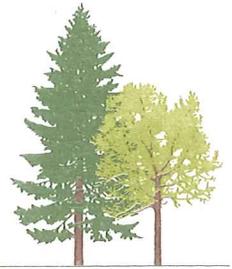


RECEIVED

SEP 23 2013

PLANNING DEPT.



Town of Woodway
WASHINGTON

September 26, 2013

Laura Petso
City Council President

Re: Point Edwards Building 10
Project File PLN20130022

Dear Councilmember Petso,

The Town of Woodway submitted a timely appeal because, in its view, the decision of the Architectural Design Board approving the design of Building 10 did not conform to nor meet the Design Criteria set forth in ECDC 20.11.030 and the Urban Design General Objectives of the Community Culture and Urban Design Element of the City of Edmonds' Comprehensive Plan. As a consequence, the Town is requesting that the Council modify the ADB's decision approving Building 10's design to require the stepping down of the eastern wing of Building 10 to 3 stories and reducing the western wing from 5 stories to 4 and requiring street and parking lot lighting to be consistent with that already installed in the Pt. Edwards community on the north side of Pine Street or, in the alternative, to reverse the decision of the ADB.

The City of Edmonds has historically been a leader in the development of design review regulations, and pursuant to Chapter 20.10 of the Community Development Code, the purpose of the design review regulations is to encourage development which preserves the aesthetic environment of the City of Edmonds and to encourage development with features that adapt to topography and other natural features and to minimize incompatible and unsightly development.

The Town of Woodway believes that, on a broad level, the ADB erred in approving the design of proposed Building 10 because it does not conform to these overarching goals of the design review regulations. Namely, Building 10 is not compatible with the neighborhood or the topography of the Point Edwards site and will detrimentally impact the Town of Woodway, and particularly the fifteen or so homes situated adjacent in the neighborhood of the Estates, from whom the Town has received multiple complaints and concerns.

The Edmonds City Council has established guidelines for the ADB to follow in making its decisions to ensure that incompatible development is not allowed at the expense of the surrounding communities. And, unfortunately, the ADB did not follow the guidelines for making their decision as established by the Council in Chapter 20.11 governing design review decisions.

Initially of course, the ADB's decision contained no findings and no explanation of why it approved the project and how the project met the criteria for approval. The Town and others had to appeal this decision, submit appeal letters, and attend the July 2 City Council closed record hearing where it was announced that the matter would be remanded to the ADB to enter findings.

The ADB met on August 7 for this purpose. At that meeting it became apparent that upon actual review and consideration of the criteria, at least one Board Member thought that the project, as submitted, did not meet certain criteria. As reflected in the draft minutes, page 2, the Board Member was cut short by the Chair who stated that the ADB was not authorized to change its decision, but only to offer reasons for the prior decision. The Town believes that this process fundamentally subverts the very purpose of requiring any administrative board to explain its decision by reference to specific findings of fact tied to the specific criteria of approval. Here, the ADB was forced to adopt post hoc rationalizations for a flawed decision. Instead, the ADB should have been allowed to change its decision if it were unable to justify its original decision with reference to the approval criteria.

In any event, the ADB's Findings are not supported by the record and are contrary to the City's standards and criteria.

The ADB's Findings did not discuss Design Criteria 20.11.030(A)(4), which states in part that

Long, massive, unbroken or monotonous buildings shall be avoided in order to comply with the purposes of this chapter and the design objectives of the comprehensive plan. This criterion is meant to describe the entire building. All elements of the design of a building including the massing, building forms, architectural details and finish materials contribute to whether or not a building is found to be long, massive, unbroken or monotonous.

This criteria is not met by the current design.

- The tops of both the eastern and western wings of the building are at the same level, creating a monotonous, massive, long building design.
- Using a variety of materials and colors and some roof modulation by placing peaks on the roof does not resolve the issue because even with these added features, the building still gives the impression of a massive building in comparison with the rest of the buildings in Point Edwards with a continuous height along the entire expanse of the building.
- Therefore, it is appropriate for the decision to be modified to require stepping down of the eastern portion of the building or be reversed

The ADB's Findings are flawed regarding Design Objective C.8.a: *Do not use repetitive monotonous building forms and massing in large multi-family or commercial projects.* and Design Objective C.8.c: *Retain a connection with the scale and character of the City of Edmonds*

through the use of similar materials, proportions, forms, masses, or building elements and C.13.d Integrate buildings into their site by stepping the mass of the building along steep sloping lines.

- Even the staff report concluded Building 10 to be out of character with the Point Edwards Development. It also stated that the stepping down the eastern portion would still result in one of the tallest buildings in the Point Edwards development. The Findings ignore these inconvenient facts and instead reach conclusions that are not supported in the record.
- The rest of the Point Edwards buildings contain three levels of residential units and Buildings 8 and 9 appear to have 4 stories because of the underground parking garage. Building 10 is also out of character with the Woodway single-family residences that are located above the development on the hillside.
- In addition, the eastern wing is not stepped in accordance with the slope of the hillside.
- Therefore, the Town believes it is entirely consistent with the Point Edwards site and the topography of the steep slopes surrounding the site to go beyond the recommendation of staff to step down the eastern wing to 4 stories and require that the eastern wing be stepped down to 3 stories and the western wing to 4 stories.

Design Objectives C.8.a and C.8.c address the scale and character of a building, and Design Objective D.1.b requires a project to *maintain the smaller scale and character of historic Edmonds*. The Findings compare Building 10 with other buildings in the Point Edwards development and make no effort to demonstrate how Building 10 is within the scale and character of surrounding single-family homes. No effort is made to explain how a five-story building maintains the “smaller scale and character of historic Edmonds”.

Design Objectives C.13.c and C.13.d are not met. The Findings are factually flawed as the views of the single-family homes to the south are not preserved and those homes are not substantially higher in elevation.

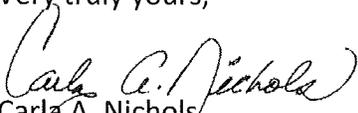
Finally, the ADB’s Findings are flawed regarding Design Objective C.10.b: *Minimize potential for light to reflect or spill off-site*. The Town requested that Cobra lamps on high poles be exchanged with low, shielded, architecturally appropriate lights to match those already existing on the north side of Pine Street. The Findings contain conclusory statements not supported in the record.

- The current design would not meet this criteria because the cobra lamps are not hooded and do not prevent the spillage of light off site to the Woodway residents located within 100 feet of the site.
- Moreover, the cobra lamps on high poles are inconsistent with the rest of the lighting along Pine Street.

The Town incorporates its prior appeals and appeal letter herein.

In conclusion, the project must be modified to require stepping down of the eastern wing of Building 10 to 3 stories and reducing the western wing from five stories to 4 and requiring street lighting to be consistent with that already installed in the Pt. Edwards community on the north side of Pine Street.

Very truly yours,



Carla A. Nichols

Mayor