

August 20, 2013

Kernen Lien, Senior Planner
City of Edmonds
121 5th Avenue North
Edmonds, WA 98020

APL20130005 RECEIVED

AUG 20 2013

DEVELOPMENT SERVICES
COUNTER

Dear Mr. Lien,

This letter is an appeal to the decision made by the City of Edmonds Architectural Design Board on August 7, 2013 to approve the current proposal (with previously stated stipulations) of the Developer for Building 10 of the Point Edwards project (PLN20130022). My standing is such that I am a party of record through both written statements and spoken testimony at the ADB public hearing on May 15, 2013 and by appearance as an Appellant at the Edmonds City Council meeting on July 2, 2013.

The ADB has been remiss in its responsibility to adequately identify the failure of Building 10 to embody the spirit of the design objectives for the City of Edmonds and to be in total compliance with existing design codes. This is the basis of my appeal.

Grounds for appeal

C.14.b. Maintain privacy of single family residential areas.

The ADB states "...it (Building 10) presents only two visible floors from the south, which also are below the level of the adjoining residence in Woodway." The question remains "below" what? The difference between being "below" the first floor and the top of my roofline obviously can result in a tremendous variation in revealing which portions of my residence are visible by Building 10 and vice versa. Along this same issue, I have concerns regarding how Building 10 will actually obstruct my view towards the North. Despite numerous drawings and blueprints, I have yet to see a cross-sectional viewpoint with accurate depictions of elevation showing both Building 10 and my residence to ascertain how my view might be affected. To my untrained eye, it seems likely that with the current proposal, there will be a greater obstruction of views looking to the North as compared to prior iterations, especially given the additional 5 feet of height being granted for "roof modulation". Consequently, improved and precise schematics would be instrumental in determining how my privacy will be maintained, how my view will be affected and what measures will need to be implemented to protect them.

C.14.c. Reduce harsh visual impact of parking lots and cars.

While I certainly appreciate the effort in providing a landscape trellis on top of the southern rockery in an attempt to reduce visual impact of the parking area, the simple fact is that this will be woefully inadequate in concealing any but a small

fraction of the 74 surface parking stalls slated to be constructed. I also appreciate the required consultation by the Developer with me to discuss additional landscape screening. However, with no open space available on the parking lot side, the necessary vegetation would need to be on my property, which at this point is presumably at my expense. The root of the problem is that there has not been enough bare ground left to provide significant vegetative barriers. There has been a conscious decision to maximize surface parking by extending concrete all the way to the rockery. It is irrelevant that the number of units and surface parking stalls falls within "acceptable" limits if the concomitant responsibility to adequately provide meaningful screening of the parking lot is not undertaken. This is really a matter of choice and priority.

D.1.b Maintain the smaller scale and character of historic Edmonds.

The operative descriptor in this objective is "smaller" and it is quite a stretch to consider Building 10 to be in compliance with this with even the most liberal of interpretations.

There has been an enormous amount of energy directed at extrapolating the current design codes and objectives to somehow apply them to the vast structure of Building 10. The fact of the matter is that a building of that size and high density of living units was never meant to be in Edmonds. As of now, there is no building of similar size or characteristics to use as a basis of comparison even for simply identifying those design features that may or may not work on such a large scale. I do not believe that the original authors of the Edmonds Urban Design, General Objectives had 85 units within a 5 level structure in mind when creating them.

Relief Sought

The most straight-forward mechanism to rectify the design violations is to reduce the number of units within Building 10 by reducing the number of floors and to decrease the overall number of surface parking stalls. This accomplishes the necessary adjustments in the proposal by a variety of ways. Fewer units will result in a reduction in volume of traffic, noise, lighting and requirements for parking stalls. Additionally, the lower profile of the building will help to secure more privacy for my residence and mitigate obstruction of views to the North as described previously. Finally, fewer surface parking stalls will allow open ground to be available for appropriate vegetation to be selected for meaningful concealment of the parking lot.

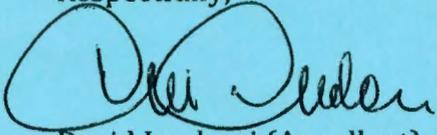
Attempts at conventional application of Edmonds design codes and objectives are misguided with regard to Building 10 because of its uniqueness in size and density of units. Additionally, rather than being able to follow well-established parameters, overall form is essentially being dictated by extrapolation of current objectives and/or amassing a collection of preferences. It has been stated that my appeal is derived from "interpretation" and "personal preference". I would contest that our current impasse largely revolves around many personal preferences, whether they

are from me, the Developer, the residents of Point Edwards or the City of Edmonds.
The real questions are whose preferences take priority and at whose expense?

Thank you for your time.

I have read the appeal and believe the contents to be true.

Respectfully,

A handwritten signature in black ink, appearing to read "David Inadomi". The signature is fluid and cursive, with a large loop at the beginning.

David Inadomi (Appellant)
21603 Chinook Road
Woodway, WA 98020
425-673-7083

October 6, 2013

Kernen Lien, Senior Planner
City of Edmonds
121 5th Avenue North
Edmonds, WA 98020

RECEIVED

OCT 07 2013

DEVELOPMENT SERVICES
COUNTER

Dear Mr. Lien,

RE: PLN20130022, 50 Pine Street, Edmonds, Reply to Applicant Response to
APL20130005

Item 1 FC4.a.C.14.b

Despite the long and verbose description of prior Building 10 plans, the points of my appeal still stand. There are no blueprints, drawings or other schematics accurately depicting the relationship of my residence to the roofline of Building 10. Consequently, I still cannot determine the extent of my privacy or my view impaction as previously described.

Incidentally, Mr. Gifford has illustrated an interesting optical illusion (when viewing the Point Edwards complex from the North) in that when visually combining an upper and lower level building, there appears to be six stories in height (Attachment 2 in the Applicant Response). Imagine if we were to add the additional five/four story Building 10 in conjunction with this and viewed the entire complex from perhaps downtown Edmonds. There would possibly be the illusion of ten or eleven stories! This would undoubtedly be an undesirable characteristic. I am appreciative of this elucidation since I would not have ordinarily conceptualized this on my own.

Item 2 FC4.a.C.14.c

I agree that this topic has been thoroughly addressed, yet continually in an unsatisfactory manner. Since prior proposals for Building 10 have been presented, let us examine how the latest iteration of proposed changes pertains to just north of my residence. The new proposal directs a majority of the traffic into the enlarged surface parking lot, now home to 74 stalls and adjacent to a 2 - 3 fold increase in living units. The increased pedestrian and vehicular traffic and requisite lighting makes it difficult to attenuate the harsh visual (and audio) impact, especially without appropriate concealment. This is not merely "personal interpretation or preference" but simply the facts. My appeal outlines the inadequacy of concealment and a possible solution; the Applicant furnishes no new information and simply restates that which has already been said.

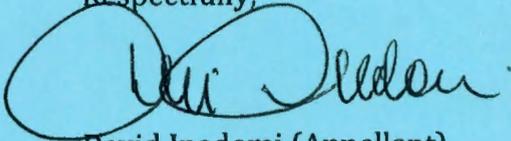
Item 3 FC4.a.D.1.b

To put Building 10 in the same statement as "smaller scale" is an oxymoron and though comical, it borders on absurd. This is one city code best left undefended by the Applicant.

I do not believe that the Applicant has successfully invalidated or discounted the contents of my appeal and therefore respectfully ask you to continue to consider my position.

Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read "David Inadomi". The signature is written in a cursive style with a large, looping initial "D".

David Inadomi (Appellant)

RICHARD E. GIFFORD PLLC

October 4, 2013

RECEIVED
OCT - 4 2013
DEVELOPMENT SERVICES
COUNTER

Rick Gifford
E-mail: rick@rgiffordlaw.com

Mr. Kernan Lien, Senior Planner
City of Edmonds, Planning Division
122 - 5th Avenue
Edmonds, Washington 98020

Hand Delivered

Re: PLN20130022, 50 Pine Street, Edmonds, Reply to APL20130005

Dear Mr. Lien:

The following materials are submitted on behalf of Edmonds Pine Street LLC, the property owner and Applicant under the above File No., in reply to the appeal of David Inadomi ("Appellant") of the Architectural Design Board ("ADB") decision in this matter issued on May 16, 2013.

This letter incorporates by reference the provisions of Sections I-III of the Applicant's reply to the Widing-Fleming Appeal (APL20130008) of even date herewith and contemporaneously submitted to you this date. These Sections summarize the proposal, its procedural history, and the review standards for the ADB in the open record hearing process and the Council on closed record review.

Citations to the record herein are by page number assigned in the complete written record compiled and issued by the City and available on the City Council webpage, and citations to the May 15 hearing transcript are to "Transcript at ___". Citations to the Findings, Conclusions and Decision of the ADB dated August 7, 2013 ("FC") are to "FC at ___".

Appellant owns property in Woodway adjoining the subject site along a portion of its southern boundary. As stated in his earlier appeal letter, he purchased his property in 2004, after the Point Edwards development was approved and site work was

underway. Appellant has had notice of City actions and processes relating to the project and opportunity to participate in the public process. He appeared and testified at the ADB's first public hearing on this proposal last December, and again at its second public hearing on May 15, 2013.

The 2003 Point Edwards approval included a development concept for the subject site showing a large building with two wings of four floors each and a building mass and footprint quite similar to the present design. Record 0082-85; 0494-96-and Attachments 3 and 4 to ADB-2002-226. There was surface parking behind the building to the south, directly below Appellant's property. Id. Two floors of the building were above grade and visible from Appellant's property. Id.

A specific design for the building on this site was submitted to the ADB and was approved by the ADB in 2006 and a building permit issued by the City in 2008. Record 0199, 0203-05, 17, 18. This design tracked the original concept design closely, but was larger and taller, with greater mass than both its predecessor concept design and the proposal now under consideration. As approved by the ADB, the building had five floors in the east wing, four in the west wing, and a level but modulated roofline, like the subject proposal, and surface parking behind the building to the south was retained. Id.

The Applicant's architect presented a useful and informative visual comparison of the 2003, 2006-08, and 2012-23 designs for this site (Attachment 1 hereto), and also a perspective view of existing Point Edwards from below showing looking south, showing building mass and a visual height of six building stories (Attachment 2, hereto). Record 0069-73, 0457-58, 0466-69.

The current proposal approved by the ADB and under review consists of a similarly configured but smaller, less massive, moderately shorter structure than the 2006 approved version, still with only two visible floors from Appellant's property and surface parking behind the building as in 2003 and 2006. In fact, the approved 2006-2008 building design had two stories exposed at the west wing and three stories at the east, while the present design has been reduced to two stories for the entire south facing façade. Record 0072-73.

At the direction of the City Council in July, the ADB has prepared and approved the FC as consistent findings of fact and conclusions of law supporting its May 16, 2013 approval of the design proposal.

Appellant takes issue with three of the Board's findings/conclusions as the basis for his appeal:

1. FC 4.a.C.14.b regarding maintenance of privacy of single family residential areas.
2. FC 4.a.C.14.c regarding the reduction of harsh visual impact of parking lots and cars.
3. FC 4.a.D.1.b regarding maintaining the smaller scale and character of historic Edmonds.

Item 1 is not supported by the Record. The Record contains evidence showing the screening and buffering techniques that will be employed to help maintain privacy. Record 0039-40, 0044, 0052-53, 0056-57, 0060; Transcript at 16, 17. The Record evidence also confirms that only two floors will be visible on the southern face viewed from Appellant's property. Record 0072. This actually is a reduction by one floor from the southeast elevation directly facing Appellant's property from the design approved by the ADB in 2006. Record 0072-75. The subject site is downhill from Appellant's property, which sits at the crown, and, as the Board found, is above the level of development. Applicant has agreed to work with Appellant to fashion appropriate additional landscape screening, if desired by Applicant, and this is a condition of the ADB's approval as well. Transcript at 28-29. The record supports the Board's determinations under FC 4.a.C.14.b.

Item 2 is quite thoroughly addressed in Applicant's reply to other appeals, to which we refer you. The relevant citations include Record 0012, 0015-16, 0024, 0052-58, 0060, 0462, 0475, 0489, and Transcript at 17.

Item 3 also finds no support in the Record and the Board's finding/conclusion here is amply supported. The Applicant has properly and allowable applied City Code with respect to height and area calculations, with staff involvement, consultation and approval. Appellant and other parties imply some sleight of hand or manipulation in

this process, when it is a simple matter of following the Code requirements. Record 0007-10, 0011 (Part F), 0017, 0028, 0034, 0056-58, 0060, and Transcript at 2-3, 15,16, and 28. Appellant believes that a building of this size “was never meant to be in Edmonds”. He is entitled to his beliefs but they do not offset the evidence in the record.

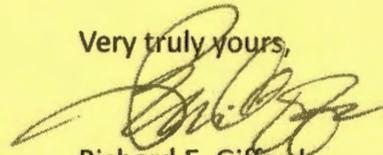
Appellants’ points are matters of personal interpretation and preference, insufficient to meet his burden of proof or to justify setting aside or altering the ADB’s exercise of discretion in regard to the design proposal in light of the record as whole.

Conclusion and Requested Relief

Appellant has not shown that the ADB decision was clearly erroneous, viewing the entire record before the Board.

Accordingly, the Applicant respectfully requests that the Inadomi Appeal be dismissed and that the Council uphold the ADB’s conditional approval of the revised design proposal as the final decision of the City in this matter.

Very truly yours,

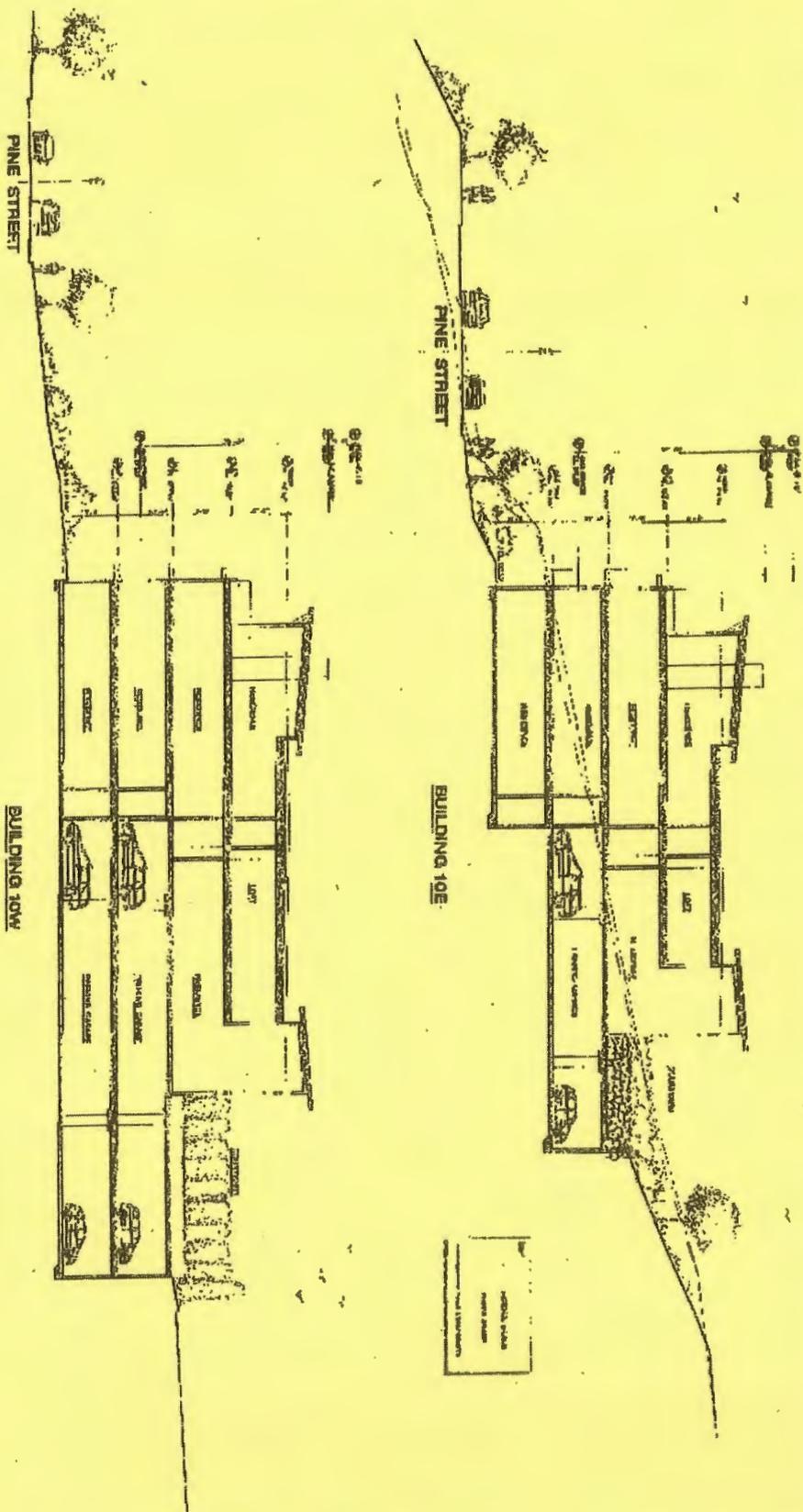


Richard E. Gifford
Attorney for the Applicant,
Edmonds Pine Street LLC

Enclosures: Attachments 1 and 2

REG/mmi

Building 10: ADB-2002-226



BUILDING SECTION @ BLDG. 10E & 10W
POINT EDWARDS

0466

425



10th Street



Building 10: ADB-2006-97

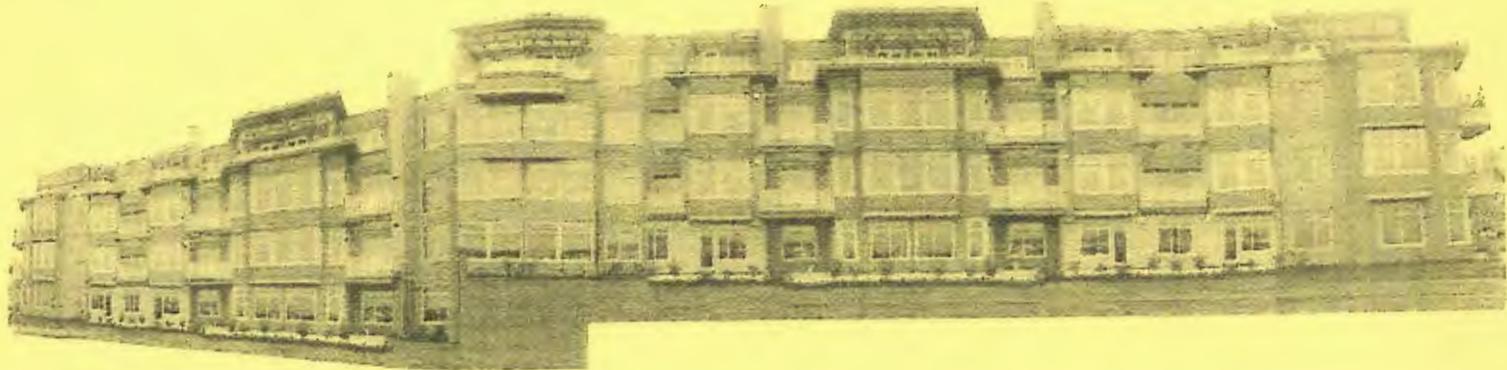


PHOTO COMPOSITE OF PROPOSED BUILDING 10 - ORIGINAL PLAN

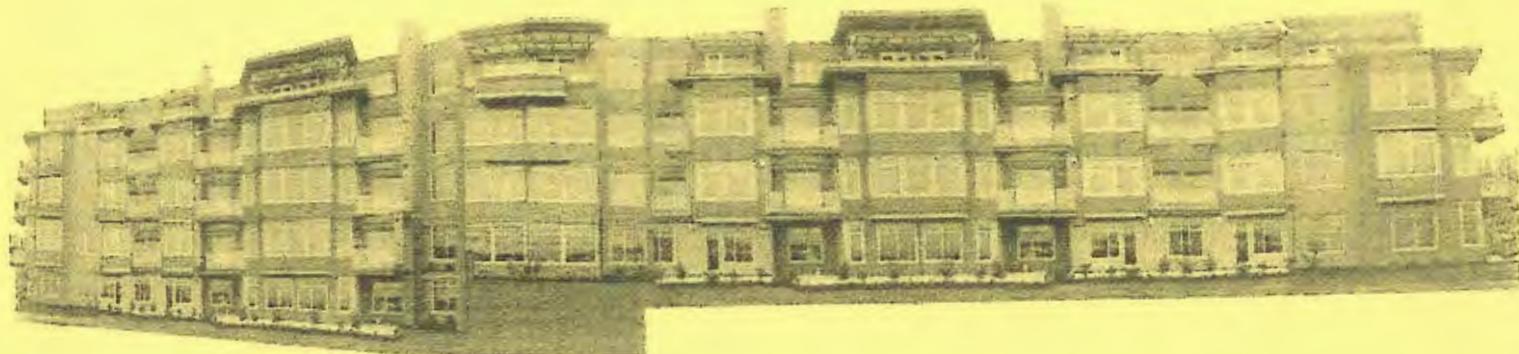


PHOTO COMPOSITE OF PROPOSED BUILDING 10 - MODIFIED ROOF PLAN



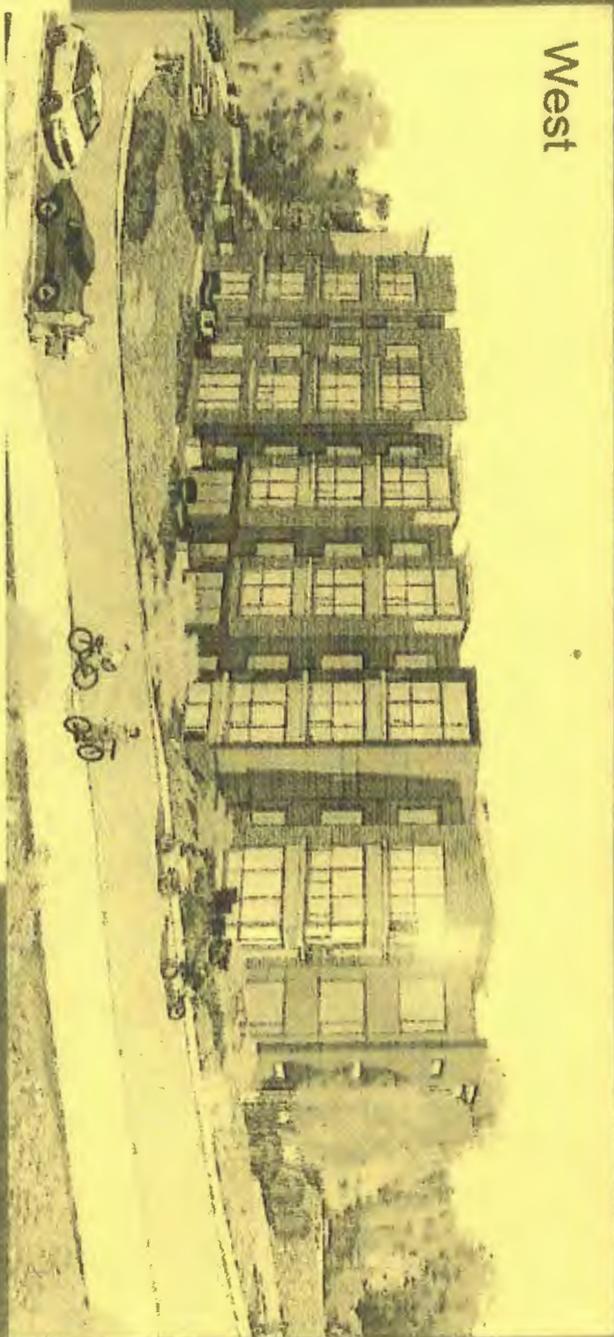
POINT EDWARDS | PROPOSED ROOF LINE ALTERATION TO BUILDING #10

0457

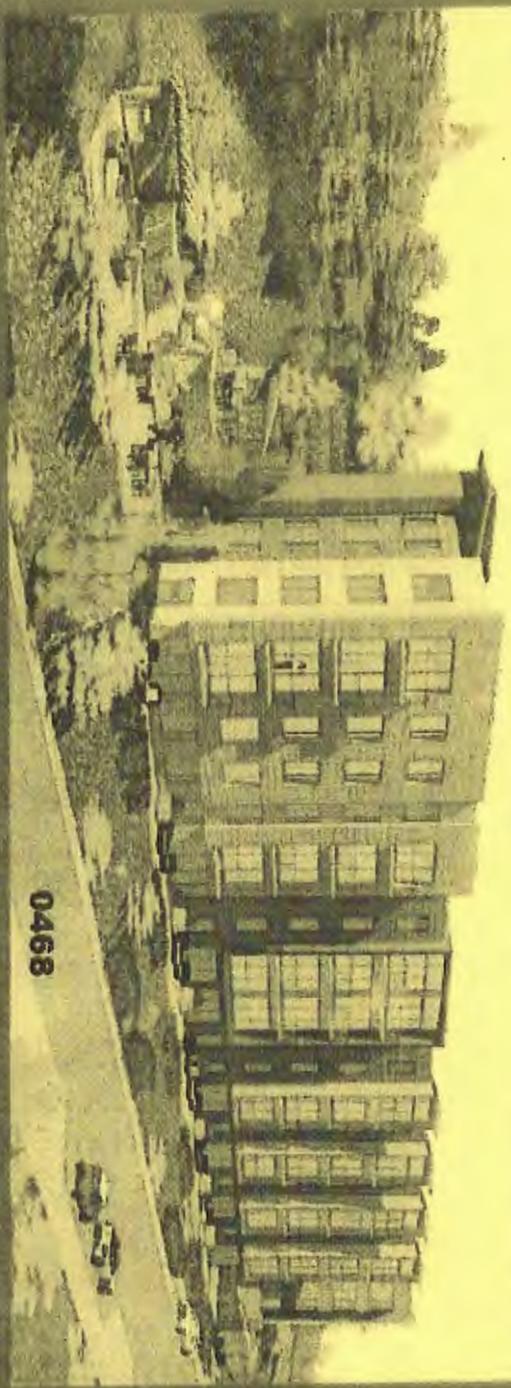
Building 10: PLN20120040



West



East

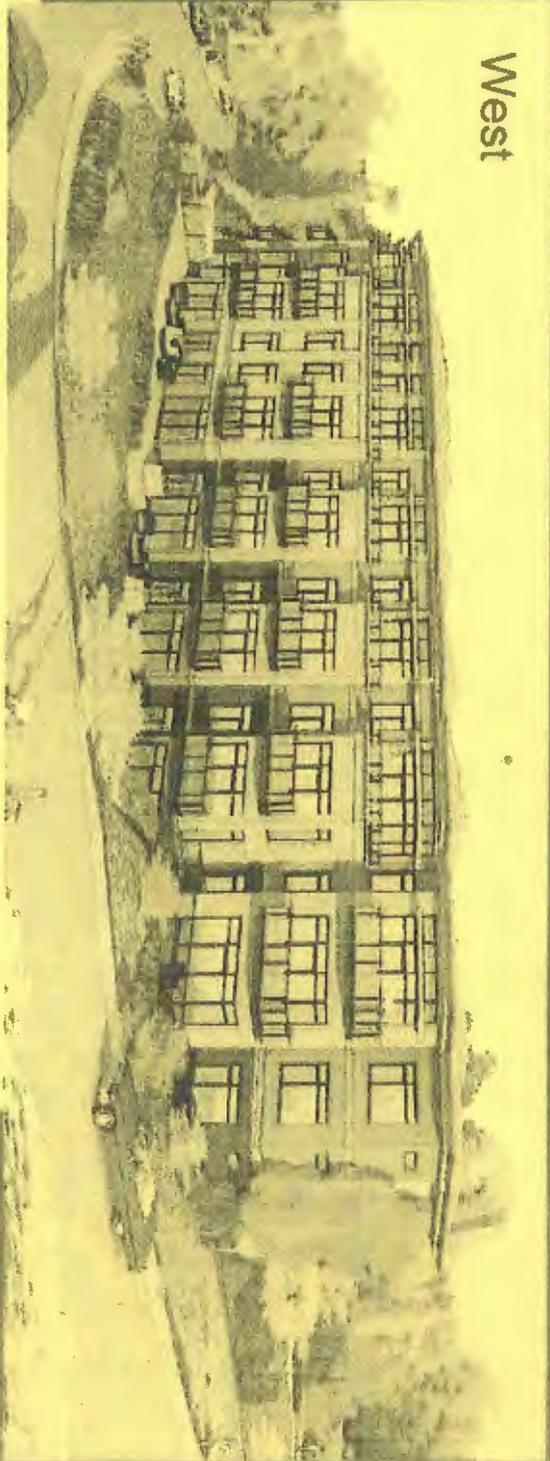


0468

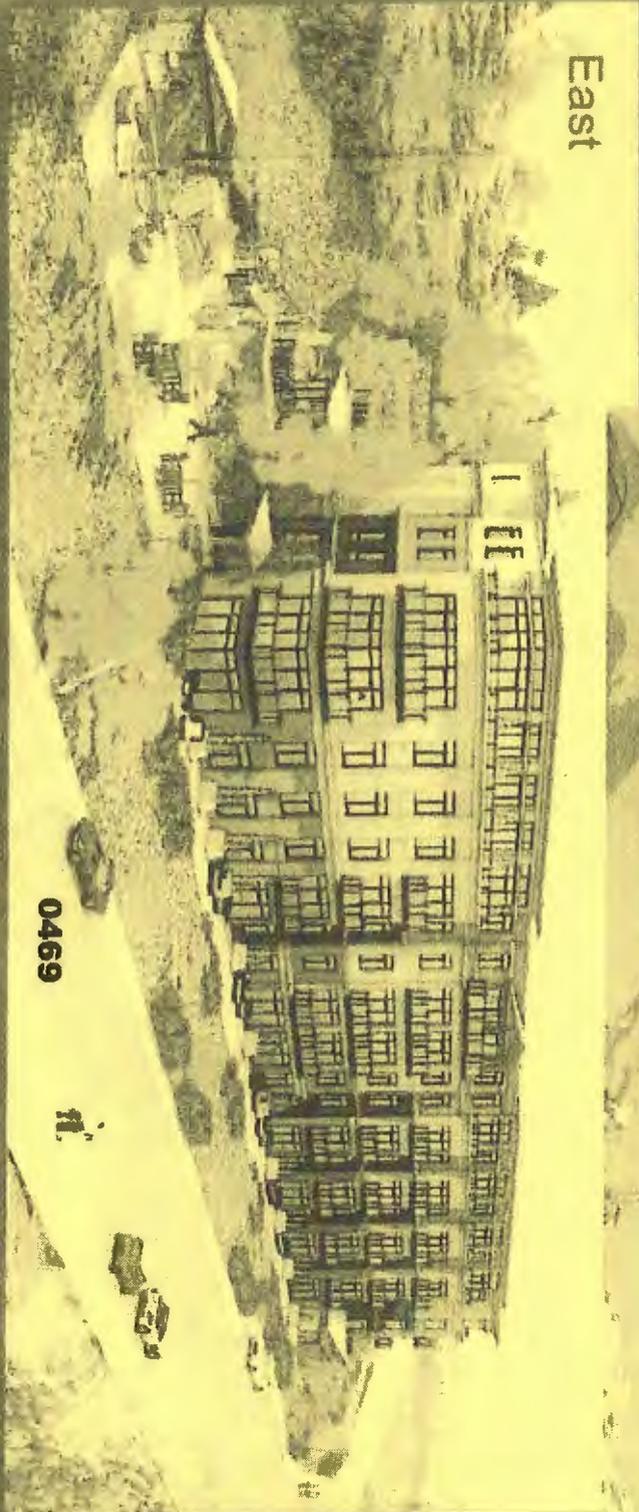
Building 10: PLN20130022



West



East



0469

11



NORTH ELEVATION (EAST WING)



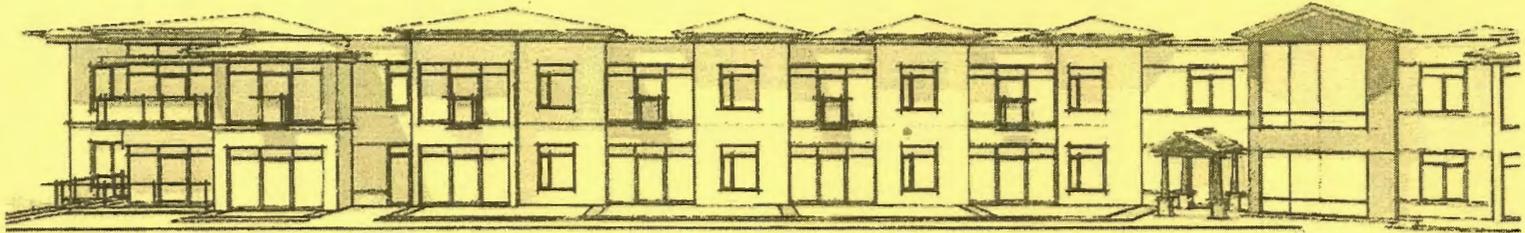
NORTH ELEVATION (WEST WING)

MAX. HEIGHT @
 ARTICULATED
 ROOFLINE
 +191'-0"

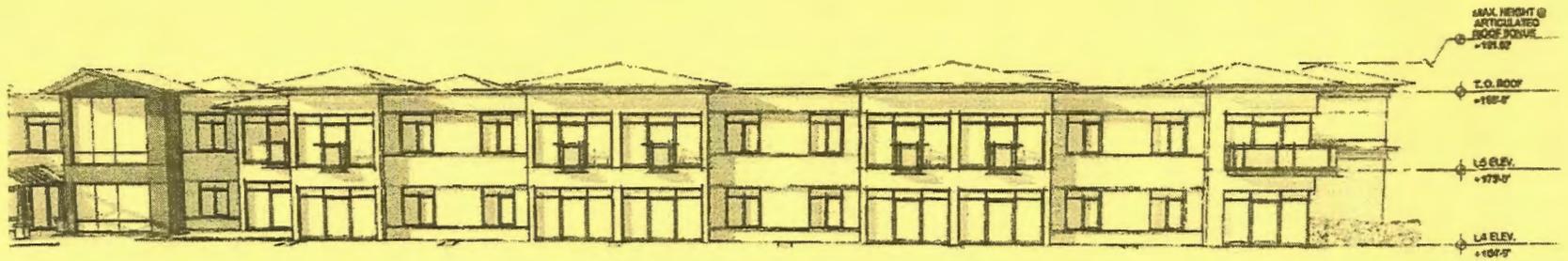
T.O. ROOF
 +185'-0"

L5 ELEV.
 +175'-0"

L4 ELEV.
 +165'-0"



SOUTH ELEVATION (WEST WING)



MAX. HEIGHT @
 ARTICULATED
 ROOFLINE
 +191'-0"

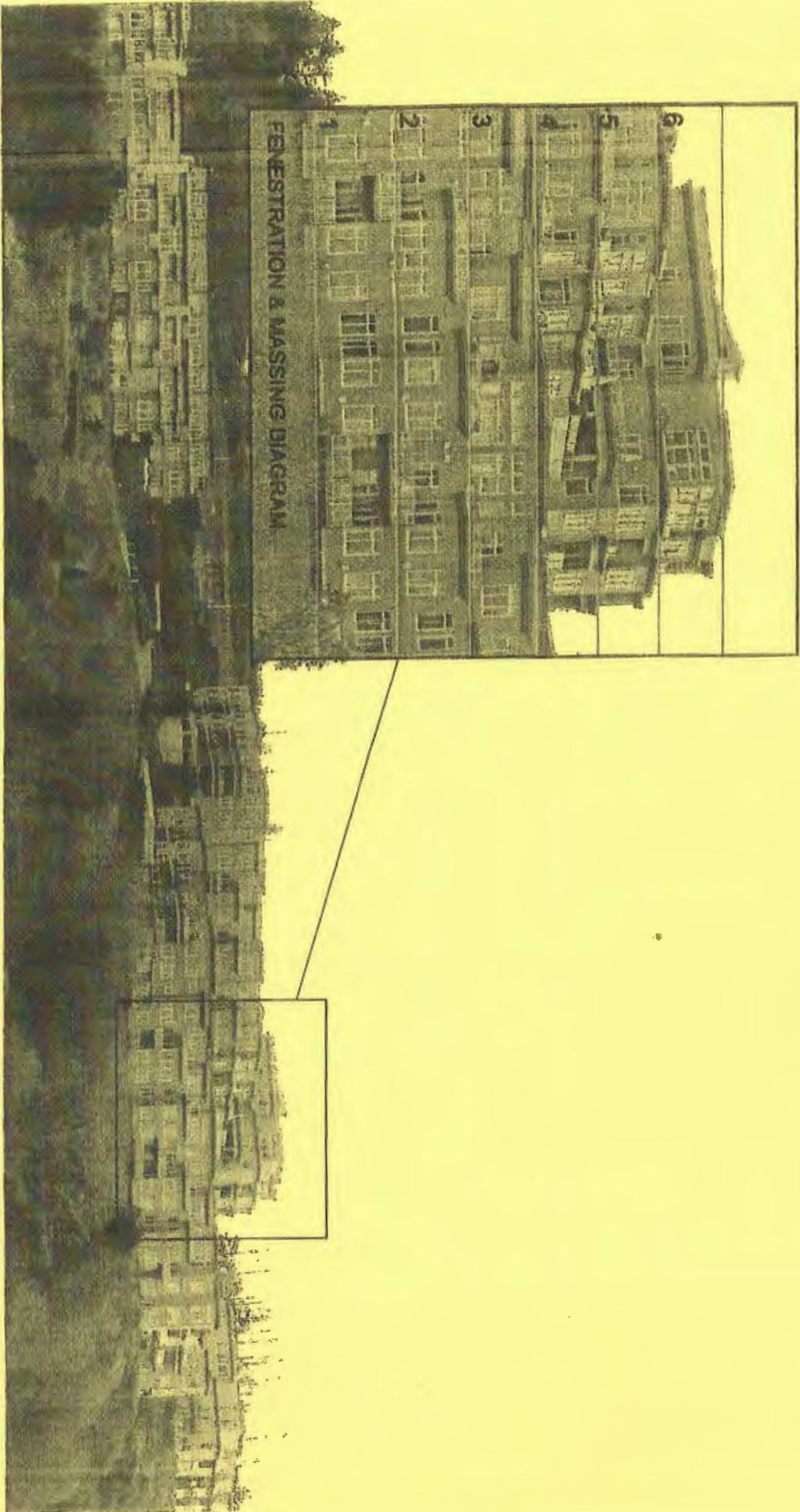
T.O. ROOF
 +185'-0"

L5 ELEV.
 +175'-0"

L4 ELEV.
 +165'-0"

SOUTH ELEVATION (EAST WING)





EDMONDS PINE ST, LLC

50 PINE STREET AT POINT EDWARDS | VIEW FROM NORTH @ EDMONDS MARSH TRAIL

04/13/14

3

WEBER THOMPSON

0457

RICHARD E. GIFFORD PLLC

October 11, 2013

Rick Gifford
E-mail: rick@rgiffordlaw.com

RECEIVED
OCT 11 2013
DEVELOPMENT SERVICES
COUNTER

Mr. Kernen Lien, Senior Planner
City of Edmonds, Planning Division
122 – 5th Avenue
Edmonds, Washington 98020

Hand Delivered

Re: PLN20130022, 50 Pine Street, Edmonds, Surrebuttal to APL20130005

Dear Mr. Lien:

The following materials are submitted on behalf of Edmonds Pine Street LLC, the property owner and Applicant under the above File No., in reply to the rebuttal argument of David Inadomi (“Appellant”) by letter dated and filed with the City on October 7, 2013.

Appellant Contentions

Appellant re-states his appeal position with respect to FC 4.a.C.14.b in slightly different words. He does not allege view impacts so much as he complains there are no “blueprints, drawings, or schematics” showing his residence in relation to the proposed building. There in fact are a lot of materials in the file showing the view issues and relationship between the buildings, but perhaps not the kind of construction-level detail Appellant seems to want. E.g., Record 0201-206, 0266-267, 0356, and 0494-500.

While Appellant does not specify what he feels is needed, it is not the kind of detail level material or information required at the design review stage. Moreover, it is incumbent on him to provide any particular information and detail about his property and residence. He has had more than ample opportunity to do so in the prolonged review of this project, but has not introduced anything into the record. He seems to expect detailed construction data of the sort not required in the design review stage

EDMONDS WAY LAW CENTER
23901 EDMONDS WAY • EDMONDS, WASHINGTON • 98026
PHONE: (425) 673-9591 • MOBILE: (206) 234-4444

and not typically supplied until the building permit phase of a project review when the design is finalized and known.

Applicant has presented all required information for the City's design review, as the record shows. Of the 500+ page record, there are no less than 81 pages of material from the project architects depicting and explaining the proposed design. Record 0023-75; 0453-480. Only part of this information accompanied the second application on March 26, 2013, which staff determined to be complete under code requirements. Additional information and testimony came in in connection with the public hearing. The height, size, mass, configuration, lot coverage, placement, pedestrian access, landscaping and other outdoor amenities, materials, colors, lighting, building and roof elements and articulation, vehicle access and parking, among other design aspects of the proposal, are shown and described in considerable detail in the these materials and elsewhere in the Record. E.g., Record 0007-11, 0228-230, 0236-238, and 0486-512.

In his objection to FC 4.a.C.14.c, Appellant also reasserts his displeasure with the surface parking lot as modified and now approved by the Board. Appellant is correct that Applicant offers no new information and re-states what was disclosed in the record and considered by the Board in rendering its decision. ECDC 20.07005 (A) and (B) precludes the introduction of new or different information at this stage and expressly restricts all participants to the confirmed record. The Board reviewed the extensive evidence presented, assessed it, deliberated on it, and entered findings and conclusions consistent with its decision approving the proposal. Staff recommended, Applicant openly endorsed, and the Board imposed a further condition calling for Applicant to collaborate with Appellant to supplement the landscape screening for Applicant's property. Transcript at 28.

The record confirms that Appellant's issues were vetted during the December ADB hearing and again at the May hearing. Specific landscaping/screening/buffering changes were requested by the Board and incorporated by Applicant in the modified design to help reduce impacts. Record 0238; Transcript at 17. Visual impacts have been identified by Applicant as moderate since the entire site is downslope from Appellant's

existing residence, the view from the upslope property will be over the top of the proposed building. Record 0267. The parking area will be substantially below Appellant's property and all structures on it. The proposal includes two visible, above-grade floors in the east wing facing Appellant's property, and three in the western wing, compared with two visible east-wing floors and two and a half visible west-wing floors in the original concept drawing for a building on this site in 2003, and three visible floors in each wing of the building approved by the City in 2006. Record 0039-40, 0201-205; 0356, 0494-496, and 0499. Just two visible floors facing Appellant's property, as always has been contemplated, beginning in 2002-2003 with Point Edwards review and approval, and prior to Appellant's purchase of his residence in 2004.

Appellant has acknowledged on the record that the Point Edwards project was under development when he bought his property in 2004 and that he always knew a building was intended on the property next to his, including surface parking. It does not appear that he participated in the public processes when Point Edwards density was increased to 350 units in 2005 or when a building larger in footprint and overall mass, and otherwise similar to this building in height and size, was proposed.

Significantly, Appellant did not participate in or contribute to the environmental process or comment on disclosures made by Applicant about noise, light and glare, or view and other aesthetic concerns during that process. The environmental considerations were revived due to the City's course correction earlier this year that resulted in a new environmental checklist being prepared, and a fresh environmental review of this project.

The new SEPA checklist for the project is set forth in the record. Record 0274 et seq. It accompanied the project's re-application in March 2013 and has been a matter of public record since then. The checklist addresses noise in part 7.b, aesthetics (including view expressly) in Part 10, and light and glare in part 11 thereof. Id. at 0262-263, 0266-268. In response to question 10.b, "What views in the immediate vicinity would be altered or obstructed?", Applicant responded as follows:

“View of the hillside from adjacent buildings, marina area, and downtown Edmonds would be altered; view from single family residence to the south [Inadomi residence] would be altered.”

In response to the following question 10c, “Proposed measures to reduce or control aesthetic impacts, if any:” Applicant gave the following response:

“Modulated façade/roofline. Landscaping will surround all sides of building; vegetation and trellis elements will screen building and surface parking. Materials, modulation, & color to be analogous to those found at existing Pt. Edwards buildings and home to south [Inadomi residence].”

No staff comments were entered after either of these responses or any of Applicant’s responses to checklist Items 10(b)(1), (2), or (3) addressing Noise, or Items 11(a), (b), (c), or (d) addressing light and glare. Record 0262-263, 0267, 268.

With respect to noise, light, and glare, Applicant confirmed compliance with all applicable City standards and noted that any impacts would be typical of urban/suburban neighborhoods. Id.

The City completed its environmental review and issued an unconditional determination of non-significance (“DNS”) on April 12, 2013. Record 0006, 0346-347. A 14-day comment and appeal period followed. The DNS was not appealed and became final on April 26, 2013. Id. Appellant at no time commented on the disclosures and statements in the SEPA checklist relating to view, noise, or light and glare, considerations or any other environmental issues addressed in the checklist or relating to the proposal, until the comments in his recent appeal and rebuttal letters.

The matters about which Appellant complains indisputably are addressed in the record, and were considered and addressed by the Board as its decision with conditions and the referenced findings/conclusions confirm. Appellant did not speak out during the environmental review process and let the pertinent determinations therein stand. He introduced no pertinent or timely evidence. He has stated his opinion and expressed his disapproval, and now makes a late appeal for additional information on issues completed and approved in the environmental review process and also evaluated and

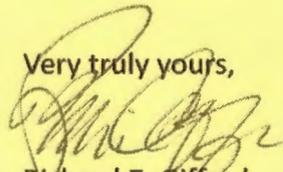
accounted for by the ADB. The controlling record fully supports the ADB's actions and its findings, conclusion, and decision on these points and across the board.

Although Appellant is not fully satisfied, the evidence shows adequate coverage of the relevant issues in a timely manner by Applicant, and confirms consideration and approval by City staff in the environmental process and by the ADB in design review.

The Council looks at the same record that was before the Board, no more and no less. The Board conducted two hearings, heard the testimony, directly reviewed the evidence, and is charged with the responsibility and attendant authority to determine if the proposal conforms to applicable design standards. The Board's determinations, like the staff's conclusions concerning compliance with zoning bulk and use standards, are entitled to appropriate deference on review. If evidence exists to support the Board's decision, it can be overturned or altered only if in considering the record as a whole and the governing Code and planning standards, the Council is left with the definite and firm conviction that the Board made a mistake in conditionally approving the proposal as it did. Cougar Mountain Assocs. v. King County, 111 Wn2d. 742, 749-50, 765 P.2d 264 (1988).

We submit the ADB's decision, affirmed in the findings and conclusions adopted at the Council's direction on August 7, 2013, is justified and fully supported by the Record and the design criteria as informed by the Urban Design Guidelines and that no valid basis exists for disturbing it. Appellant has presented no information, evidence, or compelling argument to the contrary.

Very truly yours,



Richard E. Gifford
Attorney for the Applicant,
Edmonds Pine Street LLC

REG/mmi