

**CITY OF EDMONDS  
ARCHITECTURAL DESIGN BOARD MEETING**

**June 2, 2010**

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Board Member Kendall called the meeting to order at 7:00 p.m., at the City Council Chambers, 250 - 5<sup>th</sup> Avenue North, Edmonds, Washington.

**ROLL CALL**

**Board Members Present**

Valerie Kendall, Chair  
Steve Bullock  
Michael Mestres  
Bruce O'Neill

**Board Members Absent**

Rick Schaefer, Vice Chair (excused)  
Bryan Gootee (excused)  
Lois Broadway (excused)

**Staff Present**

Kernen Lien, Planner  
Karin Noyes, Recorder

**APPROVAL OF MINUTES**

**BOARD MEMBER BULLOCK MOVED THAT THE MINUTES OF MAY 5, 2010 BE APPROVED AS AMENDED. BOARD MEMBER MESTRES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF AGENDA**

**BOARD MEMBER BULLOCK MOVED TO APPROVE THE AGENDA AS PRESENTED. BOARD MEMBER O'NEILL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**REQUESTS FROM THE AUDIENCE:**

Roger Hertrich approached the podium to speak regarding File Number PLN20100022. Chair Kendall informed him that the audience would have an opportunity to speak when this file comes before the Board later on the agenda. Mr. Hertrich pointed out that the item was not advertised as a public hearing. Board Member Bullock explained that the Board's review of minor projects includes a public hearing. Mr. Hertrich noted that the agenda does not make this clear.

**MINOR PROJECTS: Continuation of Landscape Modification Request for Buildings 6 and 7 of the Point Edwards Development (File Number PLN20100022).**

Chair Kendall reviewed that the property is located at 31 and 41 Pine Street and is zoned Master Plan Hillside Mixed Use (MP-1).

Mr. Lien reviewed that this is a continuation of the May 5, 2010 ADB Meeting, at which the Board heard two separate proposals for landscape modifications for the Point Edwards Condominium Development. Both requests were consolidated under a single permit (File Number PLN20100022). He advised that the first request was from the Point Edwards Homeowners Association (HOA) and proposed to remove English Laurel from the landscaping without providing a replacement species. He reminded the Board that they approved this request at their last meeting.

Mr. Lien said the second request was from Point Edwards LLC. He reviewed that upon inspection of the landscaping for Buildings 6 and 7 for the release of the landscape maintenance bond, staff determined that large portions of the approved landscaping appeared to be missing, particularly on the view side of Buildings 6 and 7 where Serviceberry or Staghorn Sumac were supposed to be planted. The Point Edwards LLC is proposing to replace plants along the southern property line fence, while not planting the trees on the view side of Buildings 6 and 7. At their May 5<sup>th</sup> meeting, the ADB felt that some trees should be planted in the original locations identified on the approved landscape plans, but they indicated their willingness to consider an alternate plan. The hearing was continued to allow the applicant to submit an alternate proposal that would:

- Provide a level of density similar that approved in the original plan.
- Maintain the integrity of the hillside.
- Protect the view of the property owners above.

Mr. Lien advised that Point Edwards LLC has offered two proposals for the Board's consideration:

- **Proposal 1** would replace the trees not planted on the view sides of Buildings 6 and 7 with shrubs at a ratio of three shrubs for every tree resulting in the planting of 126 shrubs. The proposed shrub species include Redtwig Dogwood, Oregon Grape, and Common Snowberry (Exhibit 5). Additionally, the trees on the south side of Building 7 along the fence and property line would be replaced as indicated in the letter and highlighted in Exhibits 3 and 4.
- **Proposal 2** would shift the location of some of the trees to the southwest corner of the property and change one of the tree species from Serviceberry to a dwarf variety of Serviceberry. The remaining trees not planted would be replaced at a ratio of roughly three to one with the same shrubs identified in Proposal 1. Additionally, the trees on the south side of Building 7 along the fence and property line would be replaced as indicated in the letter and highlighted in Exhibits 3 and 4.

Mr. Lien explained that Proposal 1 calls for the shrubs to be planted in clusters of 9, by species, in selected areas on the slope. While Proposal 1 does not include the planting of any trees on the slope west of Buildings 6 and 7, it does replace the trees with shrubs at a ratio of three to one. He noted that the Western Garden Book indicates that Snowberry is used for erosion control on steep banks and that Redtwig Dogwood is good for holding banks, as well. Given the proposed planting locations of the shrubs on the slope and the height of the shrubs at maturity, it does not appear that Proposal 1 would affect the views of Point Edwards residents.

Mr. Lien advised that Proposal 2 would retain some of the trees and replace the remaining trees with shrubs that can offer both erosion control and bank stability. In addition, shifting the Staghorn Sumac to the southwest corner of the property, replacing the Serviceberry with a dwarf variety, and replacing the remaining trees with shrubs should protect the views of Point Edwards residents.

Mr. Lien concluded that staff feels that both proposals would address the concerns raised by the ADB. While Proposal 1 would replace all the trees with shrubs, Proposal 2 would retain at least some of the trees in the original landscape plans approved by the ADB (File ADB-02-226) and the landscape plans approved with THE building permits BLD200600974 and BLD20060075. Staff believes Proposal 2 would be more consistent with the approved landscape plans and would provide slope stability while protecting the views of Point Edwards residents. Based on the analysis in the staff report, staff recommends approval of the landscape modifications for Buildings 6 and 7 of the Point Edwards Development as detailed in Proposal 2.

Board Member O'Neill asked the elevation of the lower floor of Building 7. The applicant's representative indicated that the elevation would be about 110 feet at the top of the lawn area. Board Member O'Neill asked how tall the trees that are proposed along the southern part of the property would grow. Mr. Lien answered that the Staghorn Sumac would grow to a height of 15 to 30 feet. He recalled that at the last ADB meeting, it was noted that this species was

growing well on the slope and would likely exceed 15 feet in height. Board Member O'Neill pointed out that the trees proposed at the top of the slope would be planted at an elevation of 106 feet. If the trees grow to a height of 20 feet, they will likely they block the view of the ground level units. Mr. Lien pointed out that the view is already blocked in this location, so the additional trees would not create a significant impact. Mr. Lien referred the Board to the additional photos that were provided to illustrate the existing conditions in the area. Exhibit 11 is the area west of Building 6, and Exhibit 12 contains a number of photos of the area in front of Building 7. He noted the applicant has additional photographs to submit to the Board, as well.

Mr. Lien reported that since his initial inspection of the site in February, the landscaping has grown significantly. The bench area was particularly bare in February, but the situation has improved. However, there is still nothing planted on the sloped area.

**Forrest Jammer, Thomas Rengstorf and Associates**, was present to represent the applicant, Point Edwards LLC. He explained that he developed both proposals as a result of the Board's previous direction on May 5<sup>th</sup>. He acknowledged the staff's recommendation in support of Proposal 2, but he said the applicant would prefer Proposal 1. He expressed his belief that Proposal 1 would plant three shrubs for every tree, which is more than enough to provide coverage and stabilization of the slope. He emphasized that views are critical to all the residents who live in the lower level units. He has heard on numerous occasions that they are active with regard to ensuring their views are maintained. They paid a considerable amount of money for the units, and they would like to maintain their existing views.

Mr. Jammer explained that while the developer would be responsible for the cost of the initial installation of landscaping, the HOA would be required to maintain the landscaping. He recalled he initially suggested it would be better to plant in areas where active irrigation is already available, but he later learned that it would be easy enough to turn around the irrigation to water the trees and shrubs in the areas in question. Again, he reminded the Board that the residents are very interested in protecting their views, and the changes proposed would allow the trees and shrubs to be planted at elevations that would not result in view blockage. He noted that most of shrubs could be pruned as necessary. He asked that the Board recommend release of the maintenance bond subject to approval of either of the two proposals.

**Tom Graff, Edmonds**, said he is on the Board of the Point Edwards HOA and the chair of their landscape committee. He said he provided the pictures that were submitted earlier by Mr. Jammer. He reviewed each of the pictures as follows:

- **Picture 1** is of the slope that is located inside the loop road. It was a heavily vegetated slope with no trees, which proves that it is possible to landscape slopes without trees. Providing vegetation density and slope stability was the intent of the original landscape plan.
- **Picture 2** is a view from Building 6 looking directly to the west. There is Rosa Rugosa planted on the ridge, which has grown to a height of 18 inches. He said he frequently receives calls from property owners in the development who are already concerned that the Rosa Rugosa is growing too tall and could block their views. It does not take much height at the ridge for property owners to lose their site line. These property owners purchased their property with the shrubs in place, and they have no idea that the initial landscape plan calls for trees to be planted. Their sensitivity to views is not minor.
- **Picture 3** was taken directly from the parking lot by the marina. It shows that the western slope is heavily vegetated with Big Leaf Maples, Australian Pines, Douglas Fir and a variety of other deciduous trees. Looking up at Point Edwards from the marina, it is difficult to even see the areas that need plantings.
- **Picture 4** is a view from Building 7 showing the Poplar trees that are located along the Woodway property line, as well as the very dense vegetation on the western slope. You cannot see the lower floors of the units or the planting area from below.
- **Picture 5** provides a view of the western slope from the grass looking down. The vegetation is extremely dense, and it would be difficult to add additional plantings in this area.

- **Picture 6** is a view of the slope in front of Building 7 where the new landscaping would be planted. There is plenty of room for plantings in this location, and the HOA would like it to be shrubs and not trees. They believe that a three to one ratio of shrubs would be a better solution than trees. The shrubs identified in Proposal 1 would work well to stabilize the slope.
- **Picture 7** shows that the area in front of Building 6 is already heavily planted from the grass edge to the natural slope, and it will be difficult to add more shrubs in this area.

Mr. Graff urged the Board to support the applicant's request to modify the landscape plan as per Proposal 1, which would offer a higher vegetation density than Proposal 2 and would help stabilize the slope in a better way. He reminded the Board that the residents of the development paid thousands of dollars for their view. Proposal 1 would allow them to maintain their view while accomplishing the goals of the original landscape plan.

Board Member Bullock referred to the landscape plan that was approved as part of the Building Permit (Exhibits 4 and 10). It identifies a planting strip along the southern property line that was supposed to be planted with Orchid Rockrose and Wild Rose. However, it appears that the area is currently planted with grass. Mr. Jammer explained that when Mr. Lien visited the site, it appeared that someone had merely done blackberry removal. Landscaping was actually planted in this area, but he may have been wiped out by the low-growing grasses. Any evidence of the plantings is gone because they were planted two years ago.

Board Member Mestres noted that Proposal 2 would replace the serviceberry tree with a dwarf variety of the same species. He asked if there is evidence that dwarf trees can grow beyond their normal prescribed heights. Mr. Jammer answered that it is definitely possible. He noted that the tree is estimated to reach a height of 4 to 6 feet, but the environment in the landscape areas is very healthy, and the trees might grow to a greater height.

Board Member Mestres asked why Mr. Jammer provided two different proposals. Mr. Jammer answered that he wanted to present alternatives that address the ADB's concerns. The applicant would prefer Proposal 1, which is something totally different yet a reasonable scheme to deal with all of the areas identified.

Board Member Mestres suggested that the Staghorn Sumac included in the original design were intended to replace the trees removed as part of the development. However, he acknowledged that this is not reflected in the record. He observed that the trees in Proposal 2 are likely attractive, as well. He observed that the trees proposed for the southwest border of the property would not disturb the existing views. Mr. Jammer concurred.

Board Member O'Neill asked if Picture 7 was intended to be an example of the density identified in Proposal 1. Mr. Jammer said it was intended to be an example of the density that is typical in the environment. Board Member O'Neill said there appears to be a discrepancy between the picture and Proposal 1. Mr. Graff said he took the picture to illustrate that the slopes could look good with no trees. It illustrates a heavily vegetated slope. He noted that it is difficult to even see the grass from down below, but it is rough cut on a monthly basis. Mr. Jammer said the picture was taken at the overlook, looking west towards the water. Having vegetation below this area would be nice and appealing, but the western slope is intended to have a different and more natural appearance. The grass would remain and the shrubs would be planted in pockets.

**Roger Hertrich, Edmonds**, said he is a long-time resident of Edmonds and a former City Council Member. He said that in all his years in Edmonds, he has never experienced the hillside rape that took place prior to the development application. The experience left a bad taste in his mouth with regard to the way the applicant operates. It is obvious that they would have never done anything more with the landscaping if staff had not inspected the site and noted the discrepancy. Now that they have been caught, they are proposing a change. He reminded the Board that the previous agreement identified the specific landscaping that was supposed to be planted, and he sees no reason to approve changes now. He suggested the Board keep in mind the environmental value provided by trees, which is certainly different than shrubs. Since the majority of the wildlife corridor was cut away, there has not been anything for the wildlife that used the trees to prosper in the area. He said it is unacceptable to allow the applicant to plant shrubs instead of trees in the

interest of protecting views. He reminded the Board that the developer took care of most of the view issue previously. Allowing the applicant to plant shrubs instead of trees would be like allowing the trees to be cut down again. The impact would be the same, no trees. He concluded by stating that the applicant should be required to stand by the original agreement.

**Betty Larman, Edmonds**, said she has lived in Edmonds for eight years. As far as she knows, there is no ordinance to protect private property views. She said she also owns an expensive home with a beautiful view, and she has no power to stop an adjacent property owner from planting vegetation that grows up to block her view. She did not see why the Point Edwards property owners should be any different.

Ms. Larman expressed her belief that trees cannot be mistaken for bushes, since they have totally different water quality and slope retention qualities. They also provide life that bushes do not. She urged the Board to deny the proposed change and require the applicant to landscape the property as per the previously approved plan. She expressed her belief that more trees should be planted in the subject area. It is unsightly to look at the property from down below and see the "rabbit hutch" type of development that is not softened with vegetation. She reminded the Board that this is the northwest, the land of trees. She also reminded the Board that the City Council is in the process of updating the tree ordinance. She suggested the Board postpone their decision until the updated ordinance has been adopted so they have good direction as to what the community wants Edmonds to look like in the future, including Point Edwards.

**Louise Dickens, Customer Service and Warranty Manager, Point Edwards LLC**, said she would support either of the two proposals. She explained that she is the liaison between the developer, the property owners, and the City to try and figure out a solution to the issue at hand. She said she has heard a lot about what took place before she was hired by Point Edwards LLC, but it is important to keep in mind that they are currently dealing with the HOA and property owners and not the developer. Any decision will have an impact on the homeowners and not the developer at this stage. The homeowners should not be penalized for what the developer did years ago. She explained that many companies evaporated with the poor economy or the maintenance bond issue would have been addressed at an earlier time. They were not trying to slip the landscaping by the City. Instead, they have had to scramble to get the necessary information together for the City to inspect the property and release the bond.

**Diane Buckshnis, Edmonds**, said she was one of the founding members of the off-leash area, and she clearly remembers the day the chain saws removed the trees and the associated community uproar. The ADB has been thoughtful in their comments to this point, but she questioned whether the current proposal should really be considered a minor project. She suggested it would have been more advantageous to hear more from the citizens by providing notice to the public. Trees are different than shrubs; they provide for wildlife, have different root systems, muffle sound, and provide a wonderful picture. She expressed her belief that the trees should remain as part of the landscape plan.

**Reed Schoenfeld**, said he is one of the property owners whose view they are talking about. He expressed his belief that the Point Edwards development has significantly improved the view over the previous fuel farm. Looking up at the condominium buildings is a much better view than the fuel facility. He expressed his belief that whenever a town like Edmonds (with a view) is changed, compromises are necessary. He noted that the current owners have over \$63 million in property, which they pay taxes on. If trees are planted that grow to block views, the property values would be diminished. He emphasized that the current property owners had nothing to do with the tree removal that took place prior to development, and it would not be fair to hold the HOA responsible for this action. The current owners purchased property with the understanding that they would have views, and it is very important to do what is necessary to maintain these views.

Mr. Graff said the HOA's landscape committee is very sensitive to the issue of trees. They do not remove trees. In fact, the trees are allowed to naturally multiply in most situations. He noted that the current tree count is much greater than when the project was approved by the City, and they anticipate it will continue to grow as a result of volunteer trees. However, they are very sensitive to view, and they try to keep the volunteers out of these areas.

Board Member Bullock said it is important to understand what is being proposed versus what was approved in the past. There have been a number of references to the event that took place when the developer cut a number of trees on the slope. When this occurred, the developer was fined and required to replant. However, this portion of the site is not part of the proposal before the Board at this time. There is no proposal by the applicant to alter the area where the trees were replanted. The trees are growing well and will continue to do so. The current proposal is related only to those areas upland of the steep slope and its buffer. Proposed landscaping for these areas was included as part of the development proposal. At the building permit stage for Buildings 6 and 7, some trees were proposed to be planted outside the steep slope and buffer areas that had nothing to do with the clearing issue. That is why the current proposal is considered a minor project. It is a change to a landscape plan that was approved as part of a development permit and not something that was part of the enforcement case to address the illegal clearing.

Board Member Bullock agreed there is a difference between trees and shrubs, but the original proposal identified Snowberry and Staghorn Sumac, which are really just large shrubs. The applicant is now proposing to replace these species with different shrubs that are lower growing. He said he likes what trees do for a development as far as framing views for the residents that live there and for those that are looking at the development from off site. He said he would love to see some taller trees framing the buildings to break up the massing. However, this issue was addressed as part of original landscape plan. He said he has reviewed the staff report and agrees with the conclusions and findings outlined by staff. He said he would support staff's recommendation to implement Proposal 2.

Board Member Mestres explained that the ADB is a review board. They do not create ordinances or develop comprehensive plans. They enforce the codes and plans that have already been adopted by the City Council. He said he has lived in a number of areas of Edmonds over the past 11 years and has seen many situations where large trees were removed and no action was taken. While he does not approve of this, it is important to note that change is inevitable within the vegetation of the City. He said that while the Board can empathize with the property owners, it is not their responsibility to defend a homeowner's rights except when implementing the Comprehensive Plan and Development Code. The Board is often taken to task because a developer is trying to cut corners economically and that is not the Board's responsibility either. Views are highly interpretive, depending on where view is measured from. The Board does not have the ability to make decisions based on view protection, except when enforcing the City's current height restrictions, etc. He said he would support Proposal 2. Although it represents a change to the original landscape plan, it maintains some tangential relationship with the original plan. He said he could also support Proposal 1 if some trees of a moderate height were added.

Board Member O'Neill asked why the applicant proposed three new trees on the north section near Building 7. He said he is leaning towards supporting Proposal 2 because the trees shown in the proposal would not be located within the view corridor. Board Member Bullock observed that the proposed trees would be of a dwarf variety that would only grow to a height of about 6 feet. They would also be planted down slope.

**BOARD MEMBER BULLOCK MOVED THE BOARD ACCEPT THE FINDINGS AND CONCLUSION IN THE STAFF REPORT DATED MAY 26, 2010 AND APPROVE THE LANDSCAPING MODIFICATIONS FOR BUILDINGS 6 AND 7 IDENTIFIED IN FILE NUMBER PLN20100022, SUBJECT TO OPTION 2. BOARD MEMBER O'NEILL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ARCHITECTURAL DESIGN BOARD MEMBERS COMMENTS:**

None of the Board Members provided comments during this portion of the meeting.

**ADJOURNMENT:**

The meeting was adjourned at 8:00 p.m.