

EDMONDS CITY COUNCIL APPROVED MINUTES

January 2, 2007

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor
Peggy Pritchard Olson, Council President
Deanna Dawson, Councilmember
Michael Plunkett, Councilmember
Richard Marin, Councilmember
Mauri Moore, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Rob Chave, Planning Manager
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

Mayor Haakenson relayed Councilmember Dawson's request to pull Item E from the Consent Agenda so that she could abstain from the vote.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. **ROLL CALL**
- B. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 19, 2006.**
- C. **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM DAN AND JANE HINRICHS (AMOUNT UNDETERMINED), AND WARREN SANDERS (AMOUNT UNDETERMINED).**
- D. **APPROVAL OF 2007 TAXICAB OPERATOR'S LICENSE FOR NORTH END TAXI.**

ITEM E: RESOLUTION NO. 1137 COMMENDING COUNCIL PRESIDENT DEANNA DAWSON FOR HER SERVICE.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF ITEM E. MOTION CARRIED (6-0-1), COUNCILMEMBER DAWSON ABSTAINED.

3. SELECTION OF COUNCIL PRESIDENT FOR 2007

Mayor Haakenson opened the floor for nominations for Council President.

Approve
12/19/06
Minutes

Claims for
Damages

North End Taxi
License

Res# 1137
Commending
Council Pres.
Dawson

2007 Council
President

COUNCILMEMBER MOORE NOMINATED PEGGY PRITCHARD OLSON AS COUNCIL PRESIDENT FOR 2007. COUNCILMEMBER MARIN SECONDED THE NOMINATION.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER MARIN, TO CLOSE NOMINATIONS. MOTION CARRIED UNANIMOUSLY.

Councilmember Moore commented the recent passing and today's funeral for former President Ford gave her an opportunity to think about leadership. The best leaders are humble, honest, hardworking and organized; Councilmember Olson is not just a friend to many but also that kind of leader. Councilmember Moore commented Councilmember Olson was very much like her late father, former Congressman and Lieutenant Governor Joel Pritchard who was also self-effacing, never a headline grabber, made his enemies into friends and never laid blame on others nor cared who got the credit when progress was made for the people he served. Councilmember Moore was proud to nominate Councilmember Olson for Council President.

THE NOMINATION OF PEGGY PRITCHARD OLSON AS COUNCIL PRESIDENT FOR 2007 CARRIED (6-0-1), COUNCILMEMBER OLSON ABSTAINED.

2007 Council
President Pro
Tem

4. SELECTION OF COUNCIL PRESIDENT PRO TEM

Mayor Haakenson opened the floor for nominations for Council President Pro Tem.

COUNCILMEMBER MARIN NOMINATED RON WAMBOLT AS COUNCIL PRESIDENT PRO TEM. COUNCILMEMBER MOORE SECONDED THE MOTION.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, TO CLOSE NOMINATIONS. MOTION CARRIED UNANIMOUSLY.

Councilmember Moore commented after having served one year with Councilmember Wambolt, he was the best surprise to happen in her three years on the Council. He was honest, courageous, hardworking, and open minded as well as thoughtful and fair.

THE NOMINATION OF RON WAMBOLT AS COUNCIL PRESIDENT PRO TEM FOR 2007 CARRIED (6-0-1), COUNCILMEMBER WAMBOLT ABSTAINED.

2007
Committee
Appointments

5. APPOINTMENT OF COMMITTEE REPRESENTATIVES

Council President Olson advised because some committees were paid and others were not and there was a cap on the number of meetings a Councilmember could be paid for, Councilmember Wambolt suggested and she agreed that rather than having some committees paid and others not, Councilmembers would be paid for every committee meeting they attended until they reached the cap. She read the following Committee appointments:

Committee	Representative
Community Serv./Dev. Serv. Committee	Richard Marin, Mauri Moore
Finance Committee	Dave Orvis, Ron Wambolt
Public Safety	Deanna Dawson, Michael Plunkett
Community Outreach	Mauri Moore, Michael Plunkett
Community Technology Advisory	Peggy Olson, Ron Wambolt
Disability Board	Dave Orvis, Deanna Dawson
Downtown Edmonds Parking	Michael Plunkett
Edmonds Crossing Project (Multimodal)	Ron Wambolt
Highway 99 Task Force	Ron Wambolt, Richard Marin, Michael Plunkett
Historic Preservation Advisory Commission	Michael Plunkett, Mauri Moore

Long Range Task Force	Peggy Olson, Ron Wambolt
Lodging Tax Advisory Committee	Dave Orvis
SnoCom	Deanna Dawson
PFD Oversight Committee	Mauri Moore
Port of Edmonds	Ron Wambolt
Harbor Square Redevelopment Committee	Ron Wambolt
Snohomish County Econ. Dev. Board	Mauri Moore
SeaShore Transportation Forum	Richard Marin, Peggy Olson
Snohomish County Health District	Richard Marin
Snohomish County Tomorrow	Richard Marin, Deanna Dawson
South Snohomish Cities	Peggy Olson
WRIA-8	Dave Orvis

Res# 1138
Health District
Board

6. **PROPOSED RESOLUTION APPOINTING A COUNCILMEMBER TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD.**

Council President Olson proposed Councilmember Marin serve on the Snohomish County Health District Board.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF RESOLUTION NO. 1138 APPOINTING RICHARD MARIN TO THE SNOHOMISH COUNTY HEALTH DISTRICT BOARD. MOTION CARRIED (6-0-1), COUNCILMEMBER MARIN ABSTAINED.

Res# 1139
Transportation
Board

7. **PROPOSED RESOLUTION APPOINTING COUNCILMEMBERS TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION BOARD OF DIRECTORS.**

Council President Olson proposed Councilmember Marin serve on the Snohomish County Public Transportation Benefit Area Corporation Board of Directors.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF RESOLUTION NO. 1139 APPOINTING RICHARD MARIN TO SERVE ON THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION BOARD OF DIRECTORS AND MAURI MOORE TO SERVE AS THE ALTERNATE. MOTION CARRIED UNANIMOUSLY.

Downtown
Business Zones

8. **CONTINUED DELIBERATION AND ACTION ON AN ORDINANCE ADDING A NEW CHAPTER 16.43 ESTABLISHING BD-DOWNTOWN BUSINESS ZONES AND AMENDING THE CITY'S ZONING MAP TO REZONE CERTAIN PROPERTY SPECIFIED THEREIN TO BD CATEGORIES. PUBLIC COMMENT WILL BE RECEIVED.**

Planning Manager Rob Chave referred to alternate language proposed by Councilmember Wambolt that was contained in the packet in Exhibit 3. He explained the existing BC height limits were 25 + 5 or 30 feet above the average level/grade which was determined via a simple calculation. He displayed a drawing illustrating the slope and the average grade/level on a property. He recalled when the Council discussed design guidelines and rules for how to get from 25-feet to 30-feet, the step-back concept was developed. The intent was to step-back the building above 25 feet so that it appeared to be a 25-foot building from the opposite side of the street. He noted this was a simple rule that did not alter the basic BC height limit of 25 +5 feet. He noted this method was in the BD1 language.

He displayed an uphill example of the step-back in the adopted BD1 language, explaining it resulted in a step-back on the street front and rear or opposite side of the building. He displayed a downhill example, advising a step-back may not be required on the street front because the average level could be lower than

25 feet at the street front but would have a step-back on the rear of the building. He noted on some properties, there were some fairly substantial heights at the backside of the buildings facing Puget Sound. He recalled one building that had a single story on the street and 3-4 stories in the rear.

He noted the intent was to allow buildings to obtain 25 +5 at the street level, plus the required 15-foot ground floor and two stories. In situations where the average level resulted in a building that was higher than 30 feet, the alternate BD1 language would impose the step-back at the street front and/or rear of the building at 30-feet. He displayed uphill and downhill examples of the alternate BD1 language.

Councilmember Moore asked why the alternate language had been developed. Mr. Chave answered it was in response to Councilmember Wambolt's inquiry regarding whether the Council intended to have the 25-foot step-back rule in the BD1 zone as well as the other downtown zones. His conclusion was the Council wanted to potentially allow 30-foot buildings at the street front which the step-back at 25-feet did not accomplish.

Councilmember Dawson referred to a suggestion by Mr. Gregg for a step-back at 28 feet rather than 30 feet which would be more consistent with the other BD zones. Mr. Chave agreed that would be another approach. The problem with 28 feet was it would depend on what uses occurred; if the intent was two story commercial buildings – a 15-foot retail first floor and a 12-foot second floor – 28 feet would not achieve that. He noted 28 feet may encourage development of a 15-foot retail floor, but if the intent was a second floor at the street front, it would be a very short commercial floor or a residential floor.

Councilmember Orvis recalled the direction to the Planning Board for the BD1 was a 15-foot first floor, 30-foot height was allowed, and a two floor maximum. He noted the current draft did not include the two floor maximum.

Councilmember Orvis presented another alternative, explaining the Council endorsed 30-foot buildings because 25-feet on downhill lots and a 15-foot first floor would not provide enough room for a second floor. He noted only a very slight downhill slope was required to create this situation. He explained the reason a maximum of two floors should be required was because on uphill sites there was the potential for three floors with a 30-foot height limit.

Councilmember Orvis recalled unsuccessful motions to add the two floor restriction back into the code included (1) limiting heights to 28 feet which failed 3-4 and (2) adding language to require two floors which failed 2-5. The Council then settled on the 25-foot step-back language which would require a building height of 25 feet at the sidewalk. He referred to the alternate Mr. Chave described for a 30-foot step-back. He provided examples of the 30-foot step-back on an uphill lot, describing the two measurements made for a step-back – a measurement from the sidewalk and a measurement from the middle of the lot – the result was a step-back within 15-feet of the sidewalk with the remainder of the building as high as 30 feet.

Councilmember Orvis' proposal was to require the step-back all the way across the building – requiring a measurement from the sidewalk and the middle of the lot and establishing the building height based on the minimum and requiring the building to be two stories. He illustrated a downhill example, explaining there would still be the two measurements but the 30-foot from the center would be used as the height which would allow two stories. He entitled his proposal the min 30-30 – the minimum of two heights – 30 feet measured from the sidewalk and 30 feet measured from the average of the four corners and taking the minimum. He concluded this accomplished limiting buildings to two floors in BD1 by allowing a downhill lot a second floor and held an uphill lot to two stories.

Councilmember Moore asked if Councilmember Orvis had run his proposal by any architects, builder or developers. Councilmember Orvis answered no. Councilmember Moore asked if he had ever built a

building and Councilmember Orvis answered no. Councilmember Moore commented Councilmember Orvis' suggestion would change the method of measuring building heights for the BD1 zone, recalling he did not support changing the method for the lots on Sunset Avenue. Councilmember Orvis commented the measurement method for the Sunset property was equivalent to the maximum of those two heights, not a minimum. Councilmember Moore reiterated he was suggesting changing the measuring method for one zone. Councilmember Orvis responded he was proposing the change in BD1 only.

Councilmember Moore asked why it mattered whether a building was three stories/floors if the height limit was 30 feet and there was a step-back. Councilmember Orvis answered he was striving for the Comprehensive Plan language of two floors and the people of Edmonds did not want three stories in downtown.

Councilmember Moore asked whether his proposal should have a public hearing or be reviewed by the Planning Board. Councilmember Orvis answered heights had been through a number of public hearings and Planning Board review and he did not feel this proposal required further public hearing or review by the Planning Board and could be adopted tonight.

Councilmember Wambolt referred to the drawing of two floors on a downhill lot, inquiring whether the building was less than 30 feet at the sidewalk. He asked how two floors would be achieved at the sidewalk. Councilmember Orvis commented at 25 feet it would also not be possible. Councilmember Wambolt agreed, pointing out that was his reason for allowing 30 feet at the sidewalk. He questioned whether there were any lots in the BD1 where this would occur. Councilmember Orvis was uncertain. Councilmember Wambolt concluded this was likely a hypothetical problem.

Councilmember Moore asked what happened if the sidewalk slanted downhill. Councilmember Orvis answered it would still be measured from the average grade.

Mayor Haakenson referred to the Council's attempts at the last meeting to limit buildings in the BD1 to two floors, asking whether this was another attempt to accomplish that. Councilmember Orvis agreed it was but without using the word "floor." Mayor Haakenson summarized it was the same intent with different language.

Councilmember Dawson recalled a motion was approved previously to require two floors in the BD1; the difficulty at the last meeting was not with the concept of two floors but how to define it. She was not comfortable with the "on-the-fly" amendments at the last meeting but, she was not opposed to two stories.

Councilmember Dawson expressed concern that she did not receive Councilmember Orvis' materials until tonight due to difficulties with her email over the weekend and it was not included in the Council packet. In addition, although a public hearing was scheduled on this matter, Councilmember Orvis' proposal had not been available for the public to review. She suggested the Council take public comment but not take action tonight. She found Councilmember Orvis' proposal intriguing and wanted an opportunity to review it further including an example on an actual lot. She noted a 30-foot height limit on a sloped lot may not allow two floors on both sides.

Councilmember Plunkett asked for staff's opinion regarding Councilmember Orvis' alternative. Mr. Chave responded without having a chance to study Councilmember Orvis' alternative in detail, his initial reaction was it would essentially squash buildings on the uphill side. If a building were able to burrow into the hillside, they may be able to achieve two stories. He did not anticipate there would be a substantial change on downhill slopes from what occurred historically. He concluded the impact would be on the uphill side but have little impact on the downhill side.

Councilmember Dawson recalled difficulty with defining story and/or floor and confusion with the language regarding two stories above ground level, whether that could be interpreted as three stories. She asked whether it was possible to define “story” to restrict buildings to two stories. Mr. Snyder answered yes, noting staff’s comment had been that story was not defined in the current code. Mr. Chave commented another potential problem was where the story would be measured from. He cautioned there were often unintended consequences. Councilmember Dawson recalled when this was referred to the Planning Board, it was Council’s intent to allow a 30-foot building height and limit buildings to two stories. She suggested it may be worthwhile to define story, investigate the unintended consequences, and seek public input. Mr. Chave recommended the Council not refer it back to the Planning Board because they already considered it. Mr. Snyder commented the Council may also want to consider the impact on construction costs and design as this would place an artificial constraint on the design process.

Councilmember Marin recalled the language in the Comprehensive Plan was to strive for the appearance of two stories from the street level. Mr. Chave agreed that language was in the height discussion in the Downtown Plan. Councilmember Marin asked if anyone recalled how the Council voted on that. Mr. Chave recalled when the specific numbers were removed and the language regarding appearance was added, the Council’s vote was unanimous. Councilmember Marin concurred with Mr. Chave’s recollection, observing it had not been the Council’s intent to shoehorn development into two floors but to ensure the downtown look of two floors was maintained. He found alternative 1 an appropriate solution.

Council President Olson suggested seeking input from people who build buildings in an effort to avoid unintended consequences. She was interested in learning whether it would be possible to build something or whether it would preclude redevelopment.

Councilmember Moore agreed the Comprehensive Plan language was regarding the appearance of two stories and not an absolute restriction. She remarked the Council had veered away from reality of the Heartland study that provided finite information about construction costs which she acknowledged had increased. She expressed concern about being so restrictive on development downtown. She pointed out there was only one developer who would do mixed use in Edmonds; she wanted to at least hear from him.

Councilmember Wambolt referred to Mr. Snyder’s comment about putting restrictions on builders, noting the City put numerous restrictions on builders and asked why this was a concern. Mr. Snyder responded the Council may want to consider the cost factor, for example two stories on one street and two on another and walls and parapets that create issues with waterproofing the building that otherwise would not be encountered.

Mr. Chave advised the Heartland study modeled step-back in the downtown area and found generally if height limits were maintained and only a step-back were added, it would have a marginal impact on the feasibility of projects. He noted taking away a floor, reducing a building from three floors to two, in most circumstances did have a big impact on the feasibility of a project. The Heartland study also said in the retail core, even if three story buildings were allowed, little change or redevelopment was likely to occur because the value property owners were receiving from the existing property made it too expensive to demolish an existing building and build a new structure.

Mayor Haakenson explained beginning this year, City Clerk Sandy Chase and he had agreed to include a staff recommendation immediately following the title on the agenda memo. He read the staff recommendation for this item: Approve one of the proposed ordinances (Exhibit 1, or the alternate ordinance in Exhibit 3). He opened the public participation portion of this item.

Karen Wiggins, Edmonds, speaking as the Chair of the Parking Committee, expressed concern with requiring no parking for commercial uses if a building met certain guidelines. She anticipated this would result in a lack of parking for the shoppers who generated sales tax for the City. She noted downtown

parking was already crowded during the day. Her understanding was the reason the City was not requiring parking was to get a builder excited about constructing a building and then the bank would require parking. She pointed out that may not happen if a builder was self-financed. She recommended requiring at least one parking space per 800 square feet. With regard to ceiling heights, she was not familiar with retail and acknowledged they may like 15-foot ceiling heights; however, commercial office did not due to the increased cost of heat/air conditioning/electrical. She noted that due to the small lots downtown, requiring such large step-backs would result in very small upper floors. She noted the step-back would require a railing in order for it to be used as a deck.

Larry Throndesen, Edmonds, remarked the Council was “shooting the town in the foot.” As an architect working with developers throughout the region, he was not aware of any who would come to Edmonds to build under these restrictions. He pointed out the need for parking and a building that was economically feasible; without that, the same buildings would sit vacant and no growth would occur.

Roger Hertrich, Edmonds, spoke in favor of the step-back as it would provide the vision of a shorter building. He recommended eliminating the allocation for balconies over the right-of-way. He agreed with the need to require parking for commercial uses in the downtown area, commenting the result of requiring no parking was it was less expensive for the developer and there would be less space for parking and more for commercial uses. He questioned where the customers and employees of those businesses would park, anticipating the City would be forced to construct a parking garage which would result in more taxes for citizens. He concluded not requiring parking for commercial uses was a detriment to maintaining the character of Edmonds because buildings with parking behind could now construct a building on that space which could result in the demolition of buildings and construction of a new building to utilize that additional property.

Al Rutledge, Edmonds, disagreed with the comment that there was only one person who built mixed use in the City. With regard to the parking, he attended a Hearing Examiner meeting regarding the Bank of Washington application that mentioned the long term plan for a parking garage.

Bob Gregg, Edmonds, expressed support for the alternate step-back language described by Mr. Chave. He expressed concern with Councilmember Orvis’ amendment at the last meeting that deleted cornices and encouraged the Council to allow cornices. He requested clarification with regard to the 15-foot ceiling height, noting it was usually described as floor-to-floor; however, the proposed wording was ceiling plate which his architect indicated was what the upper floor rested on. He recommended replacing “ceiling plate” with “floor-to-floor.” He encouraged the Council to pass the ordinance tonight. He expressed the following concerns with Councilmember Orvis’ proposal: 1) broke the BD1 zone into two sub zones – the BD1 upslope and the BD1 downslope, 2) added a new, unvetted method of building measurement from the sidewalk, 3) mixed the new method with the old – on upslope lots the lesser of the two measurements was used and on downslope lots the greater of the two measurements was used, 4) buildings would no longer follow the natural slopes, 5) it was a height increase for downslope lots, and 6) this concept was rejected for the Sunset project. He raised several questions including where the measurements would be taken, how buildings set back from the sidewalk would be measured, and how buildings with open space in front would be measured. He concluded there was no evidence to support the dogma that a two story 30-foot building looked better than a three story 30-foot building. He emphasized the goal was attractive, 30-foot buildings regardless of the number of stories.

Gary Krohn, Edmonds, recommended the new year be an opportunity for a new direction for Edmonds, commenting the past had been unpredictable and uncertain due to the moratorium. He recommended the Council pass the simpler of the two proposed ordinances. He noted the ordinance reflected a great deal of work and effort and developers would adapt and figure out what worked. If the Council wanted to consider amendments, he recommended it be with deliberation and not on the fly.

Kerry Adams, Windermere Commercial, Edmonds, questioned who benefited from two story buildings and what was wrong with three stories. He recommended the City focus on how to improve the existing situation rather than discourage development. He questioned the economic benefit of eliminating residential units on a third floor, pointing out downtown needed density to support retail and eliminating the third floor decreased density. Further, eliminating the third floor reduced property values by 40-50% as property values were based on income; eliminating a third floor of income eliminated a substantial portion of the property's value. He pointed out the property owners were the ones who bore the reduction in value and it was a travesty the Council did not understand construction or economics. The Council was making decisions to maintain Edmonds' character but retailers did not want to lease space in Edmonds due to the below street level first floors and low ceiling heights; thus the only thing being developed was an overabundance of office space. He concluded that if the Council wanted a thriving city, they needed to allow developers to build quality buildings.

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

Councilmember Plunkett asked staff to review the difference between Exhibit 1 and 3. Mr. Chave explained in Exhibit 1 the step-back rules in BD1 were the same as other downtown zones; anything above 25-feet was required to be stepped back. In Exhibit 3, the step-back was at 30 feet instead of 25 feet in the BD1 zone only.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO APPROVE ALTERNATIVE #1, ORDINANCE NO. 3622 IN EXHBIIT 3.

Councilmember Wambolt agreed with Councilmember Dawson's suggestion to delay action for two weeks.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO TABLE THIS ITEM FOR TWO WEEKS. UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS DAWSON, WAMBOLT, ORVIS, AND PLUNKETT IN FAVOR, AND COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS MOORE AND MARIN OPPOSED.

Councilmember Dawson suggested in the meantime Councilmembers provide any additional amendments or requests for further information to staff as soon as possible.

Speaking on behalf of staff, Mayor Haakenson advised staff's recommendation was in the packet and would not change. He urged the Council to complete this quickly because everyone was losing patience. Councilmember Dawson asked whether Mayor Haakenson would be supportive of staff developing language regarding two stories. Mayor Haakenson was amenable to staff developing definitions.

Councilmember Moore asked about the change Mr. Gregg proposed, floor-to-floor versus ceiling plate. Mr. Chave answered the architect on the Planning Board reviewed the language and found it appropriate. He noted the top of the ceiling plate was the beginning of the next floor.

Councilmember Moore inquired about the progress on the design guidelines. She recalled the intent three years ago was to make buildings better looking, not bury the first floor and have good retail space via design guidelines. Yet three years later the design guidelines had not been adopted. Mr. Chave answered some of that was addressed via bulk standards. The Planning Board completed their review of the design guidelines developed by the ADB as well as proposed revisions to the design review process and it was scheduled for Council review at the 4th meeting in January followed by a public hearing in early February. Councilmember Moore commented she too was losing patience with the issue.

Councilmember Dawson suggested staff provide a response to the comments regarding parking for the next meeting. She recalled discussions that if commercial parking requirements were eliminated in the

BD zones, the residential parking requirements may need to be reconsidered. Mr. Chave commented most jurisdictions in the Puget Sound area have maximum parking requirements rather than minimums and in most downtown zones there were still parking requirements for residential uses, it was only in the BD1 that there was not. Councilmember Dawson suggested staff provide the information for the next packet if possible. She requested staff also address Mr. Hertrich's questions whether businesses with existing parking would no longer be required to provide parking.

Mayor Haakenson asked whether the Council intended to take public comment when this item was discussed again. The Council agreed they would.

Mr. Snyder asked for direction regarding the two story language, commenting that was a significant drafting issue that he could not complete in time for next week's packet but could include it in the packet in two weeks. He proposed reviewing the approach used by neighboring communities and providing the Council with a number of alternatives. He commented defining story and limiting to two stories was fairly straightforward; however, identifying an approach that addressed the downslope was a much more extensive project. Councilmember Dawson requested staff provide language that has worked in other cities with regard to the definition of story.

Councilmember Marin requested staff research ceiling plate versus floor-to-floor.

Councilmember Wambolt suggested obtaining input from builders and developers with regard to Councilmember Orvis' proposal.

Councilmember Dawson suggested Mr. Snyder define story, noting at least four Councilmembers were interested in limiting buildings to two stories in the BD1.

Council President Olson encouraged builders and developers to provide comment on anything in the ordinance.

Moratorium in
Central
Business
District

9. **PROPOSED ORDINANCE REPEALING ORDINANCE NO. 3608 ESTABLISHING A MORATORIUM WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT.**

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER MARIN, TO TABLE THIS ITEM FOR TWO WEEKS. MOTION CARRIED UNANIMOUSLY.

CG and CG-2
Zone

10. **PUBLIC HEARING ON THE PLANNING BOARD RECOMMENDATION REGARDING STREET SETBACKS AND LANDSCAPE STANDARDS IN THE CG AND CG-2 ZONE.**

Mayor Haakenson relayed staff's recommendation on this item: Direct the City Attorney to prepare an ordinance to implement the proposed code language changes as shown in Exhibit 1.

Planning Manager Rob Chave advised at the request of the Council, the Planning Board considered street setbacks and landscape standards in the CG and CG-2 zones, specifically a conflict between the old street setbacks requirements in the CG zones and the landscaping standards. Following their review and public testimony, the Planning Board recommended the changes on pages 5 and 6 in the proposed ordinance. The Planning Board's recommendation was that the minimum street setback be reduced to 4 feet to be consistent with the landscape standards and that paragraph A on page 5 and paragraph F on page 6 be removed which were also inconsistent with the standards. He noted protections for adjacent residential properties had not been altered; the only change was to the street setback.

Councilmember Dawson recalled this arose due to car dealerships that were unable to display vehicles so that they were visible from the street and the proposed amendments were intended to correct that problem. Mr. Chave agreed.

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

Al Rutledge, Edmonds, reported he attended the Planning Board hearing and agreed with the Planning Board's recommendation for a 4-foot street setback.

Roger Hertrich, Edmonds, questioned changing the entire zone for one use and suggested changing the requirements only for auto sales. He noted setbacks were important adjacent to residential uses, questioning why there was less setback requirements for a commercial building adjacent to residential than an office building adjacent to residential.

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

Councilmember Moore asked staff to address Mr. Hertrich's comments. Mr. Chave answered the Planning Board discussed having a different standard for auto uses and concluded if the landscape and setback requirements were appropriate for auto sales, they were appropriate for other uses as well. He noted the development scheme along Hwy. 99 had changed substantially over the years; the right-of-way was essentially built out and there were a number of pedestrian improvements in the right-of-way and it was not reasonable to require a substantial setback from the sidewalk.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO IMPLEMENT THE PROPOSED CODE LANGUAGE CHANGES AS SHOWN IN EXHIBIT 1.

Councilmember Marin commented the Hwy. 99 Taskforce had been searching for impediments to development and this was one of them. He noted although the City used to require landscaping along the edge of a property, the market had changed and it was now common to distribute landscaping throughout the property versus having it all in front. He concluded this change was appropriate for the entire zone.

Councilmember Moore pointed out without the car dealerships on Hwy. 99, the City would not have experienced the increase in sales tax revenue. She assumed this would be confirmed by Administrative Services Director Dan Clements who was developing information on what areas of the City generated the most sales tax revenue as auto sales on Hwy. 99 were one of the City's key revenue sources.

Councilmember Wambolt commented another important reason for this change was the auto dealers needed the space to comply with the manufacturer's square footage requirement. Without this change, some of the largest sales tax generators would be forced to move out of Edmonds.

Councilmember Dawson commented this was a great example of the public raising an issue and the Council taking action to refer it to the Planning Board for a recommended change. She expressed her appreciation to staff for being open to considering this change.

MOTION CARRIED UNANIMOUSLY.

(Councilmember Plunkett left the meeting at 8:33 p.m.)

11. AUDIENCE COMMENTS

Southwest
Neighborhood
Park Group

Al Rutledge, Edmonds, provided an update on the Southwest Neighborhood Park, advising the neighborhood group appealed the DNS on the old school building on the site.

Sound Transit
and RTID

Natalie Shippen, Edmonds, asked how much Snohomish County residents would pay for Sound Transit projects. She recalled the estimate for the RTID projects was \$1.75 billion but did not recall an estimate

for the Sound Transit projects. Next she questioned the voting procedure, explaining the way the projects were selected was each county selected their projects without veto by the other counties but the counties must pay for the projects they selected. Prior to the united ballot, if a county voted against the entire package, it did not get nor pay for its own projects. She questioned whether that still applied with the united ballot. Mayor Haakenson offered to find out the answers to both her questions.

Presentation to
Councilmember
Dawson

12. **PRESENTATION OF RESOLUTION AND PLAQUE TO COUNCILMEMBER DEANNA DAWSON FOR HER SERVICE AS COUNCIL PRESIDENT**

Council President Olson read Resolution No. 1137, recognizing Councilmember Dawson for her service as Council President during 2006.

Councilmember Dawson thanked the Council for the opportunity to serve as Council President, commenting she was pleased to return to being just a Councilmember.

13. **MAYOR'S COMMENTS**

Mayor Haakenson commented he enjoyed working with Councilmember Dawson during the past year and looked forward to working with Council President Olson and Council President Pro Tem Wambolt.

Edmonds
Center for the
Arts

Mayor Haakenson advised of the Edmonds Center for the Arts ribbon cutting ceremony on Thursday, January 4; cookies and coffee would be provided. The grand opening event, dinner and a concert featuring Al Jarreau, would follow on Saturday, January 6. Tickets were still available for the concert.

Mayor's
Neighborhood
Meetings

Mayor Haakenson advised he planned to hold one neighborhood meeting a month this year and invited everyone to attend the first meeting at Seaview Elementary on Thursday, January 11 at 7:00 p.m.

14. **COUNCIL COMMENTS**

Council President Olson thanked the Council for electing her Council President. She wished Councilmember Moore a Happy Birthday on January 6.

Old Milltown

Councilmember Wambolt thanked the Council for electing him Council President Pro Tem. For those curious about Old Milltown, he explained despite the rumors, Mr. Gregg had not sued the City and did not plan to sue the City. Mr. Gregg would return to the ADB next month with proposed changes to his project that would address the input received from a variety of sources. He advised citizen comment was welcome at the ADB.

Councilmember Moore advised the Wambolts celebrated their 50th Christmas and would celebrate their 50th wedding anniversary this June.

Historic
Preservation
Commission

Councilmember Moore asked Council President Olson to define the Councils' role on the Historic Preservation Commission. Next, she reported that according to the Puget Sound Business Journal Book of Lists, Edmonds' zip code 98020 which included Woodway was the 11th or 12th wealthiest zip code in the State and had the oldest average age.

Snohomish Co.
Economic
Development

Councilmember Moore reported on the Snohomish County Economic Development Board, advising Governor Gregoire committed \$2 million in the budget for higher education needs in Snohomish, Island, and Skagit Counties. She thanked the Council for supporting a resolution to request that study. Other news from the Snohomish County Economic Development Board included Boeing revealed its 787 dream liner to employees and select customers earlier this month; Everett Transit broke the 2 million passenger mark and was now considered a medium-size transit agency; the Port of Everett's new 155 slip marina was scheduled to begin operation this spring and applications have been submitted for all but two slips;

Everett Community College received a \$2 million grant from the U.S. Department of Labor for training and manufacturing; 2,100 jobs were added in Snohomish County in November, and Snohomish County and the City of Everett are working together to create a program whereby developers purchased building rights directly from farmers; under this program up to 63,000 acres of farmland would be preserved and development would be focused inside the City of Everett.

Sound Transit

In response to Ms. Shippen's question, Councilmember Marin advised the Sound Transit Board voted to request a ½ of 1 cent increase in sales tax to fund Sound Transit projects. This was currently out for public comment.

15. ADJOURN

With no further business, the Council meeting was adjourned at 8:44 p.m.