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September 27, 2013

**HAND DELIVERED**

Mr. Kernen Lien, Senior Planner  
City of Edmonds, Planning Division  
122 – 5<sup>th</sup> Avenue  
Edmonds, WA 98020

**RECEIVED**

**SEP 27 2013**

**DEVELOPMENT SERVICES  
COUNTER**

*Re: PLN20130022, 50 Pine Street, Edmonds, Argument on APL20130006*

Dear Mr. Lien:

This appeal concerns Building 10 of the Point Edwards development. Building 10 has always been envisioned as a compatible component of the development as it has been developed over the course of the last 10+ years. The 9 buildings already developed consist of three stories containing approximately 261 condominium units. The buildings are stepped down the steep hillside from a location just below the proposed location of Building 10 and, as such, have significant facade facing toward the West, which facade appears to conform to the slopes of the hillside. The current construction does not present a significant façade from the North, East and South.

The lot upon which Building 10 is to be placed is at the very apex of the development. The proposed building is five stories in height with 85 units and a 74 parking stall surface parking lot. As such, it will loom over the Point Edwards development and be of a very different character with the prior development. Building 10 will be the most prominent and visually strongest component of the view of Point Edwards from the Edmonds Bowl and otherwise, presenting a very massive visual façade from the East, South and North. It will stand high above

its Pine Street location due to height calculation manipulations and will be a major shift or change in the nature of the Point Edwards development.

The upper portion of the Point Edwards development, with which we are here concerned, was the result of a contract rezone as described in Ordinance No. 3411, with an effective date of August 2, 2002. Incorporated into the contractual obligations of the rezone was a requirement that the developer comply with the provisions of the Site Master Plan for Point Edwards (Finding of Fact No. 10, Record 0004), which provides, among other things, That the “residential buildings will be designed to fit into the terraced hilltop and hillside. (Record 0240). The MP-1 zone and the Master Plan for Point Edwards also provide that the development must meet the design standards of ECDC 20.11.

As a result of the remand by the council at the first closed record hearing on July 2, 2013, and instructions to the ADB to prepare findings and conclusions consistent with the decision of approval reached by the board at the May 15<sup>th</sup> hearing, two and one half pages of “deliberation” at that hearing, most of which was spent discussing what the board members felt they could not consider, has turned into twenty-six (26) pages of findings and conclusions, making it appear that the board considered each and every aspect of the building and design guidelines. That process is a gross misrepresentation of the actual action of the ADB. As Mr. Taraday points out with great perception, at 26:38 of the recorded transcript of the August 7, 2013 meeting of the ADB, “This is an awkward procedure.” Since the board was dealing with findings and conclusions which they had not considered or developed, Mr. Taraday was restating the obvious.

The board having gone through this “awkward procedure,” the Council now has before it a series of findings and conclusions which are not supported by the record. It is not the purpose of this argument to belabor each such finding and conclusion, but to address the substantial

difficulty which exists in the substance of the board's determination. The objected to findings and conclusions are specifically listed in the Appeal documentation.

ECDC 20.11.030A specifically states: "The building shall be designed to . . . avoid conflict with the existing and planned character of the nearby area. All elements of building design shall form an integrated development, harmonious in scale, line and mass. . . . Long, massive unbroken or monotonous buildings shall be avoided in order to comply with the design objectives of the comprehensive plan."

ECDC 20.11.030B states: The existing character of the site and nearby area should be the starting point for the design of the building."

Between the concept from the Master Plan, of terracing into the hillside, and the direction from the design guidelines that the development be consistent with its surroundings (even more specific in this case, as the building is part of an overall development scheme approved more than ten years ago), the ADB is charged with making a determination that the building, not just standing alone, but as part of the overall Point Edwards development is consistent with the other buildings in the project. The board in conclusions such as C.8.C (Record 0012) and several others, has reached such a conclusion. These conclusions are clearly erroneous.

It is constructive to look at the City's design analysis from the time of approval which, at paragraph B.6 (Record 0210) states:

"Pt. Edwards Condominiums are designed to conform to the unique site constraints imposed by topography, soil conditions, subsurface geology, natural vegetation and drainage. Individual structures are, typically, 2 stories of frame construction over a 1 story sub grade concrete parking structure with a single row of units fronting the garage structure on the lowest (downhill) level. Typical 3-story buildings only show a 1 to 2 story facades at the uphill face."

In addition, the report has, as an attachment, drawings of buildings which are considered to be acceptable and unacceptable for the terraced hillside. Include in the unacceptable category is building which is taller than the surrounding buildings (Record 0257).

As city staff stated in its May 9, 2013 report in advance of the ADB hearing on May 15, 2013: "It is up to the Architectural Design Board to determine whether the Project is consistent with the Urban Design Guidelines. Staff feels the overall design elements of the building are consistent with the guidelines, but that the building's layout with respect to being designed to take existing topography into account and scale with respect to the rest of Point Edwards is not consistent with design guidelines."

It is generally the argument of Appellant Waggener that the ADB's various findings and conclusions that the scale and mass of Building 10 conform to the design guidelines and the Master Plan are clearly erroneous. Building 10 is the last building to be constructed. It is at the highest point of the development and yet, will be, by far, the tallest of all the buildings. Building 10 will concentrate 24.6% of the developed living units into 8.7% of the available land area of the development. It will have a 74 car surface parking lot, when the original plans showed only a 28 stall lot. The project will be a massive intrusion into the Edmonds skyline, totally inconsistent with both the current design concepts and the plans upon which the City and its citizens relied in approving the project in 2002.

In addition, it is the contention of the Appellant that none of these or the other steps required of the ADB were taken in its deliberations on May 15, 2013 or in connection with the after-the-fact adoption of the findings and conclusions on August 7, 2013.

**A. The Board Inappropriately Relied Upon the Determinations Made at the December 19, 2012 Hearing.**

On December 19, 2012, the ADB continued a public hearing for the purpose of re-configuring Building 10. The Board at that time issued a set of proposed “guidance” to the applicant:

“A. The Architectural Design Board reviewed a previous iteration of Building 10 at a public hearing during the December 19, 2012 ADB meeting (Attachment 7) under file number PLN20120040. The ADB moved that the public hearing be continued to a future date and that the applicant modify the design proposal for building 10 as follows:

1. The design of Building 10 should be more consistent with the other development approved and constructed at Point Edwards under the Point Edwards Master Plan.
2. Additional landscaping should be provided along the rockery or in the parking lot along the south side of the surface parking lot.
3. The applicant should take into consideration the following design elements present in the existing Point Edwards buildings: residential fenestration, broad overhangs, more human scale, distinction between floor-to-floor heights, and Pacific Northwest elements and materials.”

The December 19, 2012 hearing and its aftermath are not precedential. However, it is clear from many of the comments made by the Board during their discussion on May 15, 2013 that they considered many of the matters to be off the table.

As indicated by the above, the Board was apparently confused and felt it had previously determined certain issues with regard to height and bulk. And, as a consequence, it did not undertake the correct level of analysis to the issues that were to be addressed.

**B. The Board did not properly review the December 19 design criteria.**

Even if the Board felt that it was bound by the design criteria from December 19, 2012, as staff correctly points out on page 14, the applicant by the May 15, 2013 hearing had complied with conditions 2 and 4 of the December criteria above, but did not, in staff's option, address either 1 or 3 relating to consistency with other development approved and constructed at Point Edwards or with regard to more human scale as provided in Paragraph 3. These are the exact components which the ADB has erroneously determined now are consistent.

Thus, at least in the interpretation of the staff and the clear language of the design criteria issues from the December 19, 2012 meeting, bulk and size of the property was an issue to be directly addressed.

**2. The Board Did Not Sufficiently Consider and In Fact Refused to Consider Height and Roof Modulation Issues Despite the Fact that Such Issues Were Directly Raised by the Staff Report.**

The Urban Design guideline which is frequently repeated throughout the record as it relates to roof modulation and bulk of buildings is stated as follows:

ECDC 20.11.030A states that the building shall be designed to "...avoid conflict with the existing and planned character of the nearby area. All elements of building design shall form an engraded development of harmonious scale, line and map....long, massive, unbroken or monotonous buildings shall be avoided in order to comply with the purposes of this chapter and with the design objectives of the comprehensive plan."

In evaluating the modulation aspect of the roof in this particular case, the ADB should take into account that aspect of whether the roof modulation is sufficient to meet Urban Design guidelines. Because of the location of Building 10, the roof modulation is of major importance. As regards a "streetscape" rooftop modulation, the facade of Building 10 as it meets the "height

criteria” is sufficiently high so that there is no visual impact on persons walking along Pine Street. On the other hand, the massive nature of the building as it towers over Point Edwards as follows: “However Building 10 is the last of the Point Edwards development and as such it needs to be viewed in context of the overall Point Edward master plan. Building 10 will crown the Point Edwards development and will stand above the rest of the existing Point Edwards buildings.” (Record 0011)

When viewed from a distance, the roof modulations proposed by the applicant will disappear into a relatively flat roof line, creating from the view corridors looking down towards Point Edwards, a “long, monotonous building.”

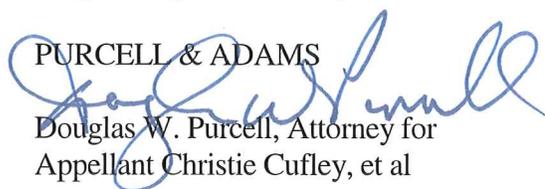
### **3. Conclusions and Requested Relief.**

As previously described, the Waggener Appellants continue to rely on the proposals and appealable topics as described in great detail in their appeal.

In addition, this argument is addressed primarily to the failure of the ADB to come to grips with the vast inconsistency of the proposed development with both the current status of Point Edwards and the proffered design and conditions upon which the development was originally approved. The Appellant requests that the Council return the application to the Architectural Design Board with specific instructions to reject the current proposed design.

Respectfully submitted by:

PURCELL & ADAMS

  
Douglas W. Purcell, Attorney for  
Appellant Christie Cufley, et al

DWP  
Cc: Client