

APPROVED

**CITY OF EDMONDS
ARCHITECTURAL DESIGN BOARD
*Minutes of Regular Meeting***

July 1, 2016

Chair Gootee called the meeting of the Architectural Design Board to order at 7:00 p.m., at the City Council Chambers, 250 - 5th Avenue North, Edmonds, Washington.

Board Members Present

Bryan Gootee, Chair
Cary Guenther, Vice Chair
Brian Borofka
Lois Broadway
Bruce O'Neill

Board Members Absent

Tom Walker

Staff Present

Mike Clugston, Senior Planner

APPROVAL OF MINUTES

BOARD MEMBER BOROFKA MOVED THAT THE MINUTES OF MAY 20, 2015 BE APPROVED AS SUBMITTED. BOARD MEMBER BROADWAY SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

APPROVAL OF AGENDA

BOARD MEMBER O'NEILL MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED. BOARD MEMBER BOROFKA SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

REQUESTS FROM THE AUDIENCE:

Scott Blumenkamp, Edmonds, recognized that the Board does not have the ability to address his situation, but he wanted to inform them of the impact of their decisions and the fact that the City administration does not enforce them. He explained that on February 5, 2015 the Architectural Design Board approved a development at 22320 Edmonds Way. The Staff Report that was prepared for the hearing left out some critical information. For example, the Staff Report stated that the applicant met all of the applicable code requirements. If Board had visited the site, they would not have missed four trees (one 160 feet tall and 42 inches in diameter) on his property within two feet of the property line that would be affected by the proposal. The plan called for minimal excavation. While he is not sure of the City's definition of "minimal," 130 square yards of excavation on a less than half acre lot seems more than minimal. The applicant needed to excavate in order to fit five, 3-story duplexes into the 25-foot height restriction. A retaining wall is being constructed within the drip line of the trees on his property, and the excavation has destroyed three of the trees and completely changed the character of his property.

Mr. Blumenkamp said he purchased his property on May 12, 2015 and moved in on May 23rd. Within a week, the character of his property was destroyed. He spoke with the City administration and brought up the fact that the City has a very clear tree cutting code, which very clearly prohibits excavation to a lower level within 1-foot for every inch of the tree. City staff told him they did not have to abide by this code provision, and the applicant was allowed to excavate

within two feet of the trees. Two arborist reports, one from the City and one from the developer, showed that the trees are now hazardous. Furthermore, the Staff Report clearly says a Type I Landscape buffer is required his property, which is zoned single-family residential and the property being developed, which is zoned multi-family residential. The Architectural Design Board accepted the Staff Report's claim that the trees on his and his adjoining neighbor's properties were the Type I Landscape buffer, but the buffer no longer exists. The City has indicated the developer now is offering \$200 per tree to somehow create a buffer.

Mr. Blumenkamp reviewed that on July 5, 2004 the City Council enacted the code amendment to create a procedural exemption, which completely makes sense. Specifically, the Planning Division Manager indicated that the amendment would only apply to the process, and every developer must still abide by the actual standards of ECDC 18.45.50. However, this is an example of what happens when the Architectural Design Board has become completely irrelevant because the administration is not enforcing what they say. He said he is incredulous that this situation was allowed to happen; and he is now looking at \$50,000 damage, not counting removal of the trees and the fact that there is no longer a buffer. He emphasized the need for the City to enforce the codes, as written; and the Architectural Design Board needs to pay careful attention to how staff presents proposals to them to ensure they are accurate.

Chair Gootee asked if this is the property adjacent to the new veterinary building that is being prepared for development as condominiums. Mr. Blumenkamp answered affirmatively. Chair Gootee summarized that, in Mr. Blumenkamp's opinion, some of the Architectural Design Board's findings are not being abided by on the property. Mr. Blumenkamp expressed his belief that the staff's presentation to the Board was inaccurate and untrue. He does not believe that most people would think "excavation" includes digging down five feet at the property line and taking out 1,100 square yards of material. One of the conditions of the Board's approval is that the project would follow all codes. In the Board's hearing regarding the application, a Board Member asked why more trees were not retained. As per the Staff Report, the minimal excavation was to fill a hole next to the house, but the entire lot has now been graded and every tree removed. He voiced concern that the developer had to dig down in order to fit 3-story condos into a zone that restricts height to 25 feet. This required him to construct a retaining wall approximately three feet from the property line, which ended up destroying the trees on his property and eliminating the required Type I Landscape Buffer. This buffer was discussed in the Staff Report and the mature trees on adjacent properties were referred to in the hearing notes. The developer will put up a fence, but that is all. Anything he can do will not replace a 120-year-old Douglas fir.

Chair Gootee commented that Mr. Blumenkamp's situation appears to be an enforcement problem, which is not something the Architectural Design Board can address at this time. He agreed that the Architectural Design Board has had problems in the past when the conditions attached to their decisions have not been enforced or have been changed. He asked Mr. Clugston to explain the process Mr. Blumenkamp should use to pursue his concerns. Mr. Clugston said there is a larger discussion going on regarding the project referenced by Mr. Blumenkamp. He reminded the Board that the City is pursuing a large Development Code rewrite, and one of the goals is to streamline the processes and make it clearer.

Mr. Blumenkamp emphasized that the codes relative to tree clearing are very clear. First of all, the department head is responsible for administrating and enforcing the code. Next, it says a permit will be required of every tree clearing. It also provides a list of exemptions and addresses hazardous tree removal. Third, the code includes a procedural exemption that is very clear: exempt from application and notification. Part B of this same provision (ECDC 18.45.35) states that Architectural Design Board approval will be in accordance with this chapter. If not, then reparations will be in accordance with the chapter. Then it goes into how you deal with things. If you are within the drip line of a tree (ECDC 18.45.750.H) excavation is limited to one foot for every inch, and you cannot do heavy equipment, stack materials or excavate within the drip line of a tree. It does not say any tree on the property being developed; it says any tree to be retained. The code cannot be clearer, and he is tired of hearing from staff that the Tree Code is unclear.

Mr. Blumenkamp said he received a letter from the Planning Division indicating that the applicant is abiding by the permit. However, the City should not be allowed to issue permits that are inconsistent with the code. If an applicant wants to depart from the code provisions, a variance should be required. In his opinion, the Architectural Design Board

needs to carefully review the information they receive and what they are being told by the staff. If there are issues, the Board's decisions should include very clear criteria to address them. Right now, his only option is to go to court, which will cost money.

Chair Gootee commented that the Board will take Mr. Blumenkamp's comments under advisement. The Board does try to make their findings as clear as possible.

CONSENT AGENDA:

There were no items on the consent agenda.

MINOR PROJECTS:

No minor projects were scheduled on the agenda.

PUBLIC HEARINGS - MAJOR PROJECTS: Architectural Design Board review of the design of a new mixed-use building at 201 Main Street for Edmonds 2020 LLC (File Number PLN20150016) (Continued from May 20, 2015)

Mr. Clugston reviewed that at their May 20th meeting, the Board took testimony on Phase 1 of the public hearing for a new building at the Post Office Site. They established the design checklist and set a date certain for Phase 2 of the public hearing, which was tonight. Unfortunately, the applicant has not turned in the materials required for the continued hearing.

Mr. Clugston explained that, because the public hearing for the application is still open, the Board could invite members of the public to testify relative to the existing information. Following any public testimony, the Board could continue Phase 2 of the public hearing to a date certain. The applicant has indicated that the required materials will be submitted next week, and he requested that the hearing be continued to August 5, 2015.

Doug Spee, Edmonds 2020 LLC, Edmonds, said he is the applicant for the proposed project. He reported that good progress has been made to prepare for the Phase 2 public hearing, but additional information is still being prepared. He reported that a landscape plan has been completed, and a civil plan is underway. They are also preparing a night rendering of the proposed project. As challenged by the Board, they have worked to address the blank, grey wall along the alley. One option is to cast various designs into the concrete, and another option is a 3D mural with an outdoor theme. He summarized that the floor plan has been polished more, and some of the smaller apartments were combined into larger units. However, the project still includes a spectrum of small to large units, with 12 on each floor. He believes the new plan is a better fit for clients who will rent long-term. He also noted that there will be ample parking for the project (residential and commercial) in the basement.

Board Member Borofka asked if changing the civil engineer for the project will impact the colors and materials proposed for the building. Mr. Spee answered no. He explained that the project architect will not change, and the civil engineer will address such things as sewer and water hookups, etc. There will be no curb cuts or aprons. There will be a simple sidewalk on two sides of the property, with a connection on the third side and alley on the fourth side. He said the materials proposed by the architect are intended to provide more originality but be consistent with theme of the Phase 1 Building.

Richard Eadie, Shoreline, said he owns a house on the other side of the alley from the subject property. He asked how he could become informed about whether the hearing will go forward in August or not. Mr. Clugston answered that notice of the continued hearing will be sent to property owners within 300 feet of the subject property on or about July 22nd (two weeks before the hearing). Mr. Edie indicated that he did not receive any of the previous notices, and Mr. Clugston agreed to ensure he is included in the next mailing.

VICE CHAIR GUENTHER MOVED THAT THE PHASE 2 PUBLIC HEARING ON FILE NUMBER PLN20150016 BE CONTINUED TO AUGUST 5, 2015. BOARD MEMBER BROADWAY SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

CONSOLIDATED PERMIT APPLICATIONS (No Public Participation):

There were no consolidated permit applications.

ADMINISTRATIVE REPORTS/ITEMS FOR DISCUSSION:

Mr. Clugston invited Board Members to attend the Volunteer Appreciation Day Picnic on August 9th at 2:00 p.m. at City Park.

ARCHITECTURAL DESIGN BOARD MEMBER COMMENTS:

Mr. Clugston reported that the vacant Board positions have been advertised, but the City has not received any applications to date.

ADJOURNMENT:

The meeting was adjourned at 7:30 p.m.