

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

**October 1, 2002**

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Gary Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds, followed by the flag salute.

## **ELECTED OFFICIALS PRESENT**

Gary Haakenson, Mayor  
Dave Orvis, Council President Pro Tem  
Jeff Wilson, Councilmember  
Michael Plunkett, Councilmember  
Lora Petso, Councilmember  
Richard Marin, Councilmember  
Deanna Dawson, Councilmember

## **ELECTED OFFICIALS ABSENT**

Dave Earling, Council President

## **ALSO PRESENT**

Brandy Grout, Student Representative

## **STAFF PRESENT**

David Stern, Chief of Police  
John Westfall, Fire Marshal  
Duane Bowman, Development Serv. Director  
Jim Larson, Assistant Admin. Serv. Director  
Rob Chave, Planning Manager  
Dave Gebert, City Engineer  
Steve Bullock, Senior Planner  
Kathleen Taylor, Associate Planner  
Frances Chapin, Cultural Resources Coordinator  
Scott Snyder, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

1. **APPROVAL OF AGENDA**

Mayor Haakenson advised he met with representatives from the Human Rights Coalition for Snohomish County and the Snohomish County Diversity Council recently who invited residents to take a proactive stand against hate intimidation. Several activities are planned throughout Bias Crime Awareness Week, beginning with an opening ceremony on Monday, October 7 from noon to 1:30 p.m. at First Presbyterian Church in Everett. He asked that the Council add a Proclamation in Honor of Bias Crime Awareness Week to the agenda.

**COUNCIL PRESIDENT PRO TEM ORVIS MOVED, SECONDED BY COUNCILMEMBER PLUNKETT TO ADD THE PROCLAMATION IN HONOR OF BIAS CRIME AWARENESS WEEK TO THE CONSENT AGENDA AS ITEM F. MOTION CARRIED UNANIMOUSLY.**

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

2. **CONSENT AGENDA ITEMS**

Councilmember Petso requested Items D and E be removed from the Consent Agenda.

**COUNCILMEMBER MARIN MOVED, SECONDED BY WILSON, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA ITEMS. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

(A) **ROLL CALL**

(B) **APPROVAL OF CITY COUNCIL MEETING MINUTES OF SEPTEMBER 24, 2002**

(C) **APPROVAL OF CLAIM CHECKS #58129 THROUGH #58278 FOR THE WEEK OF SEPTEMBER 23, 2002, IN THE AMOUNT OF \$431,499.85.**

(F) **PROCLAMATION IN HONOR OF BIAS CRIME AWARENESS WEEK**

**Item D: Approval of Findings of Fact for a Closed Record Review Held on August 20 and September 16, 2002, regarding the Planning Board's recommendation to approve a Contract Rezone from Single Family Residential (RS-6) to Community Business (BC). The purpose of the Rezone is to allow for a mixed-use development on the western-most 15 feet of the lot and an underground parking garage. The property is a vacant lot east of 515 5<sup>th</sup> Avenue S. (Applicant: AD Shapiro Architects / File No. R-2002-101)**

Councilmember Petso explained that as she indicated when this was initially reviewed, it was her belief that the rezone violated the Comprehensive Plan and would not be beneficial to the public safety, health, and welfare of the City's citizens. She indicated she would vote against approval of the Findings of Fact.

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF ITEM E.**

Councilmember Dawson indicated she would also vote against Item E for the reasons she described when the review was held.

**MOTION CARRIED (4-2), COUNCILMEMBERS PETSO AND DAWSON OPPOSED. The item approved is as follows:**

(D) **APPROVAL OF FINDINGS OF FACT FOR A CLOSED RECORD REVIEW HELD ON AUGUST 20 AND SEPTEMBER 16, 2002, REGARDING THE PLANNING BOARD RECOMMENDATION TO APPROVE A CONTRACT REZONE FROM SINGLE FAMILY RESIDENTIAL (RS-6) TO COMMUNITY BUSINESS (BC). THE PURPOSE OF THE REZONE IS TO ALLOW FOR A MIXED-USE DEVELOPMENT ON THE WESTERN-MOST 15 FEET OF THE LOT AND AN UNDERGROUND PARKING GARAGE. THE PROPERTY IS A VACANT LOT EAST OF 515 5<sup>TH</sup> AVENUE SOUTH. (Applicant: AD Shapiro Architects / File No. R-2002-101)**

**ORDINANCE NO. 3422 APPROVING THE REZONE OF PROPERTY LOCATED EAST OF 515 - 5<sup>TH</sup> AVENUE SOUTH, PURSUANT TO FILE NO. R-2002-10, AUTHORIZING AMENDMENT OF THE CITY ZONING MAP, APPROVING AND ACCEPTING A CONCOMITANT ZONING AGREEMENT**

**Item E: Report on Final Construction Costs for the Public Safety Complex and Council Acceptance of the Project**

Councilmember Petso explained questions had been raised by a citizen regarding the information in the packet, specifically how the bond proceeds as listed in the packet could exceed the amount of the bond. City Engineer Dave Gebert answered he would need to check with the Administrative Services Director who was not available this evening. Councilmember Petso asked if there was any problem with delaying this item while answers were sought. Mr. Gebert answered there was not a significant problem.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO TABLE ITEM E. MOTION CARRIED UNANIMOUSLY. The item tabled is as follows:**

**(E) REPORT ON FINAL CONSTRUCTION COSTS FOR THE PUBLIC SAFETY COMPLEX AND COUNCIL ACCEPTANCE OF THE PROJECT**

**3. PROCLAMATION IN RECOGNITION OF NATIONAL ARTS AND HUMANITIES MONTH (OCTOBER 2002)**

Mayor Haakenson recognized members of the Edmonds Arts Commission, Edmonds Arts Festival Foundation, Cascade Symphony, and Edmonds School District in the audience who were present in honor of National Arts and Humanities Month.

Mayor Haakenson read a Proclamation declaring October 2002 as National Arts and Humanities month in Edmonds and presented the Proclamation to Julie Toothaker, Vice Chair, Edmonds Art Commission. On behalf of the Edmonds Arts Commission and the community, Ms. Toothaker thanked the City for the Proclamation.

**4. PROCLAMATION IN HONOR OF FIRE PREVENTION WEEK (OCTOBER 6 – 12, 2002)**

Fire Marshal John Westfall read a Proclamation in Honor of Fire Prevention Week, October 6-12, 2002. He invited the public to open houses at Edmonds Fire Stations 16, 17 and 20 on Thursday, October 10 from 5:30 p.m. to 8:30 p.m. for tours, safety information, and refreshments.

**5. PUBLIC HEARING ON THE RECOMMENDATION OF THE PLANNING BOARD TO APPROVE PROPOSED AMENDMENTS TO TITLE 20 (CHAPTERS 20.10 – 20.14, AND 20.60) OF THE EDMONDS COMMUNITY DEVELOPMENT CODE IN ORDER TO ESTABLISH A REVISED PROCESS AND GUIDELINES FOR ARCHITECTURAL DESIGN REVIEW. (File Nos. CDC-00-153 and CDC-01-27)**

Planning Manager Rob Chave explained this public hearing was a follow-up to a study session with the Council in September 2002. He explained a consultant hired by the City, Cedar River Associates, completed a study in 1999 of the City's Design Review process. The recommendations of that study addressed timing of design review (moving it to the beginning of the process), found a lack of a positive role for the Architectural Design Board (ADB), found a need to consider design review's impact on the permit process, and determined a need to address inadequate design guidelines in the City's existing code. As a result, the Council hired a consultant to draft the design guidelines for potential adoption by the City. The initial design guidelines were accepted by the Council in November 2000 and forwarded to the Planning Board for further review. He explained the firm that drafted the design guidelines was a professional architectural firm with experience in public and private development as well as experience in writing design guidelines.

The Planning Board undertook a very thorough review of the draft guidelines that has taken a total of two years, November 2000 to present. The Planning Board held three joint meetings with the ADB and a total of six public hearings. Mr. Chave noted there had been thorough involvement by the development community and stakeholder groups, as well as public testimony. He explained the Planning Board reviewed lists of comments item-by-item and made changes they deemed appropriate. Mr. Chave explained the proposed guidelines provided a mix of specific guidance as well as flexibility. In many instances, flexibility could be obtained via departures (formal applications to deviate from the guidelines) and in other instances, there was more than one route to meet a design objective.

Mr. Chave explained the current process involved the ADB and a public hearing as well as the ADB reviewing minor projects as consent items on their agenda. There were also items reviewed by staff under the current process. Under the proposed amendments, there were changes to the design guidelines as well as significant changes to the process and thresholds. He commented with more specific guidelines, there should be more items that could be reviewed administratively by staff versus holding a public hearing. He explained the Planning Board spent nearly a year reviewing the process, obtaining input from public hearings as well as from the ADB. The result was retaining the ADB for public hearings for major projects only, projects that exceeded SEPA thresholds and required a SEPA determination. This change reflected the testimony the Planning Board heard at the public hearing about the importance of maintaining that level of review.

For other projects, those that were reviewed by the ADB as a consent item or items reviewed by staff, those would become staff decisions. Mr. Chave pointed out this was a significant change, noting some types of sign applications required ADB approval under the current code. Under the proposed regulations/process, nearly all signs would be a staff decision which would allow them to be combined with building permits and significantly streamline the process. He recalled the City received the most criticism for signs due to confusion with why a sign required ADB review and approval if it met the criteria. He noted this would significantly diminish the frustration with that process, thereby reducing complaints regarding the ADB.

Mr. Chave explained other changes included a requirement for a pre-application meeting for major projects. He noted historically most projects of that nature had a pre-application meeting but it was not required. Another change would be to appeals – currently an ADB decision was appealed to the City Council. Under

the new guidelines, an appeal of an ADB decision on a major project or a staff decision would be to the Hearing Examiner.

Mr. Chave explained the Planning Board was aware the revised guidelines would need a “shake out” period and the ADB recommended retaining the ADB review for major projects at this time. However, the ADB was not ruling out changes to the process in the future. The Planning Board recommends adopting the guidelines and working with them for a year and revising the guidelines in a year if further refinement was necessary.

Mr. Chave explained staff reviewed design review cases over a ten year period and determined out of 600+ decisions, a total of 11 appeals were filed and reviewed by the Council; of the eleven, five appeals were upheld and six were denied, less than 1% of all decisions made during the ten year period. He suggested when considering the appeals process, the Council weigh the impression that the Council was the ultimate representative of the people and should have the responsibility for a final appeal, against the argument that if the Council retained the appeal for a minute number of cases, the Council could not become involved in design decisions such as a public process for the design of the Public Safety Complex due to the possibility the Council could review it on appeal.

Councilmember Petso recalled she asked staff to identify where in the record the Planning Board discussed having appeal hearings by the Hearing Examiner versus the Council. Mr. Chave advised he would find that reference during public comment.

**Tony Shapiro, AD Shapiro Architects, 600 Main Street, Edmonds**, expressed concern with the process that would be enacted if the proposed amendments were approved. He pointed out the significantly increased workload that would be imposed on staff to review and implement the criteria. The proposed guidelines contradicted the primary objectives such as on page 2, Item D, “encourage creative approaches to the use of land and related physical developments;” explaining the constraints imposed on the design process would have a contrary affect on the result of the end product. Although Item E addressed building unique or outstanding or historically significant projects, he envisioned there would be more conformity and less uniqueness to the overall built environment due to the guidelines. He specifically cited the window criteria that he indicated had arbitrary approaches to assessing building size and the number and size of windows for a building. He objected to approaching design from a “cookie cutter” approach and imposing criteria upon the design of a structure via arbitrary assessment as it would not yield a positive result. He preferred the approach be from a performance base versus a prescriptive base. Although he was aware the intent was to provide specifics and criteria for designers, that process limited creativity and the ability to be flexible and responsive to changes in site conditions. He concluded more general criteria would be desirable versus specifics.

**Ron Wambolt, 11701 Bella Coola Rd, Woodway**, indicated he currently had a condominium under construction on Dayton. He noted many of the new design guideline requirements could be described as “nice to have” versus practical needs that adequately considered the impact on stakeholders. He recommended the City eliminate design requirements that were not real needs. He urged the City not to

require more trees that would ultimately grow to heights that blocked views, noting there were already too many trees that blocked the views that buyers paid a premium for. He noted trees often caused the City unnecessary maintenance due to damage caused by roots. He urged the Council to send the requirements back to the drawing board. Rather than making changes to the building requirements that increased the cost of housing, he suggested changes focus on making housing more affordable.

**Rob Michel, 7907 212<sup>th</sup> SW, Edmonds**, explained he had designed and/or built approximately 50 projects in Edmonds, attended over 100 ADB meetings and was currently a member of the ADB for the past 2½ years. He observed the new code would reduce staff time to work on other land use applications. He noted there had never been any determination of any clear benefit to the City from the proposed changes. The proposed changes would add four chapters to the Community Development Code, adding time and frustration to the project, particularly for newcomers. Requiring a pre-application meeting also added time to the process. He noted the Planning Board anticipated problems with the proposed changes in their recommendation to the Council. It would take more time for staff to review the requirements; noting a typical staff report for an ADB meeting was approximately ten or less items detailing the proposed project. The new design guidelines will require many more as there were over 100 code requirements in the proposed guidelines and for some projects, up to 130 for some, and at least 68 required staff measures and/or calculations. He pointed out the stakeholders presented 26 major items to the Planning Board they wanted reflected in the new design guidelines and only seven remain in the proposed guidelines. He recommended there be a clear indication of how the revised guidelines would produce better building in Edmonds than had been built in the past five years. Further, that the Planning Board show how they would implement the new design guidelines and process.

**Miklos Kohary, 834 Olympic Avenue, Edmonds**, commented if it would take eight weeks to get a permit for a single family home, he could imagine the time it would take to get a permit for a large project. In an economic crunch, he questioned adding extra hours for staff. He also questioned whether there was adequate qualified staff to do the review and questioned the advisability of using a consultant who had no experience with the City. He recommended consideration be given to the economic impact the revised guidelines would have on the City's budget as well on the builders, realtors, mortgage brokers, and the average citizen in the City. He noted some of the language was very vague.

**Sandra Radcliffe-Beck, 723 Hanna Park Road, Edmonds**, commented on the responsibility of a parent, employee, boss, judge, noting that absolute power corrupts. She questioned whether any of those involved in the process of making the revisions listened to the builders and developers who provided input.

**Dawn Runyan, 1036 8<sup>th</sup> Avenue S, Edmonds**, indicated she has been affiliated with real estate for nearly 30 years. She explained time equated to money for developers and builders. She urged the City to consider how to effectively have the best product without using staff time that kept expanding and making the process more difficult.

**Dexter Wellington, 21505 84<sup>th</sup> Avenue W, Edmonds**, loan officer with a mortgage company, was aware of how difficult it was for people to purchase property due to its continually increasing cost. He noted much of

what drove prices up was development costs and any frivolous restrictions placed on builders/developers that further increased their timeframes and costs which were passed on to the end user – the home buyer. In an uncertain economy and softening real estate market, if the Council did not carefully consider which design codes needed to be amended, he pointed out the result could be to “shoot the local economy in the foot.”

**Peter Beck, 723 Hanna Park Road, Edmonds,** asked whether the City Attorney had reviewed the proposed code revisions. City Attorney Scott Snyder answered his office had not been involved in the process. Mr. Beck questioned the applicability of some of the examples provided in the proposed guidelines, referring to an example of a 40 foot building on page 32, noting this was not possible in Edmonds.

**David Toyer, Master Builders Association of King and Snohomish Counties, 2155 112<sup>th</sup> Avenue NE, Bellevue,** disagreed with the product that was a result of the process, noting it was too detailed and had subjective criteria. He recalled they had submitted several letters outlining specific language changes, many of which the Planning Board did not consider. The guidelines contained many subjective issues that would be opportunities for appeals. He pointed out the proposed revisions did not focus enough on the big picture, did not provide enough flexibility and did not allow for innovation and creativity especially as new design trends continue. He pointed out specifics such as step-in/step-out design which did not provide a design benefit. He referred to six major objectives that should be included in design review, predictability, simplicity, creativity, clarity, flexibility, and cost effectiveness. He was not confident that the proposed guidelines reached those objectives. He summarized that as indicated by the Master Builders Association’s last letter to the Planning Board (copied to the Council), the Planning Board did not address all their concerns. He agreed with the Planning Board’s recommendation that appeals should be to the Hearing Examiner. He suggested in the future having an open dialogue with regard to design and suggested one improvement would be increasing the thresholds for ADB review. He noted design departures did not provide certainty for the development community and the proposed revisions included a number of design departures. He did not agree with the required pre-application process due to the time required.

**Bob Gregg, 16550 70<sup>th</sup> Avenue W, Edmonds,** spoke in favor of the proposed revisions. He referred to the project underway at 5<sup>th</sup> & Walnut which he noted was likely the most expensive project ever built in Edmonds on a square foot basis. He compared the project at 5<sup>th</sup> & Walnut to the regulations, noting he requested 6-7 changes which were incorporated in the proposed guidelines and four that were not included. He referred to Section 20.13.020, Window Requirement, suggesting language of 65% and/or consistent with Energy Codes and structural engineering requirements. Regarding Section 20.11.110, he said 100% canopy coverage was too strict and may conflict with modulation requirements. He suggested the wording be “substantial protection” or 65%. With regard to Section 20.11.090.B.1.b, he indicated the 5<sup>th</sup> & Walnut project would not meet that requirement. He suggested increasing the threshold to 12-14 units. Regarding Section 10.11.080.B.2, he suggested that since the bay window was determined to be providing a benefit, the 2-foot additional setback be eliminated as a tradeoff for bay windows.

**Bruce Goodnight, 2312 NE 58<sup>th</sup> Street, Seattle,** explained he currently had a project with a permit issued and he was aware staff was overwhelmed much of the time. He indicated when he called with a question, he may not receive a call back for a week. He summarized the proposed design guidelines would further slow down the process.

**Brian Goodnight, 22702 98<sup>th</sup> Avenue W, Edmonds**, agreed the proposed design guidelines would slow down the process. He advised the project at 6<sup>th</sup> & Bell required bonding for onsite improvements and landscaping. He usually receives a letter from the City with the project name, address, and amounts. After taking the bond forms to his insurance company, he was told he needed a letter which he requested from the City. He indicated they were ready to start their project and because they were still waiting for a letter from the City, he proceeded with a frozen fund account for the amount rather than a bond.

**Al Rutledge, 7101 Lake Ballinger Way, Edmonds**, commented the proposed appeal process would not work, as it was appropriate for the Council to do the final review.

**Eric Thuesen, 18225 85<sup>th</sup> Place W, Edmonds**, stated his primary concern was that people were making decisions that were not reactive to market conditions, however, that was the primary parameter he had to react to. He expressed concern that the input they provided to the City about a number of features was not reflected in the proposed guidelines. He was concerned the guidelines would force him to develop buildings that were not reactive to market conditions. He suggested the City review the proposed guidelines again with more input from developers. He noted buildings in Edmonds were improving in response to market conditions and he was uncertain whether the detail in the guidelines was necessary.

**Dan Tomasek, 22830 106<sup>th</sup> Place W, Edmonds**, commented that approving the proposed guidelines would be premature as more time should be spent seeking input from the people who have been building in Edmonds. He noted the proposed guidelines would add more to staff's workload which would have a domino effect on other processes, make it more costly for developers, and thereby driving up the cost of real estate and possibly making it unaffordable to live in Edmonds.

**Roger Hertrich, 1020 Puget Drive, Edmonds**, agreed there many be difficulties in working within the changes proposed to the code. He commented that the easiest way to address concerns was to keep the appeal process the same as it was today which would ensure elected officials who approved the code changes also interpreted the regulations. Further, appeals to the Council would eliminate an expensive court appeal. He preferred signs continue to be approved on the ADB consent agenda so that the ADB could review and pull the sign from the consent agenda if they desired. He noted the one issue that had not been addressed in the proposed changes was the residential character mixed use imposed on a business district. He noted all residential zones had setbacks to ensure there was separation between buildings to allow for sufficient light and living environment in a residential area. He suggested second and third floor residential uses be required to have setbacks similar to the RM zones which would provide open spaces between buildings and possibly provide a view corridor for the building behind. He envisioned there would be numerous appeals if the guidelines were adopted as proposed.

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

Councilmember Plunkett asked Mr. Michel whether the proposed amendments would reduce or enhance creativity. Mr. Michel answered they would reduce creativity due to the restrictions on the type of elements that must be placed on a building, such as the roofline must be broken in certain places. He explained the result would be that every developer/architect would go to that limit, provide the required element and continue on because that was what the code required. He noted the developer/architect could not come up with a design; they would be required to design within the guidelines.

Councilmember Plunkett asked Mr. Michel if he agreed with the requirement for a pre-application meeting. Mr. Michel answered it may be beneficial for someone who had not built in Edmonds or had not been exposed to design guidelines. He noted most cities have design guidelines and most developers have experience with them. Councilmember Plunkett asked whether the pre-application meeting should be required. Mr. Michel answered no.

Councilmember Plunkett invited Mr. Michel to share 3-4 other issues he was concerned with that he did not have an opportunity to address during public comment. Mr. Michel referred to the Planning Board's indication that there was flexibility in the guidelines, noting he failed to find any flexibility. He reiterated there were up to 130 requirements for a project and only eleven departure items, many of which were irrelevant to building design and had more to do with site design, location and access. He provided examples of departures such as for corner lots, access should be on the secondary street; garage entrances should be oriented away from the primary street; garage entries should be screened from the street, corner lot entrances should be located near the corner, trash and utility elements should not encroach into the setback, trash and recycling areas should be located near the alley, retail space should be readily accessible from the primary street and have good views into the retail space. He concluded these were not much in the way of departures. He noted one of the only actual departures was that windows should include fenestration to provide detail.

Mayor Haakenson advised Council was provided a copy of a letter that was faxed to him this afternoon from Mike Echelbarger, Echelbarger Properties, who suggested the proposed code changes were not ready for Council action and expressed concern with specific standards and amount of staff time.

Council President Pro Tem Orvis inquired about the consequences at the court level of an appeal decision made by the Council. Mr. Snyder explained the rules he would outline were under the Land Use Petition Act, specifically Chapter 64.40, Penalties. He explained the penalties were equally applicable whether the decision was made by the Council or Hearing Examiner. If the Council made a decision based on the record but the court found the Council's decision was wrong or it was based on a wrong interpretation of the law, the City did not have liability. However, if the Council or other final decision maker was arbitrary and capricious, the City could be liable for damages and attorneys fees.

In response to Councilmember Petso's earlier inquiry regarding the Planning Board's discussion about having appeals heard by the Hearing Examiner rather than the Council, Mr. Chave indicated this discussion could be found on pages 28 and 29-33. Mr. Chave noted many of the comments made by the public tonight were also made to the Planning Board and, as a result, the Planning Board made substantial changes to the guidelines.

He explained the Planning Board attempted to balance two competing interests – when regulating design there must be a balance between specificity and predictability and also providing the maximum flexibility to the developer and to the project. The intent of the proposed guidelines was to provide flexibility via multiple ways a specific objective could be achieved, by reducing requirements for small buildings, etc. He noted if the Council wished to provide maximum flexibility during the first year, the Council could allow departures for any of the design guidelines during the one year period and retain a process for reviewing those departures.

Councilmember Petso asked how the proposed guidelines would impact staff's workload and where the increased workload would be experienced. Mr. Chave acknowledged reviews would take more time during the first six months as there would be a learning curve. He commented the guidelines would require a checklist format for reviewing the standards. Once staff became familiar with the checklist, the reviews could be conducted fairly rapidly. He explained the difficulty today was that because the guidelines are so vague, it was difficult to analyze projects.

Councilmember Petso asked whether the proposed guidelines applied to someone building a single family home. Mr. Chave answered the guidelines did not apply to single family. He used the example of sign review, noting under the proposed guidelines, signs would not be reviewed by the ADB but would be reviewed by staff and could be combined with building permit review, resulting in a substantially quicker permit process.

Council President Pro Tem Orvis addressed flexibility versus predictability, noting a code that was flexible but not predictable was something that used general language such as "nice windows." Predictable and not flexible was a code that specified the number of windows per feet per side of a building depending on the direction the building faces, etc. Mr. Snyder referred to the case *Anderson v. Issaquah*, if a city has a standard, the standard must be clearly expressed in pictures, numbers or letters. He clarified flexibility was not imposing a standard. If the City was to have a standard, it must be precise and predictable.

In response to Mr. Beck regarding the City Attorney's involvement, Mr. Snyder clarified he had not reviewed the aesthetic standards. The intent was after the Council provided input, he would review the ordinance as it was drafted into ordinance form. He indicated the City Attorney was involved a number of times during the discussion of the appeals process but not the aesthetic standards.

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM ORVIS, TO TABLE THIS ITEM. UPON ROLL CALL, MOTION CARRIED (4-2), COUNCIL PRESIDENT PRO TEM ORVIS, AND COUNCILMEMBERS PLUNKETT, DAWSON, MARIN IN FAVOR, AND COUNCILMEMBERS WILSON AND PETSO OPPOSED.**

Mayor Haakenson explained that before this item could be reviewed further by the Council, a motion to remove it from the table would be required. When that would occur was unknown. Mr. Snyder indicated it would be publicly noticed.

6. **AUDIENCE COMMENTS**

**Sean Lowry, 426 Daly, Edmonds**, indicated he represented the 400 block of Daley Street and submitted a petition from the residents that stated, “We the undersigned petition the Edmonds City Council to amend the ordinance to allow a 3-hour parking restriction for vehicles without the resident parking permit on Daley Street between 4<sup>th</sup> and 6<sup>th</sup> Avenue. We recognize this change will require residents of this neighborhood to purchase annual parking permits.” He explained the petition was a result of growing parking congestion due largely to people parking, boarding the ferry and abandoning their vehicles for days at a time. He noted parking enforcement signs had been effective on Sprague, 3<sup>rd</sup>, 2<sup>nd</sup>, Sunset, and 4<sup>th</sup> Avenue and most recently on the southwestern 1/3 of Daley Street. He commented on parking difficulties residents experience when there are events at Puget Sound Christian college. Mayor Haakenson advised the petition would be forwarded to the Parking Committee and the Traffic Engineer.

**Al Rutledge, 7101 Lake Ballinger Way, Edmonds**, invited the public to the Friends of the Library annual book sale on October 26 at the Frances Anderson Center at 9:00 a.m. He advised donation barrels would be in the library until October 10.

**Roger Hertrich, 1020 Puget Drive, Edmonds**, requested the public be informed when the Edmonds Alliance for Economic Development would return to the Community Services/Development Services Committee. With regard to PRDs, he recalled the Council directed the Planning Board to review the matter. He noted one meeting was to be closed but was opened to public comment and the work session was scheduled for the next meeting. However, at the next meeting, two items on the agenda took a long time and he was unable to stay. It was his understanding that the Planning Board did not have much discussion that evening and planned to forward a recommendation to the Council. If this was true, he indicated the Planning Board had not done an adequate review. He urged the Council to have the Planning Board schedule a work session regarding the PRD regulations. He recalled the Planning Board was to have a public hearing regarding PRDs but that was not reflected in their schedule.

Mayor Haakenson requested Planning Manager Rob Chave provide an update regarding the Planning Board’s review of the PRD ordinance. Mr. Chave explained at the last meeting, the Planning Board had a workshop following two lengthy discussions regarding plan amendments. Members of the public attended and the Planning Board completed a report to the Council which was scheduled for Council review. The Planning Board took public input at two meetings and discussed the issues at length.

Mayor Haakenson asked what the Council’s direction to the Planning Board had been. Mr. Chave answered the Planning Board was to review the issues and seek public comment. He noted that because of the short timeframe in which to report to the Council, the Planning Board was not able to formulate formal amendments and hold a public hearing on the amendments. The Planning Board will report to the Council what issues were raised by the public and issues the Planning Board felt should have code language developed. The intent would be to seek approval from the Council of the Planning Board’s work as well as a timeframe for formulating the amendments.

7. **MAYOR'S COMMENTS**

Mayor Haakenson announced King County would be having a technology seminar on October 5, 9:00 a.m. – 3:30 p.m. at Kokanee Elementary in Woodinville for the Brightwater treatment plant. The agenda includes an open house, overview of wastewater treatment process, geology and groundwater, odor prevention, lunch provided by King County, liquids processing and water reuse, solids processing, and energy recovery. Edmonds residents were welcome to attend and learn about treatment plant technology.

8. **COUNCIL COMMENTS**

Councilmember Marin announced the Community Services/Development Services Committee has formulated questions to the Alliance who will provide responses in written form at the October 8 committee meeting for review. He noted the responses would likely be referred back to the Alliance for further detail.

With no further business, the Council meeting was adjourned at 8:32 p.m.