022 Euclid, referred the Board to a letter she distributed to each member. She said that in the letter she mentioned two studies describing different transportation plans other jurisdictions have for the City of Edmonds. She said these are the only two plans for the ferry transportation within the City. Ms. Shippen expressed her concern that it is difficult for the public to determine what the Council's reaction to these two plans is. Ms. Shippen presented the Board, in her letter, with some suggestions and indicated that she would like the Board to respond to these suggestions for the ferry transportation.

Ms. Shippen stated her feeling that if the City does not make a stand and inform the public of their official position, the Transportation Department could assume that the City does not care what happens to the ferry transportation. Ms. Shippen hoped the Board could place this discussion on a future agenda.

Mr. Palmer said the Board would review Ms. Shippen's letter and, at a future meeting, determine if the Board would like to pursue this discussion on a future agenda.

CDC-3-88

&
R-4-88

HENRY & JOYCE LANDAU

AMENDMENT TO THE COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL/BUSINESS AND CONTRACT REZONE FROM RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD BUSINESS) ON THE PROPERTY LOCATED AT 23115 100TH AVENUE WEST IN EDMONDS

Mr. Bowman reviewed the staff report with the Board and presented transparencies to indicate the location and existing site plan for the proposed property.

Ms. Phillips pointed out that her daughter and the Landau's daughter are friends. She inquired if there was anyone in the audience who would object to her participation in this discussion. Mr. Palmer inquired of the audience if any were opposed to Ms. Phillips participating in the discussion and decision. No member of the audience expressed an objection to Ms. Phillips' participation and the hearing continued.

Mr. Bowman specifically pointed out that if the contract rezoning were approved, the only two uses allowed on the property would be a single family dwelling or professional office.

Mr. Palmer inquired if the Landaus owned the two parcels of property to the north. Mr. Bowman replied affirmatively and explained that both have contract rezones to limit the use to single family dwellings or professional offices.

Mr. D. Lewis questioned whether the Board should be discussing this issue as an individual rezoning. He suggested that perhaps the Board should hold off on this discussion until the comprehensive plan for the Westgate area is completed. Mr. Bowman explained that any individual has the right to request a rezoning at any time. Mr. Bowman said the Board should evaluate this contract rezoning request in light of the existing zoning and not what the Board is proposing for the Westgate area.

Henry Landau, 23829 - 115 Place West, indicated that he is the applicant for the rezoning request. Mr. Landau used Mr. Bowman's map transparency and again pointed out the two parcels his business currently occupies and where the proposed property is located.

Mr. Landau explained that in 1985, in order to rezone the property, the City required him to apply for a modification of the covenants of the Bergquist Addition that limited the potential uses of properties to single family dwellings. He said that the nearby property owners agreed to modify the covenants and the City, in turn, granted him a contract rezoning.

Mr. Landau said that his company has now grown too large for their existing facilities and the only two options are to expand his current offices to include the proposed property or relocate outside the City of Edmonds. He indicated that he enjoys the City of Edmonds, as do his employees. He would prefer to stay within the City.

Mr. Landau said that he again confronted the residents of the Bergquist Addition to inquire if the covenants could be modified. This time, a majority of the people agreed to the change. He said his wife went through the neighborhood to obtain the resident's approval. When she obtained approval from the majority of residents, she stopped. She did not contact everyone in the neighborhood.

Mr. Landau said that several of his neighbors have said they would prefer his office buildings to be located on the site rather than a rental house. Mr. Landau said that if the contract rezoning is granted, he will still have to obtain approval from the Architectural Design Board and try to make the new office building compatible with the other remodeling that has been done.

Ima Wright, 23124 - 100th Avenue West, said her and her neighbor have lived in the Bergquist area since 1952 and she does not want to move. She said she does not want the City to commercialize everything. She wishes the City would not do that to them. If the City commercializes everything, she has nothing left.

Marie Young, 23122 - 100th Avenue West, inquired how much more traffic would be generated if the additional space is turned into business. She said they have enough traffic right now without adding to the businesses in the area. She said the parking lot at the Landau's current business is always full and everyday the traffic is horrendous along 100th West.

Mr. Landau said he could understand the concerns of the neighbors about the traffic. He said that in comparison to most types of businesses, one could conclude that his business generates very little traffic. There is only his employees coming in the morning and leaving in the evening and two to four visitors per day. He said that most of his business is done outside of the City. Mr. Landau said that he expects to have to provide additional parking if the contract rezoning is granted.

Mr. H. Lewis inquired if there was a proposed site plan available for this property. Mr. Bowman said a site plan has not been submitted for review yet. Mr. Bowman pointed out where the parking lot would most likely be located.

Mr. H. Lewis pointed out that there is nothing in the conditions of the proposed contract rezoning that requires the applicant to be bound to a site plan for parking arrangements. Mr. H.

Lewis said he was concerned that the site be developed to be compatible with the other two existing office buildings.

Mr. Bowman said it is the applicant's intent to develop the property in a manner compatible with the existing office buildings. Mr. Bowman said the review of the site plan will be conducted by the Architectural Design Board.

BOARD MEMBER PALMER MOVED, SECONDED BY MR. D. LEWIS, TO APPROVE CDC-3-88 and R-4-88 SUBJECT TO THE CITY ATTORNEY'S REVIEW AS TO FORM AND USES AS NOTED IN THE AGREEMENT.

Mr. H. Lewis said that he supported the approval of the contract rezone but was concerned that the Board is not taking steps to encourage the applicant to blend the three properties together. He said he would like to see a site plan.

Mr. Palmer said he made a site visit before the meeting and looked at all three parcels. He said that it looked as though it would be very difficult to place an access on the proposed property. Because of this, Mr. Palmer said he is confident that the Architectural Design Board and the Engineering Department can handle the site plan approval.

Mr. Bowman pointed out that the Architectural Design Board, along with the Public Works Director, has every authority to either approve or disapprove of curb cut plans.

MR. PALMER AMENDED HIS MOTION TO INCLUDE A RECOMMENDATION TO THE ARCHITECTURAL DESIGN BOARD THAT THEY LOOK AT ALL THREE SITES AS A COMBINED COMPREHENSIVE SITE PLAN AND SPECIFICALLY ADDRESS ON SITE AND ACCESS POINTS ONTO 100TH AVENUE WEST. MR. D. LEWIS, THE SECONDER OF THE MOTION, AGREED TO THE AMENDMENT. MOTION CARRIED.

DISCUSSION REGARDING TREE CUTTING POLICY AND CLEARING PERMITS

Mr. Palmer reviewed the guidelines for participation in the public hearing with the audience. The following are his remarks:

This is a complex and emotion-filled issue. It will be important for everyone in the room to remember that the Board is here to listen to everyone's opinions, experiences, and suggestions in an atmosphere that is respectful of the individual and promotes free expression.

The Board is not here to pass judgement on individuals or their actions or to re-hear already decided issues, but rather to explore the depth and ramifications of the issue and focus on solutions. Outbursts will not be permitted.

Before you speak, please take a moment to organize your thoughts. If everyone does this, we may be able to avoid unnecessary duplications. If you just wish to agree to disagree with a position already stated, you need only say, "I agree or disagree."

If you have written documentation, photographs, or other evidence to present to the Board, please be prepared to turn over those materials to the Assistant City Planner, Mr. Bowman, so that they can be made an official part of the record.

At the conclusion of the public hearing, it will be up to the Planning Board to decide if and/or how the issues should be dealt with. I do not expect that action beyond that will take place tonight. It may include the possibility of additional hearings on all or a portion of the issues.

Each speaker must speak from the podium and begin with their name and address. These are official proceedings, their content is recorded, and a clear record must be maintained.

There are 21 people signed up to speak. Ninety minutes has been set aside for the public hearing. That will give each speaker four minutes to speak. Transfer or reserving of time will not be permitted. If time remains after all those who signed up to speak have spoken, then additional testimony may be taken.

Persons not wishing to speak but who wish to have their names and addresses made a part of the record for the possibility of notification of future hearings on this issue, should also place their names on the sign up sheet.

Mr. Bowman said that many of the individuals in the audience he recognizes from 1983 when the tree issue was discussed. Mr. Bowman explained that this discussion stems from a request from Mayor Naughten for the Board to look into the possibility of amending the City's policy for tree trimming and removal from public properties. Mr. Bowman read the current resolution stating the City's policy for tree trimming and removal from public properties.

EXHIBIT LIST

CDC-3-88 & R-4-88

- EXHIBIT 1 - STAFF REPORT
- EXHIBIT 2 - COMPREHENSIVE PLAN AMENDMENT APPLICATION
- EXHIBIT 3 - REZONE APPLICATION
- EXHIBIT 4 - SITE PLAN
- EXHIBIT 5 - PLOT PLAN
- EXHIBIT 6 - PROPOSED CONTRACT
- EXHIBIT 7 - DECLARATION OF NONSIGNIFICANCE

EXHIBIT 1

STAFF REPORT TO THE PLANNING BOARD

FILE: #R-4-88

HEARING DATE: August 24, 1988

I. REQUESTED ACTIONS:

Amendment to the Comprehensive Plan Map to change the land use designation on the property at 23115 100th Ave. W. from Low Density Residential to Commercial/Business.

Request to rezone the property located at 23115 100th Ave. W. from RS-8 to Contract BN (Neighborhood Business).

II. PROPONENT/OWNER:

Henry & Joyce Landau
23107 100th Ave. W.
Edmonds, WA 98020

III. LEGAL DESCRIPTION:

See Exhibit 2

IV. STAFF FINDINGS AND CONCLUSIONS:

A. Description of the Subject Property and Surrounding Area

The subject property is an 11,341 square foot lot located on the east side of 100th Ave. W. in the Westgate area, south of SR 104. There is an existing single family residence located on the site. Access to the lot is off 100th Ave. W.. The lot is relatively level.

The applicants are seeking to rezone the property to Contract BN (Neighborhood Business) to allow the house to be converted into a professional office building.

Surrounding development is commercial to the north and west. The areas to the south and east are developed with single family residences.

B. Official Street Map

	<u>Proposed R/W</u>	<u>Existing R/W</u>
East - 100th Ave. W.	75'	75'

C. Rezone Criteria

1. Does the proposed zoning change conform with the Comprehensive Plan?

The Comprehensive Plan Map presently designates the subject property as Low Density Residential. The Applicants propose to change this designation to Commercial/Business.

Amendments to the Comprehensive Plan are to be reviewed under the purposes section of Chapter 15.05.010 of the Edmonds Community Development Code (ECDC). The proposed amendment does not appear to conflict with any of the purposes listed in this section of the ECDC.

2. Is the proposed zoning consistent with the purposes of the Zoning Ordinance?

The proposed rezone is consistent with the purposes of the zoning ordinance, as outlined in Chapter 16.00.010. The intended uses are compatible with the existing development in the neighborhood.

3. What is the relationship of the proposed zoning change to existing land uses and zoning of surrounding or nearby properties?

The subject property is presently zoned RS-8 (Single Family Residential). The same zoning is found on the surrounding properties to the south and east. These properties are developed with single family homes.

The area to the west and north is zoned BN (Neighborhood Business). The nature of the commercially zoned properties in the immediate vicinity is primarily professional office.

The proposed zoning will be compatible with the existing zoning in the area.

4. Have there been sufficient changes in the character of the immediate or surrounding area or in City policy to justify the rezone?

In 1979, the City approved a contract rezone for BN zoning on the property immediately north of the subject site. In 1985, under file #R-4-85, the City granted a contract rezone to the Applicant's to rezone the property to the northeast to Contract BN, allowing only a professional office or a single family residence.

Because of the surrounding development and location on 100th Ave. W., it is reasonable to allow the conversion of the house to a professional office. The Applicant intends to merge this property into the overall site development of his adjacent property to the north.

5. Is the property suitable both economically and physically for the uses allowed under the existing zoning and the proposed zoning?

The site is economically and physically suitable for development under the existing and the proposed zoning.

Due to the location on 100th Ave. W., a more appropriate use would be a professional office.

6. What is the relative gain to the public health, safety, and welfare compared to the potential increase or decrease in value to the property owners?

The proposed will benefit the public by allowing a continued unified development pattern in the area, while not adversely impacting the neighborhood.

V. ENVIRONMENTAL FINDING:

No significant adverse environmental impacts have been identified with the proposed actions. A declaration of nonsignificance has been issued on this proposal.

VI. STAFF RECOMMENDATION:

It is the recommendation of the staff that CDC-3-88 & R-4-88 be approved, subject to the following conditions:

1. The City Attorney review and approve the contract.
2. The uses on the property be limited to single family residence or professional office use.

All physical improvements to the site will require review and approval by the Edmonds Architectural Design Board.

REZR488/TXTDVB51

EXHIBIT 2

CITY OF EDMONDS
APPLICATION FOR AMENDMENTS to
ZONING ORDINANCE OR COMPREHENSIVE PLAN MAP

FILE# CDC-3-88
DATE 2 August 1988
FEE: \$250.00 RECT#
ENV. CHECKLIST RECD ☒
HEARING DATE 8/24/88

PROCEDURE: Applications are sent to the Edmonds Planning Board for hearing. The Board will accept, reject, or revise the proposal contained in the application. This Board action will be forwarded to the City Council in the form of a written recommendation. After the City Council receives the Board's recommendation, they will set a date for a public hearing for final disposition of the case. The Council may affirm, reject, or modify any decision of the Planning Board.

APPLICANT: Henry G. and Joyce K. Landau PHONE: 778-0907 (work)
546-2093

ADDRESS: 23107 100th Avenue West, Edmonds, WA 98020

PROPOSED AMENDMENT TO ZONING ORDINANCE OR COMPREHENSIVE PLAN, (Line out incorrect title). In the case of a Comprehensive Plan amendment, describe the "use" designations to be changed (single-family, multiple family, commercial, etc.) and the physical areas involved.

Amend Comprehensive Plan map to change the land use designation on the property
at 23115 100th Avenue West from low density residential to commercial business.

REASONS FOR THE PROPOSED AMENDMENT: To allow consistent land use designation in
conjunction with proposed rezone of the subject property to Neighborhood Business.

REQUIRED SUBMITTALS
(Must be submitted at time of application)

1. A drawing or map of the area involved.
2. Environmental Checklist

ADDITIONAL INFORMATION: The signatures of local residents supporting this application may be attached to this form on a separate page.

Joyce K. Landau
Signature of Applicant

CITY OF ED IDS
APPLICATION FOR REZONE

DATE: 7/88 FILE # R-4-88
REZONE FEE \$250.00
CONTRACT REZONE \$300.00
ENV. ASSESSMENT FEE _____
ENV. CHECKLIST REC'D ✓
RECEIPT NO. 8892
HEARING DATE 8/10

EXHIBIT 3

APPLICANT Henry and Joyce Landau PHONE 778-0907

ADDRESS 23107 100th Ave. W., Edmonds, WA 98020

ADDRESS OF PROPERTY TO BE REZONED 23115 100th Ave. W., Edmonds, WA 98020

LEGAL DESCRIPTION OF REZONE AREA Bergquist Addition - Lot 3, less SC #106246 to the City of Edmonds

APPLICANT'S INTEREST IN THE PROPERTY: OPTION HOLDER:
RE CONTRACT HOLDER: _____ OTHER - PLEASE SPECIFY Owner

OWNER Same as above PHONE _____

ADDRESS _____
(If more than one owner, attach list or petition)

REQUEST REZONE FROM RS-8 TO BN (Contract rezone permitting profession office use)
Statement of reasons for rezone request. (Statement may be attached. Please include any plans for development.) Request rezone to permit conversion of single-family residence to professional office use.

REQUIRED SUBMITTALS
(Must be submitted at time of application)

1. Map drawn to scale of the area involved, showing all property lines, dimensions, existing buildings and streets. Indicate North and adjacent zoning.
2. Vicinity sketch of the area with subject property shaded in. Indicate North and adjacent zoning.
3. Environmental Checklist, completed with the \$40.00 fee.
4. Names and Addresses of all property owners within 80' of the site.

Legal Description checked and approved by _____ Date _____

RELEASE/HOLD HARMLESS AGREEMENT

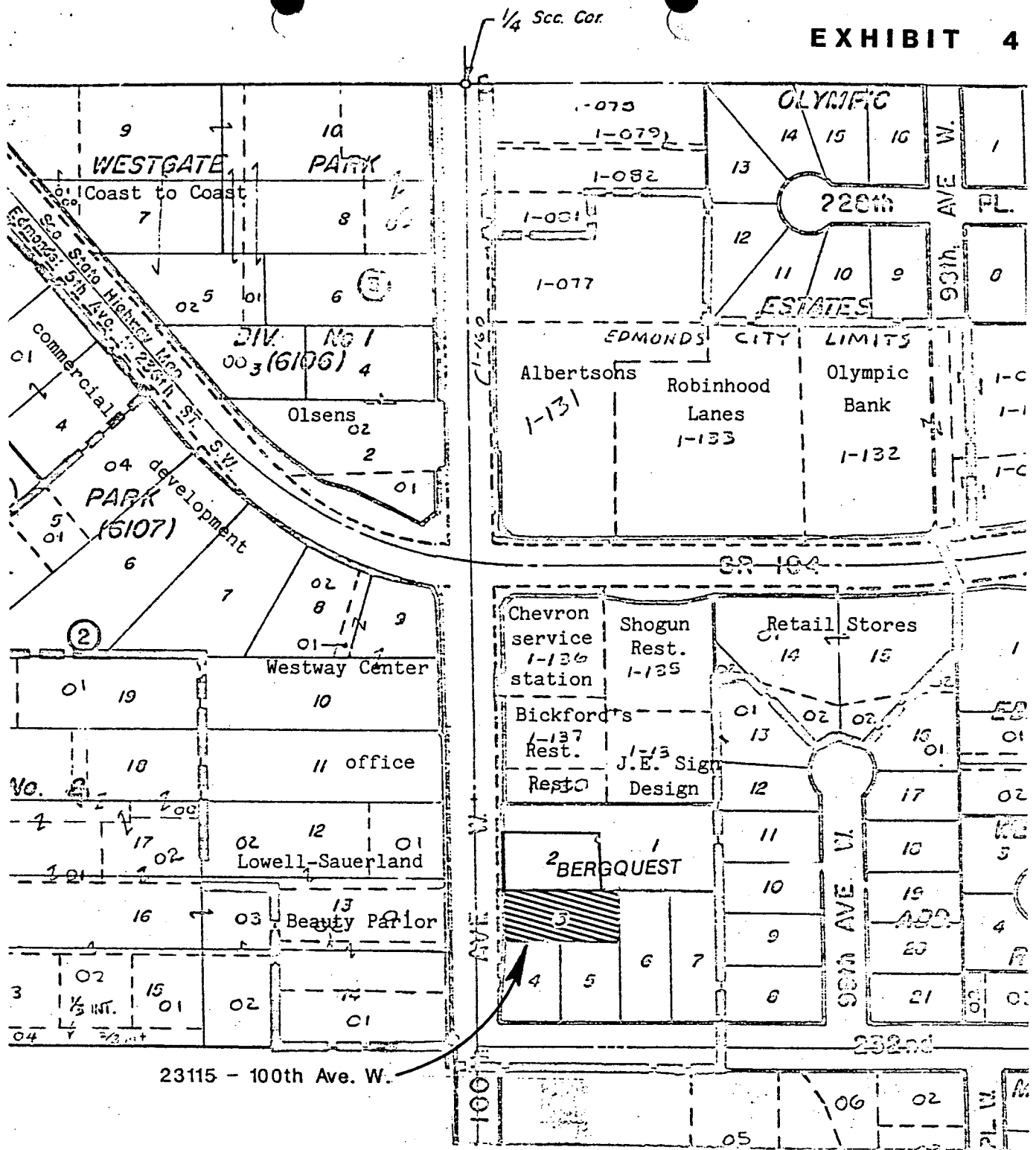
The undersigned applicant, his heirs and assigns, in consideration for the City processing the application agrees to release, indemnify, defend and hold the City of Edmonds harmless from any and all damages and/or claims for damages, including reasonable attorneys' fees, arising from any action or inaction of the City whenever such action or inaction is based in whole or in part upon false, misleading or incomplete information furnished by the applicant, his agents or employees.

PERMISSION TO ENTER SUBJECT PROPERTY

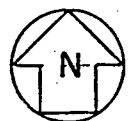
The undersigned applicant grants his, her or its permission for public officials and the staff of the City of Edmonds to enter the subject property for the purpose of inspection and posting attendant to this application.

Joyce K. Landau
Signature of Applicant, Owner or Representative

EXHIBIT 4



SCALE: 1 inch equals 200 feet



Reference: Adapted from tax map for Sec. 36, T27N, R3E, W.M.

SITE PLAN

EXHIBIT 5

JERROLD D. EFFENBERGER
(OFFICE BUILDING)

JEROLD L. EILERT
(J.E. SIGN DESIGN, INC)

GERALD W. LOVELL
AND
JURGEN P. SAUERLAND
(OFFICE BUILDING)

LORI LAFFOON
(CLIP'R SNIP STYLING SALON)

(BICKFORD'S RESTAURANT)

(HAPPY BURGER RESTAURANT)

HENRY G. LANDAU
(LANDAU ASSOC. INC)

EXISTING
OFFICE
BUILDING

EXISTING OFFICE BUILDING

EXISTING
SINGLE
FAMILY
RESIDENCE

ROBERT THORSEN

F. REDENBAUGH

RONALD FISCHER

SEVART N. MILLER

232nd ST. S.W

0 30 60
Scale in Feet

LANDAU ASSOCIATES, INC.

PLOT PLAN

AGREEMENT AND COVENANTS

WHEREAS, Henry G. Landau And Joyce K. Landau, husband and wife, hereinafter referring to jointly and severally as "Owner", are owners of the following described real property located at 23115 - 100th Avenue West, in the City of Edmonds, and legally described on Exhibit "A", attached hereto and incorporated by this referenced as if set forth in full.

WHEREAS, Owner has tendered this Agreement and Covenants to the City of Edmonds, a municipal corporation, hereinafter referred to as "Edmonds", and the same having been duly considered by Edmonds, and

WHEREAS, Owner has applied for a change in the zoning of the certain real property from Single-Family Residential 8,000 (RS 8) to Neighborhood Business (BN), and

WHEREAS, Edmonds has caused the application in its entirety, including, but not limited to the Environmental Checklist, to be reviewed by its Planning and Engineering Divisions and has fully considered recommendations made after such staff review, and

WHEREAS, this application has been reviewed by the Planning Board which has recommended that the rezone be approved subject to conditions of "Finding of Facts":

NOW THEREFORE,

In the event the City Council of the City of Edmonds finds the rezone of the subject property as specified above does not adversely affect the public health, safety, and general welfare, and that the rezone is justified by sufficient changes in the character of the surrounding area, and in consideration of

the City Council's rezoning the subject property and for so long as the subject property remains rezoned, Owner and City of Edmonds hereby covenant and agree to the following on behalf of themselves, their heirs, and successors, and assigns:

1. This Agreement is tendered by Owner to Edmonds and accepted by Edmonds, and all parties agree it is applicable to the parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of this Agreement shall be specifically enforceable in equity by Edmonds.

2. Edmonds shall be under no obligation to issue Owner, their heirs, their successors or assigns a building permit and/or other permits for improvements, structures or uses upon any of the subject property of Owner unless such improvements and/or uses comply with the terms of this Agreement and the application ordinances at the time of any application for said permits.

3. This Agreement and each part of it shall be considered covenants running with the land described above and shall be binding upon Owner, their heirs, successors and/or assigns. It shall be recorded with the Snohomish County Auditor in the grantor/grantee index with Owner being listed as the grantor and Edmonds as Grantee. All recording costs are to be paid by Owner. Such recordation and payment of said costs shall be a condition precedent to Owner exercising any rights under the terms of this Agreement.

4. In consideration of Edmonds reclassifying the subject real property from RS 8 to BN, and for so long as the

property remains so classified, Owner covenants to limit the use of such property to a single family residence or professional offices, as defined by Section 12.12.170 of the Edmonds City Code, as now exists or as may hereafter be recodified.

5. No applications shall be made by Owner, heirs, their successors, or assigns to amend this Agreement for a period of two (2) years from the date hereof. Thereafter, Owner or their successors, heirs, or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, heirs, its successors, or its assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds.

6. In the event that a suit is brought to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys fees.

7. It is further expressly agreed that in the event any covenant, condition, or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction herein contained.

IN WITNESS WHEREOF, the parties have executed this
contract this _____ day of _____ 19____.

HENRY G. LANDAU

JOYCE K. LANDAU

CITY OF EDMONDS:

MAYOR, _____

ATTEST:

CITY CLERK, _____

DATE: _____

Exhibit A

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.

EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

EXHIBIT 7

FILE# CDC-3-88 & R-4-88

DETERMINATION OF NONSIGNIFICANCE

Description of proposal Amendment to Comprehensive Plan and Contract
Rezone from RS-8 (Single Family) to BN (Neighborhood Business)
for property at 23115 100th Ave. W.

Proponent Henry & Joyce Landau

Location of proposal, including street address, if any 23115 100th Ave. W., Edmonds

Lead Agency Edmonds Planning Division

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ There is no comment period for this DNS.

☐ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by _____.

Responsible Official Duane V. Bowman

Position/Title Assistant City Planner Phone 771-3202

Address 250 5th Ave. N., Edmonds, WA 98020

Date August 10, 1988

Signature *Duane V. Bowman*

☒ You may appeal this determination of nonsignificance

to Hearing Examiner

at 250 5th Ave. North, Edmonds, WA 98020

no later than 5:00 p.m. August 22, 1988

by filing a written appeal citing reasons.

You should be prepared to make specific factual objections. Contact _____ to read or ask about the procedures for SEPA appeals.

☒ There is no agency appeal.

City of Edmonds

INTER-OFFICE CORRESPONDENCE

Gary M. - Fire Marshal; Bobby M. - Pub. Wks.;
TO Jim B. - Pks.; Dan S./Jerry H. - FROM Duane Bowman
Engineer DATE 7/12/88
SUBJECT _____

R-4-88 Contract rezone from RS-8 to BN @ 23115 - 100th Ave. W.

Hearing Date: 8/10/88

Please respond with your comments by: 8/1/88

Thank you.

TO DUANE BOWMAN
FROM GARY MCCOMAS

NO FIRE DEPARTMENT REA.
AT this time

RECEIVED

JUL 12 1988

EDMONDS FIRE DEPT.

City of Edmonds

INTER-OFFICE CORRESPONDENCE

Gary M. - Fire Marshal; Bobby M. - Pub. Wks.;
TO Jim B. - Pks.; Dan S./Jerry H. - FROM Duane Bowman DATE 7/12/88
Engineer
SUBJECT _____

R-4-88 Contract rezone from RS-8 to BN @ 23115 - 100th Ave. W.

Hearing Date: 8/10/88

Please respond with your comments by: 8/1/88

Thank you.

No Comment on Rezone Request

Dan
7-13-88
LA 7/13/88

City of Edmonds

INTER-OFFICE CORRESPONDENCE

RECEIVED
JUL 13 1988
PLANNING DEPT.

Gary M. - Fire Marshal; Bobby M. - Pub. Wks.;
TO Jim B. - Pks.; Dan S./Jerry H. - FROM Duane Bowman
Engineer

DATE 8/1/88

SUBJECT _____

R-4-88 Contract rezone from RS-8 to BN @ 23115 - 100th Ave. W.

Hearing Date: 8/10/88

Please respond with your comments by: 8/1/88

Thank you.

No
Comment



City of Edmonds

INTER-OFFICE CORRESPONDENCE

Gary M. - Fire Marshal; Bobby M. - Pub. Wks.; Duane Bowman
TO Jim B. - Pks.; Dan S./Jerry H. - FROM Engineer

DATE 7/12/88

SUBJECT _____

R-4-88 Contract rezone from RS-8 to BN @ 23115 - 100th Ave. W.

RECEIVED
JUL 12 1988
PUBLIC WORKS

Hearing Date: 8/10/88

Please respond with your comments by: 8/1/88

Thank you.

*BAM I see no problems
7-14-88*

RECEIVED
JUL 16 1988
PLANNING DEPT.

ADJACENT PROPERTY OWNERS LIST

Lot 1 -	Mr. & Mrs. H. Landau	Rainier National Bank
Lot 2	23107 100th Ave. W.	P.O. Box 33310
	Edmonds, WA 98020	Seattle, WA 98133
Lot 3 -	Mr. & Mrs. H. Landau	Puget Sound Savings Bank
		353 Northeast Northgate Way
		Seattle, WA 98125
Lot 4 -	Mr. & Mrs. R. Fisher	
	9927 232nd St. S.W.	
	Edmonds, WA 98020	
Lot 5 -	Mrs. Sevar N. Miller	
	9917 232nd St. S.W.	
	Edmonds, WA 98020	
Lot 6 -	Mr. & Mrs. Robert Thorsen	
	9909 232nd St. S.W.	
	Edmonds, WA 98020	
Lot 7 -	Mr. & Mrs. Frances Redenbaugh	1st Interstate
	9903 232nd St. S.W.	P.O. Box 21506
	Edmonds, WA 98020	Seattle, WA 98111
Lot 12-01	Mr. & Mrs. Gerald Lovell	
12-02	23106 100th Ave. W.	
	Seattle, WA 98020	
Lot 13-1	Ms. Lori Laffoon	
	Clip & Ship Beauty Salon	
	23114 100th Ave. W.	
	Edmonds, WA 98020	

On my oath, I certify that the names and addresses provided represent all properties located within 80 feet of the subject property.

Joyce K. Landau
Signature of Applicant or Applicant's Representative

Subscribed and sworn to before me this 8th day of July, 1988.

Dorricia H. Taylor
Notary Public in and for the State of Washington

Residing at EDMONDS

100
AGREEMENT AND COVENANTS

8812080272

WHEREAS, Henry G. Landau and Joyce K. Landau, husband and wife, hereinafter referred to jointly and severally as "Owner", are owners of the following described real property located at 23115 - 100th Avenue West, in the City of Edmonds, and legally described on Exhibit "A", attached hereto and incorporated by this reference as if set forth in full.

WHEREAS, Owner has tendered this Agreement and Covenants to the City of Edmonds, a municipal corporation, hereinafter referred to as "Edmonds", and the same having been duly considered by Edmonds, and

WHEREAS, Owner has applied for a change in the zoning of the certain real property from Single-Family Residential 8,000 (RS 8) to Neighborhood Business (BN), and

WHEREAS, Edmonds has caused the application in its entirety, including, but not limited to the Environmental Checklist, to be reviewed by its Planning and Engineering Divisions and has fully considered recommendations made after such staff review, and

WHEREAS, this application has been reviewed by the Planning Board which has recommended that the rezone be approved subject to conditions of "Finding of Facts":

NOW THEREFORE,

In the event the City Council of the City of Edmonds finds the rezone of the subject property as specified above does not adversely affect the public health, safety, and general welfare, and that the rezone is justified by sufficient changes

NO EXCISE TAX REQUIRED character of the surrounding area, and in consideration of

DEC 8 1988

KIRKE STEVENS, Snohomish County Treasurer

1
8812080272 VOL. 2192 PAGE 1529

CITY CLERK
CIVIC CENTER
EDMONDS, WA 98020

the City Council's rezoning the subject property and for so long as the subject property remains rezoned, Owner and City of Edmonds hereby covenant and agree to the following on behalf of themselves, their heirs, and successors, and assigns:

1. This Agreement is tendered by Owner to Edmonds and accepted by Edmonds, and all parties agree it is applicable to the parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of this Agreement shall be specifically enforceable in equity by Edmonds.

2. Edmonds shall be under no obligation to issue Owner, their heirs, their successors or assigns a building permit and/or other permits for improvements, structures or uses upon any of the subject property of Owner unless such improvements and/or uses comply with the terms of this Agreement and the applicable ordinances at the time of any application for said permits.

3. This Agreement and each part of it shall be considered covenants running with the land described above and shall be binding upon Owner, their heirs, successors and/or assigns. It shall be recorded with the Snohomish County Auditor in the grantor/grantee index with Owner being listed as the grantor and Edmonds as Grantee. All recording costs are to be paid by Owner. Such recordation and payment of said costs shall be a condition precedent to Owner exercising any rights under the terms of this Agreement.

4. In consideration of Edmonds reclassifying the subject real property from RS 8 to BN, and for so long as the

CITY CLERK
CIVIC CENTER
EDMONDS, WA 98020

property remains so classified. Owner covenants to limit the use of such property to a single family residence or professional offices, as defined by Section 12.12.170 of the Edmonds City Code, as now exists or as may hereafter be recodified.

5. No applications shall be made by Owner, heirs, their successors, or assigns to amend this Agreement for a period of two (2) years from the date hereof. Thereafter, Owner or their successors heirs or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, heirs, its successors, or its assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds.

6. In the event that a suit is brought to enforce any of the provisions of this agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys fees.

7. It is further expressly agreed that in the event any covenant, condition, or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction herein contained.

IN WITNESS WHEREOF, the parties have executed this
contract this 9^d day of November 1988.

Henry G. Landau
HENRY G. LANDAU

Joyce K. Landau
JOYCE K. LANDAU

CITY OF EDMONDS:

[Signature]
MAYOR,

ATTEST:

Jeaneline G. Parrett
CITY CLERK,

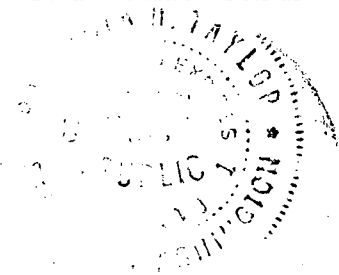
DATE: November 18, 1988

8812080272

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this day personally appeared before me, Joyce K Landau and Henry G. Landau, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this day of
November 9th, 1988.

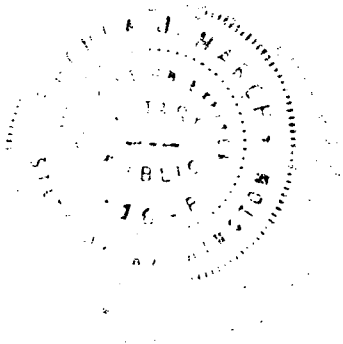


Joyce K. Landau
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this 18th day of November, 1988, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Harry J. Naughton and Jacqueline S. Parrett, to me known to be the Mayor and City Clerk of the CITY OF EDMONDS, Washington, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the official seal of said municipal corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Rhonda J. March
NOTARY PUBLIC in and for the
State of Washington, residing
at Edmonds

MY COMMISSION EXPIRES 6-16-89.

EXHIBIT A

Lot 3, Bergquist Addition, according to the plat thereof recorded in Volume 15 of Plats, page 105, records of the Auditor of the County of Snohomish, State of Washington.
EXCEPT the West 7 1/2 feet thereof as condemned by the City of Edmonds by Decree entered under Snohomish County Superior Court Cause No. 106246.

RECORDED

88 DEC - 8 PM 1:42

DEAN V. WILLIAMS, AUDITOR
SNOHOMISH COUNTY, WASH.
DEPUTY

Phyllis Russell

FILE NO. R-4-88

APPLICANT LANDAU, Henry & Joyce

AFFIDAVIT OF MAILING

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss.

Joan Farnen being first duly sworn, on oath
deposes and says:

That on the 12th day of August, 19 88, the attached
Notice of Public Hearing was mailed as required to adjacent property owners,
the names of which were provided by the applicant.

Signed Joan Farnen

Subscribed and sworn to before me this 12th day of Aug.,
19 88.

Thonda J. March
Notary Public in and for the
State of Washington.
Residing at Edmonds

MY COMMISSION EXPIRES 6-16-89

FILE NO. R-4-88

APPLICANT LANDAU, Henry & Joyce

AFFIDAVIT OF POSTER

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

Duane Bowman being first duly sworn, on oath, deposes
and says:

That on the 12th day of August, 19 88, the attached
Notice of Public Hearing was posted as prescribed by Ordinance, and in any event,
in the Frances Anderson Center and Civic Center, and where applicable on or near
the subject property.

Signed

Duane Bowman

Subscribed and sworn to before me this 12th day of Aug.,
19 88.

Phonda J. March

Notary Public in and for the State of
Washington.

Residing at

Edmonds

MY COMMISSION EXPIRES 6-16-89.

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK ON THIS ITEM

CDC-3-88 HENRY & JOYCE LANDAU

&
R-4-88 AMENDMENTS TO THE COMPREHENSIVE PLAN MAP FROM LOW DENSITY
RESIDENTIAL TO COMMERCIAL/BUSINESS AND CONTRACT REZONE FROM
RS-8 (SINGLE FAMILY) TO BN (NEIGHBORHOOD BUSINESS) ON THE
PROPERTY LOCATED AT 23115 100TH AVENUE WEST, EDMONDS.

NAME

ADDRESS
(Include city and zip code)

Hank Landau

23829 115th Pl W
Edmonds 98020

THIS IS A LEGAL ADVERTISEMENT AND SHOULD BE BILLED TO THE PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING

EDMONDS PLANNING BOARD

All interested persons are hereby notified that Wednesday, the
24th day of August, 1988, has been set as the date for
Hearing by the Edmonds Planning Board on proposed amendment to the
Comprehensive Plan from Low Density Residential to Commercial Business and to
rezone the property at 23115 100th from RS-8 (Single Family) to Contract BN
(Neighborhood Business)

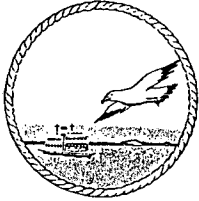
Said Hearing will be at 7:00 p.m. in the Plaza Meeting Room, Library Building,
650 Main Street, Edmonds, Washington, and all interested persons are invited to
attend.

Jacqueline G. Parrett
Edmonds City Clerk

File No. CDC-3-88 & R-4-88

Publish August 13, 1988

LEGALPB/TXTDVB51



CITY OF EDMONDS

250 5th AVE. N. • EDMONDS, WASHINGTON 98020 • (206) 771-3202

COMMUNITY SERVICES

LARRY S. NAUGHTEN
MAYOR

PETER E. HAHN
DIRECTOR

DATE: August 10, 1988

TO: Henry and Joyce Landau
23107 100th Avenue West
Edmonds, WA 98020

TRANSMITTING: Determination of Nonsignificance for CDC-3-88/R-4-88

AS YOU REQUESTED: _____

FOR YOUR INFORMATION: XXX

AS WE DISCUSSED: _____

FOR APPROVAL: _____

FOR YOUR FILE: _____

REVIEW AND COMMENT _____

COMMENT AND RETURN: _____

MINUTES OF MEETING: _____

REMARKS: _____

PLANNING DIVISION

Duane Bowman

8 July 1988

The Honorable Larry Naughton
Mayor, City of Edmonds
Civic Center
Edmonds, WA. 98020

Dear Mr. Mayor:

I appreciate meeting with you and Mr. Dwayne Bowman yesterday. In conformance with our discussion, I am submitting our application for a rezone of the property at 23115 100th Avenue West, the lot immediately adjacent to the present Landau Associates' office.

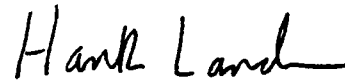
Our intent is to remodel the existing residence and tie it into our current building at 23107 100th Avenue West. The new structure will be consistent with the existing Landau Associates' office and the surrounding residential development.

We have successfully amended the covenant for the Bergquist Addition, removing the lot from its past restrictive use as single-family residential use only. The covenant will now allow the property at 23115 100th Avenue West to be converted to professional office.

We must emphasize again the urgent need we have for office space and our strong desire to remain in Edmonds. For these reasons, we would appreciate your doing whatever possible to expedite our rezone application.

Thank you for your time and the excellent assistance of your staff, especially Mr. Dwayne Bowman.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Hank Landau". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry G. Landau

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: Contract Rezone, Bergquist Addition, Lot 3, located at 23115 100th Ave. W., Edmonds. The project entails the rezoning of the residential property at 23115 100th Ave. W., Edmonds, from RS-8 (single-family residence) to BN (business neighborhood) with limitations requiring development for professional office use only.
2. Name of applicant: Hank and Joyce Landau
3. Address and phone number of applicant and contact person:
Hank and Joyce Landau
23107 100th Ave. W. 778-0907
Edmonds, WA 98020
4. Date checklist prepared: June 30, 1988
5. Agency requesting checklist: City of Edmonds
6. Proposed timing or schedule (including phasing, if applicable): We propose to start development as soon as City gives approval.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
We plan to remodel existing onsite building in a manner similar to remodeling performed on structure at 23107 100th Ave. W. and tie the two structures together.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None that we know of.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None that we know of.

10. List any government approvals or permits that will be needed for your proposal, if known.

None that we know of.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

We propose to remodel existing structure at 23115 100th Ave. W. and add approximately 790 square feet to building on the north side. This structure would then adjoin building at 23107 100th Ave. W. The existing sidewalk and driveway (approximately 200 square feet) would be removed and grass planted. Parking will be provided to the rear (east) of the existing structure.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Address - 23115 100th Avenue West, Edmonds, WA 98020

Legal Description - Bergquist Addition, Lot 3, according to the plat thereof recorded in Volume 15 of Plat(s), Page(s) 105, records of Snohomish County, Washington. Except the west 7-1/2 feet thereof as condemned in Snohomish County Superior Court Cause No. 106246.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one) Flat, rolling, hilly, steep slopes, mountainous, other _____.

b. What is the steepest slope on the site (approximate percent slope)? Approximately 2 percent

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Visual reconnaissance and the U.S. Geologic Survey Map GM-14 indicates glacial sand and gravel are found on the site.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Minimum cut and fill (not exceeding 1 foot) to any required fill will be obtained from cuts or will be purchased from local commercial sources.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The native erosion resistant soil and vegetation will mitigate any erosion associated with construction activities.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The present site is covered with approximately 1900 square feet of impervious surfaces (the structure and paved driveway). We propose to add less than 600 square feet of impervious surfaces.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Grading operations will not be undertaken during wet weather. Most grading will be accomplished using hand equipment (shovels, hoes, and a wheelbarrow).

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

During construction, normal activities during the work day would result in airborne dust and emissions from construction equipment. After construction, the only emissions to the air would be from employees' and clients' automobiles arriving and departing the site. These emissions are unquantifiable, but will add only minimally to emissions generated from 100th Ave. W. and commercial area parking lots in the vicinity.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

We propose to keep parking entrance area adjacent to 100th Ave. W. and the commercially developed areas, to the north, thus minimizing noise impact.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No ground water will be withdrawn. No water will be discharged to ground water.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The existing structure is on a septic tank system that is approximately 30 years old and serves the present 3-bedroom house. The house can easily accommodate 5 residents. With conversion to professional office space, the numbers of users on the site would increase to about 12. However, the proposed usage would require less total discharge than at present, since showering, bathing, laundry and other high-water use activities would not be involved. In converting the existing structure, we would connect to the sewer system. This would mean discharge for 40 to 50 hours per week and low water use activities.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. The primary source of runoff would be from storm water runoff from impervious surfaces (roof, sidewalks, etc.). Storm water runoff will be discharged to the existing City storm sewer system or infiltrated, as approved by the City of Edmonds.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Any minor (if any) waste materials would be conveyed through percolation to ground water or in storm water runoff to storm sewer facilities. The impact of such an input is anticipated to be negligible.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Runoff from roof surfaces will be collected via gutter systems and discharged to surrounding soils or the City storm water system.

4. Plants

a. Check or circle types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? Vegetation to be removed will be 3 deciduous trees and grass in the parking area to the east of the building. Additional landscaping will be provided. The sidewalk and driveway will be removed and planted with grass.

c. List threatened or endangered species known to be on or near the site.

None that we know of.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: A landscape plan is currently being developed which will be consistent with plan developed and approved for building at 23107 100th Ave. W. The large evergreens to the south will be left as is. This will maintain effective landscaping screen between residential area to the south and commercial area to the north. Landscape buffer strip of 15 feet will be added to the east.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: squirrels, rats

fish: bass, salmon, trout, herring, shellfish, other: N/A

b. List any threatened or endangered species known to be on or near the site.

None that we know of.

c. Is the site part of a migration route? If so, explain.

Not that we know of.

d. Proposed measures to preserve or enhance wildlife, if any:

We propose to leave the landscaping to the south alone and add a 15-foot wide landscaped buffer to the east which will include evergreens.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Same as currently on site, except that oil furnace will be converted to a heat pump. Heating and electricity will be required for lighting and power normally associated with professional office use.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

As part of the remodeling effort, we plan to add insulation and double pane windows to the existing structure at 23115 100th Ave. W. to bring the structure into compliance with existing City code. Existing oil furnace will be replaced with more energy efficient heat pump.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No

1) Describe special emergency services that might be required.

None

2) Proposed measures to reduce or control environmental health hazards, if any:

No health hazards would result from this proposal.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise generated by heavy traffic along 100th Ave. W. will be mitigated through sound-proofing and insulation undertaken during remodeling; no adverse impact is anticipated.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Construction and/or traffic will increase sound level slightly during remodeling. These activities will only be performed during times permitted for construction to mitigate noise impacts. Construction activities will be short term. During operations, minor long-term traffic noise will be generated by employees' autos arriving at the site between 7:30 and 8:00 A.M. and departing between 5:00 and 6:00 P.M. Monday - Friday. These activities will contribute only incrementally to noise levels generated by traffic along 100th Ave. W.

3) Proposed measures to reduce or control noise impacts, if any:

None, except as noted in 7(b)1 above. The incremental addition of short-term and long-term noise generated by this proposal does not appear to warrant substantial mitigation.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

The site has been a rental property for several years (zoned RS-8). Property to the north is occupied by a professional office and is adjacent to property zoned BN. 100th Ave. W. is located to the west. Residential uses are to the south and east.

b. Has the site been used for agriculture? If so, describe.

For the last 32 years the site has been a residence. Recent commercial development of the area has made the site even less practical for agricultural use.

c. Describe any structures on the site.

The site has a 1700 square foot, 3-bedroom residence located on the west side of the site.

d. Will any structures be demolished? If so, what?

No structure will be demolished.

e. What is the current zoning classification of the site?

RS-8 (single-family residence).

f. What is the current comprehensive plan designation of the site?

Comprehensive plan is currently under review. Change from single-family (RS-8) to office has been proposed for this area.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No, not that we know of.

i. Approximately how many people would reside or work in the completed project?

It is anticipated that as many as 12 professional engineers and support employees could ultimately work in the remodeled structure.

j. Approximately how many people would the completed project displace?

The home can accommodate a family of 5; however, it is currently housing 3 persons.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Impacts should not be substantial enough to warrant mitigation due to housing opportunities.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed remodel to the existing building will maintain the same basic structure and will be similar to the remodel done at 23107 100th Ave. W., which now houses Landau Associates, Inc.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No housing units would be provided .

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

One middle-income home will be converted to a professional office.

c. Proposed measures to reduce or control housing impacts, if any:

There is no measurable impact to the housing situation; therefore, no measures for mitigating such impacts is necessary.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The present structure is approximately 15-1/2 feet high. The existing height will essentially remain the same. The building will be wood siding when remodeled.

b. What views in the immediate vicinity would be altered or obstructed?

The existing views of Happy Burger, J&E Sign, Bickfords, and 100th Ave. W. will be further obstructed from residences by use of additional landscaping.

c. Proposed measures to reduce or control aesthetic impacts, if any:

We propose to develop a 15-foot landscaped buffer strip between the proposed office use and the existing residential uses to the east. This will result in the substitution of views of existing structures and partial views of 100th Ave. W. It should also reduce noise impact.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

External lighting will be similar, if not identical to residential uses.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any:

We feel the level of impact imposed is not substantial enough to require mitigating measures.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

None

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

No such landmarks or evidence exist.

- c. Proposed measures to reduce or control impacts, if any:

Not applicable

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. The site has access to 100th Ave. W. The current 24-foot wide driveway to north (next to Happy Burger) will continue to be used for cars for access and egress. The current house has a driveway off 100th Ave. W. from which egress and ingress is difficult. This driveway would be eliminated, thus eliminating this safety hazard.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Yes, a transit stop is located to the north on Edmonds Way and one is also across street on 100th Ave. W.

- c. How many parking spaces would the completed project have? How many would the project eliminate? The project would include about 14 parking spaces. It would not eliminate any.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. We can anticipate up to 12 more cars coming into the parking lot located north of 23107 100th Ave. W. They would arrive at about 7:30 to 8:30 A.M., remain during the day, and leave at the end of the work day. Client autos comprise a very small portion of total traffic, and would not be expected to be more than 10 percent.

- g. Proposed measures to reduce or control transportation impacts, if any: The current driveway to 23115 100th Ave. W. requires vehicles to back out onto 100th Ave. W. This driveway would be eliminated and use of current 24-foot driveway north of 23107 100th Ave. W. will provide access, egress, and area for turning. The proposal will improve access and egress safety, therefore mitigating measures for traffic are not considered necessary.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. Sanitary sewer at curb

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Connections to the City of Edmonds sanitary sewer by means of a new lateral and possible connection to the City of Edmonds storm sewer is anticipated. Additional telephone service will be provided through existing system serving 23107 100th Ave. W.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

Date Submitted:

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Rezoning, Code Changes, Annexations, etc.)

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Please see appropriate sections of preceding Environmental Checklist.

Proposed measures to avoid or reduce such increases are:

Please see mitigation proposed in preceding Environmental Checklist.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Not likely to affect plant or animal life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to deplete energy or natural resources. We anticipate using less energy or natural resources as our demands will be based on a 40-hour work week, and less water and heat will be required.

Proposed measures to protect or conserve energy and natural resources are:

In remodeling, the 31-year old structure will be brought up to the 1985 code, thus providing a more efficient use of natural resources through improved insulation. Old oil furnace will be replaced with more efficient heat source.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This proposal would not affect any environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Not applicable.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposal to rezone Lot 3 to professional office will enable the property to be used jointly with Lots 1 and 2 (currently a professional office) and will provide a smooth transition of land use from the commercial development to the north and to the residential areas to the east and south.

Proposed measures to avoid or reduce shoreline and land use impacts are: As described in the Checklist, we propose to maintain the landscaped buffer to the south and add a 15-foot landscaped area to the east which is adjacent to the residential area. This should provide a buffer between those uses and the proposed office use. The buffer will also help mitigate effects of traffic noise from 100th Ave. W., which is to the west of the proposed rezone.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not increase demands on transportation or public service and utilities significantly.

Proposed measures to reduce or respond to such demand(s) are:

No measures to reduce such demands appear to be warranted.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not appear to conflict with any local, state, or federal laws or requirements for the protection of the environment.

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LORI LAFFOON
(CLIP'R SNIP STYLING SALON)

(BICKFORD'S RESTAURANT)

(HAPPY BURGER RESTAURANT)

JEROLD L. EILERT
(J.E. SIGN DESIGN, INC.)

HENRY G. LANDAU
(LANDAU ASSOC. INC.)

EXISTING
OFFICE
BUILDING

EXISTING OFFICE BUILDING

EXISTING
SINGLE
FAMILY
RESIDENCE

RONALD FISCHER

SEVART N. MILLER

ROBERT THORSEN

F. REDENBAUGH

232nd ST. S.W.

0 30 60
Scale in Feet

LANDAU ASSOCIATES, INC.

PLOT PLAN