

RICHARD E. GIFFORD PLLC

October 4, 2013

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DEVELOPMENT SERVICES
COUNTER

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Mr. Kernen 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.

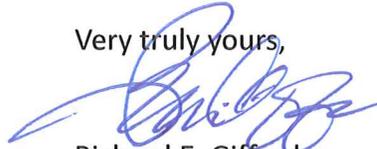
Appellants’ points are matters of personal interpretation and preference, insufficient to meet his burden of proof or to justify setting aside or altering the ADB’s exercise of discretion in regard to the design proposal in light of the record as whole.

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,

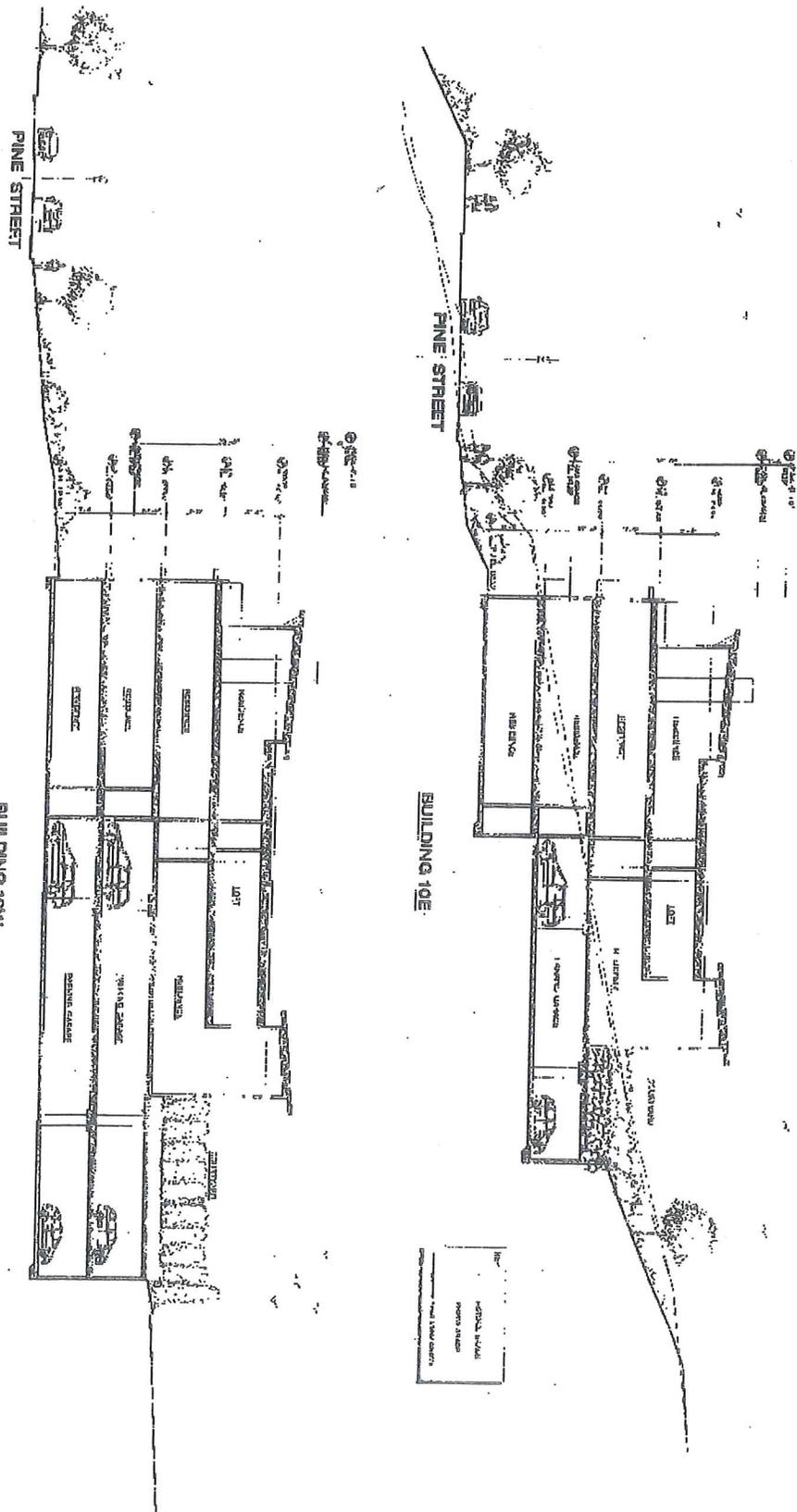


Richard E. Gifford
Attorney for the Applicant,
Edmonds Pine Street LLC

Enclosures: Attachments 1 and 2

REG/mmi

Building 10: ADB-2002-226



1/2" = 11' 0"
12-11-02

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

0466



Building 10: ADB-2006-97

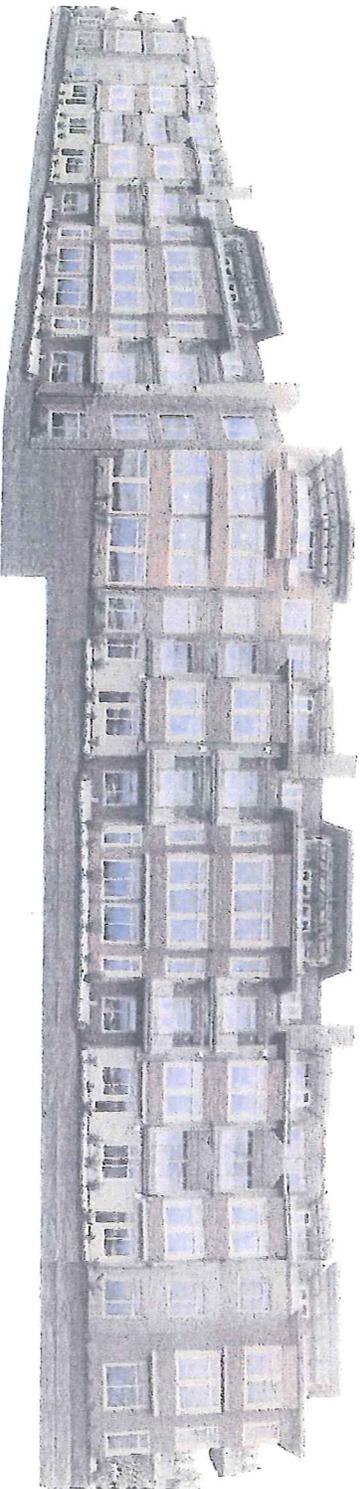


PHOTO COMPOSITE OF PROPOSED BUILDING 10 - ORIGINAL PLAN

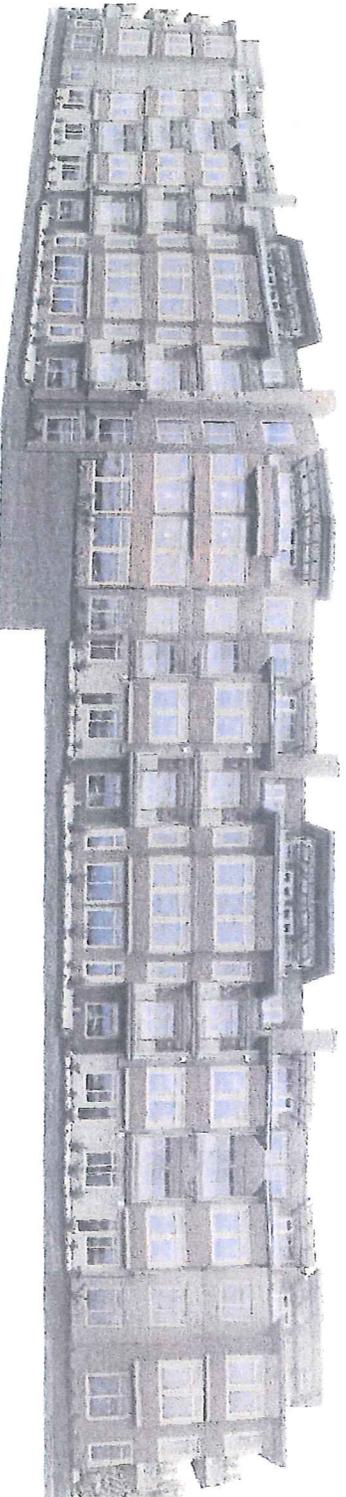


PHOTO COMPOSITE OF PROPOSED BUILDING 10 - MODIFIED ROOF PLAN



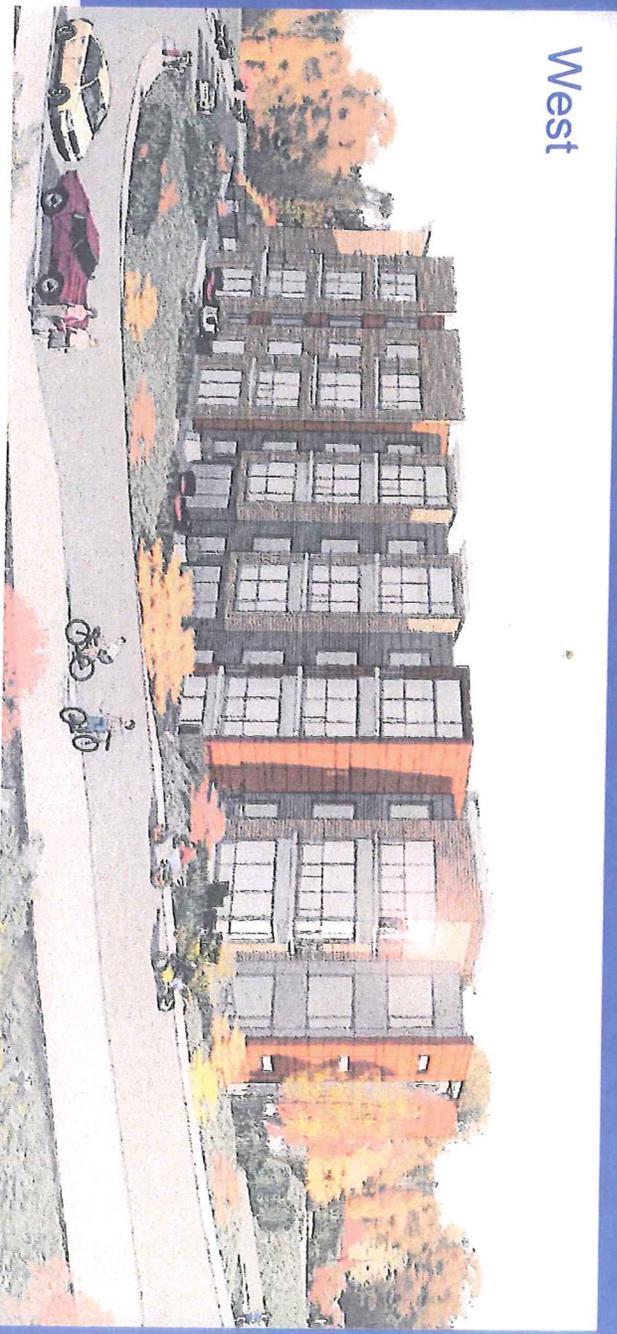
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POINT EDWARDS | PROPOSED ROOF LINE ALTERATION TO BUILDING #10
0467

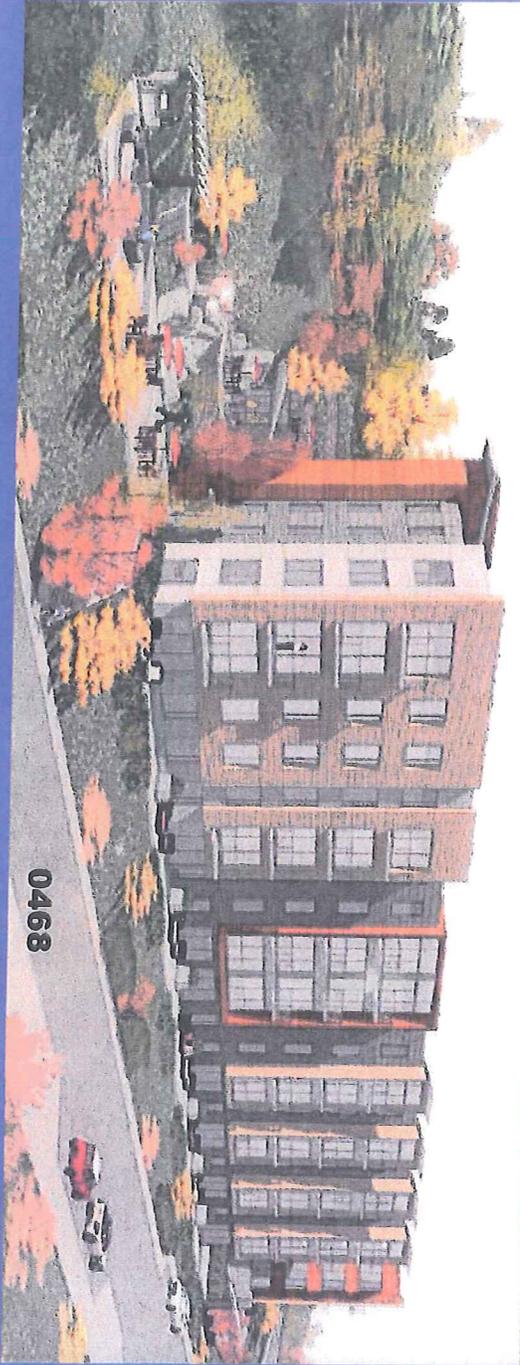
Building 10: PLN20120040



West



East

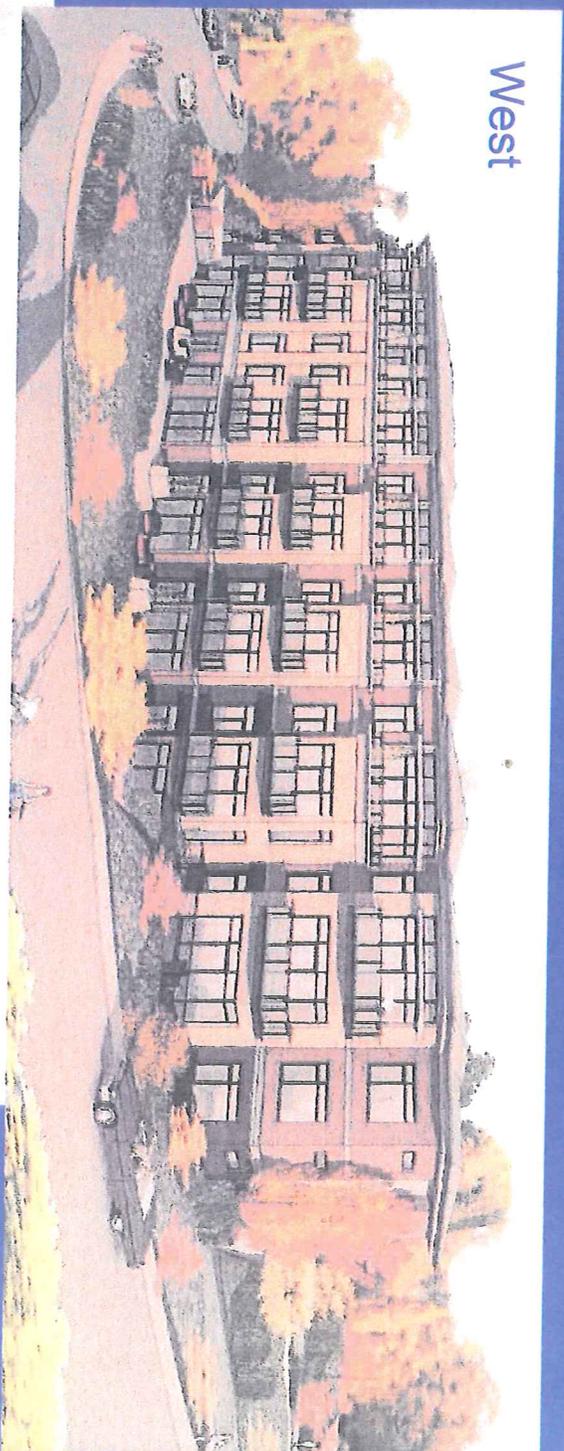


0468

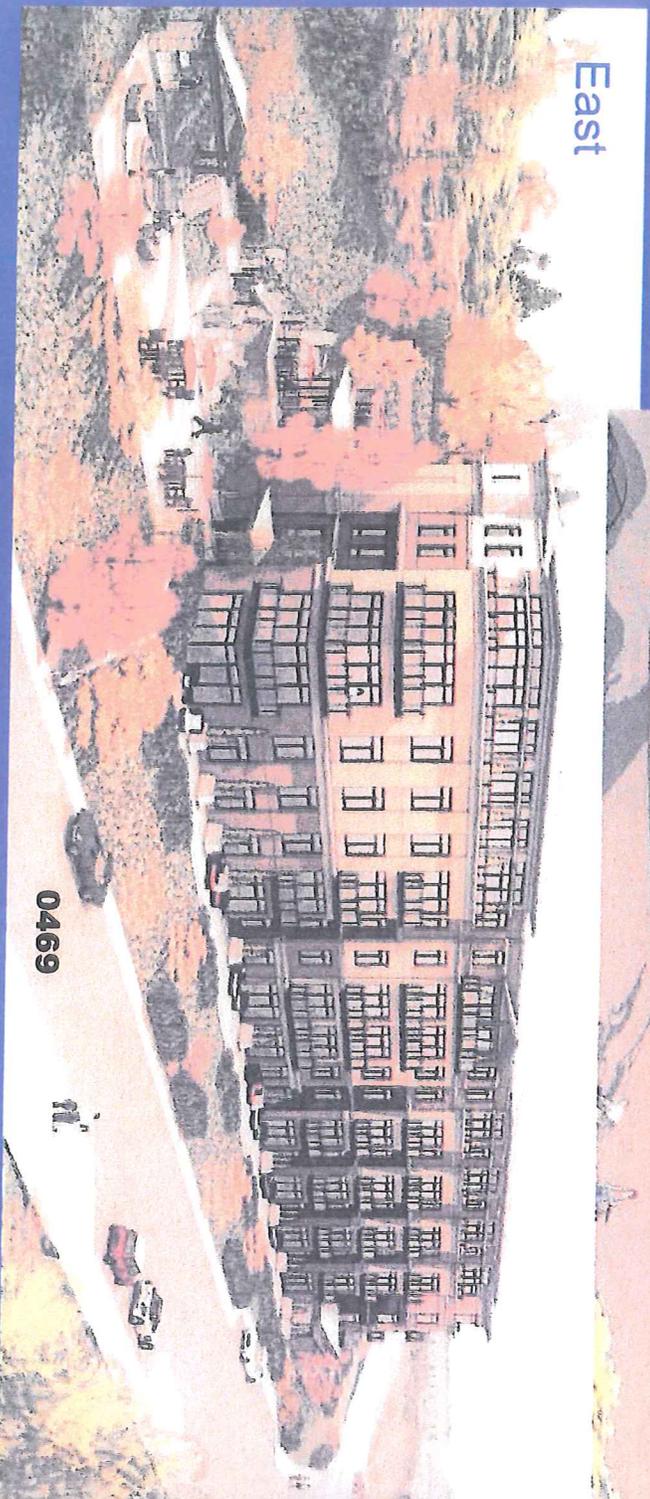
Building 10: PLN20130022



West

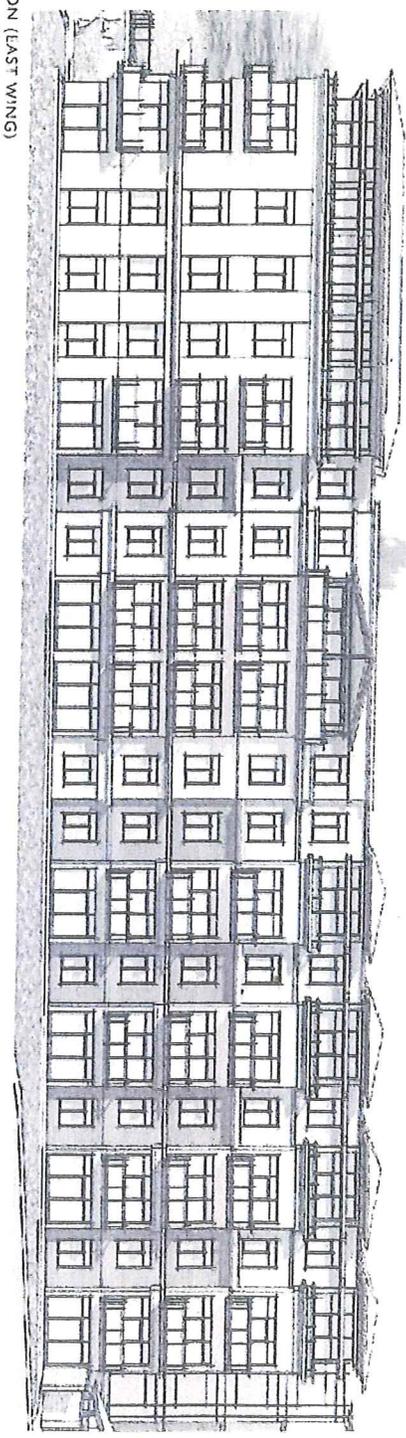


East



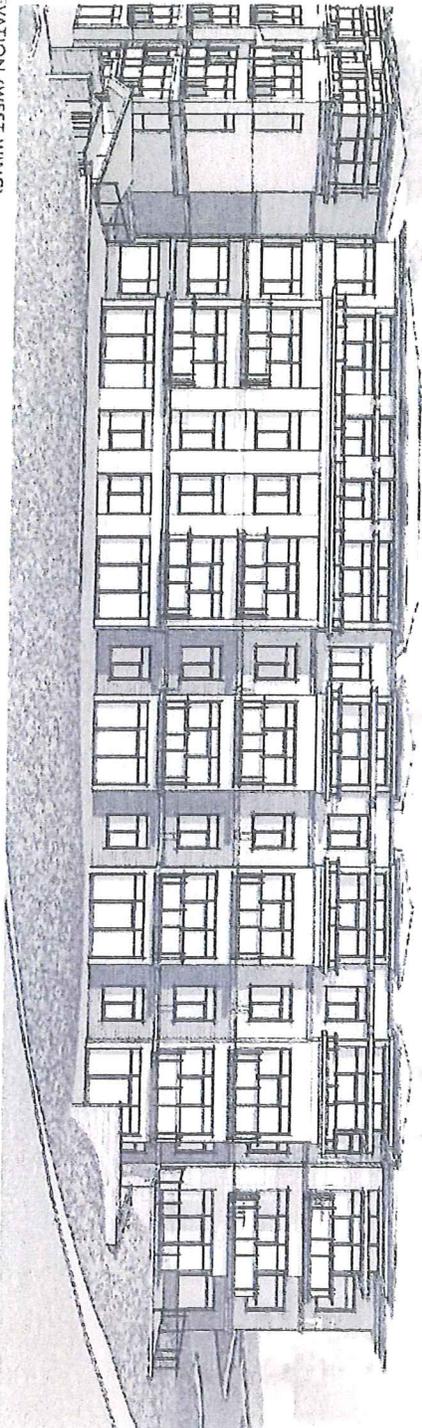
0469

MAX HEIGHT @
 APARTMENT ROOF FINISH
 +191.02'
 TO ROOF
 +188.5'
 13 ELEV.
 +179.5'
 14 ELEV.
 +184.5'
 15 ELEV.
 +158.5'
 16 ELEV.
 +143.5'
 17 ELEV.
 +138.5'



NORTH ELEVATION (LAST WING)

NORTH ELEVATION (WEST WING)

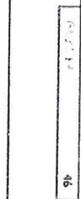


MAX HEIGHT @
 APARTMENT ROOF FINISH
 +191.02'
 TO ROOF
 +188.0'
 15 ELEV.
 +179.0'
 14 ELEV.
 +184.0'
 13 ELEV.
 +158.0'
 12 ELEV.
 +143.0'
 17 ELEV.
 +140.0'

EDMONDS PINE ST. LLC

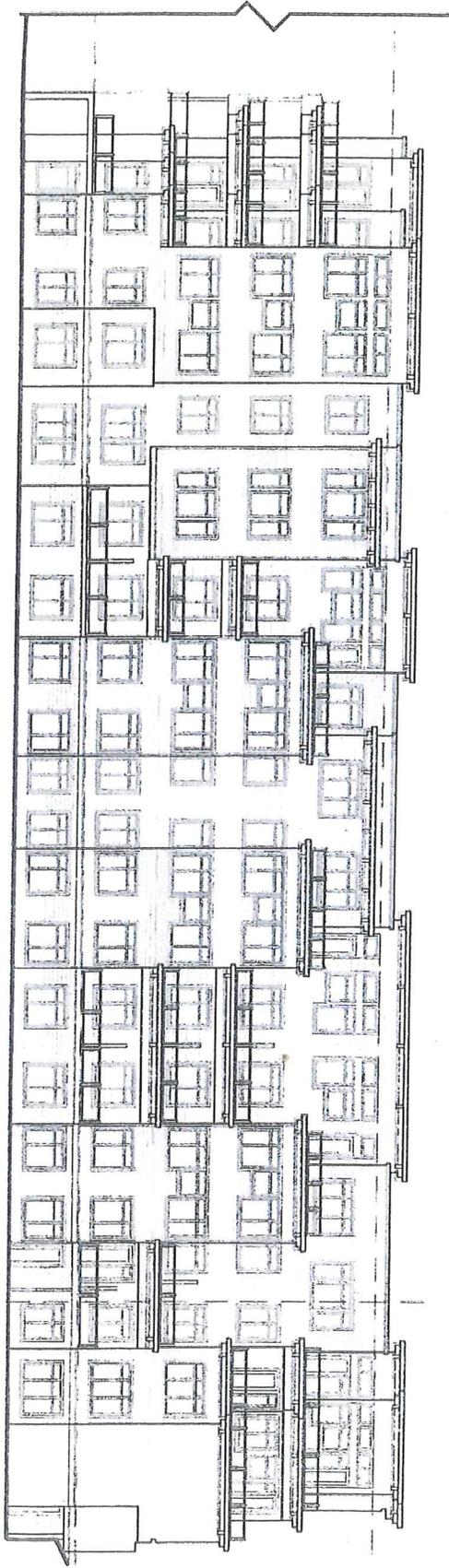
50 PINE STREET AT POINT EDWARDS | PROPOSED ELEVATIONS

0070



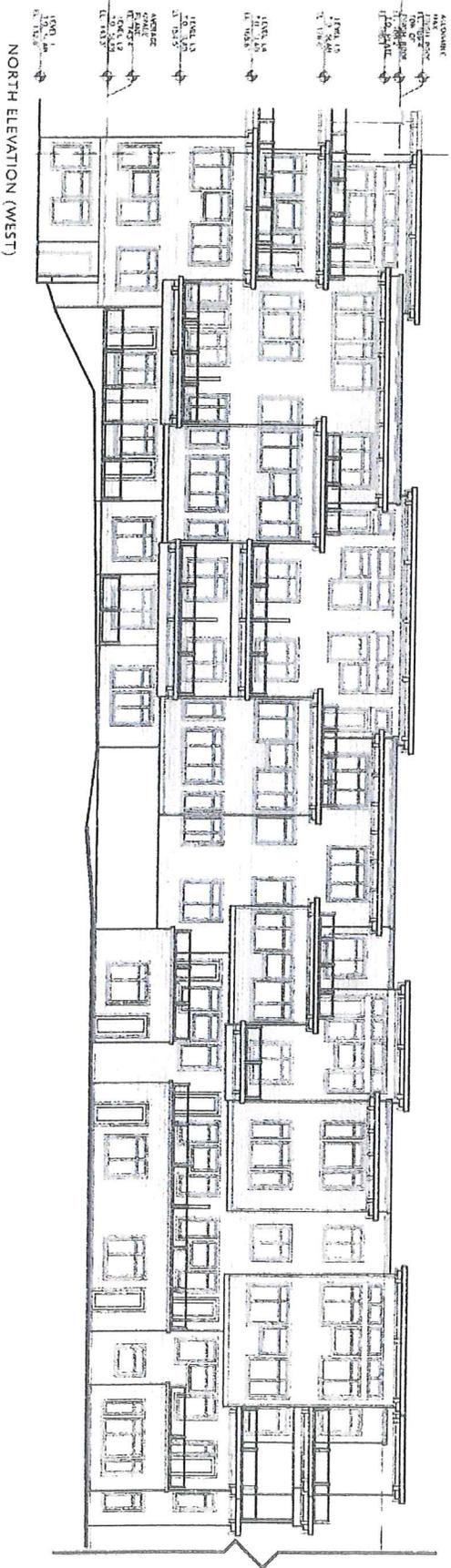
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NORTH ELEVATION (EAST)

ALL WORK
 SHALL BE IN
 ACCORDANCE
 WITH THE
 2008 IBC
 UNLESS
 OTHERWISE
 NOTED
 LEVEL 1
 0'-0" (0.00M)
 LEVEL 2
 10'-0" (3.05M)
 LEVEL 3
 20'-0" (6.10M)
 LEVEL 4
 30'-0" (9.14M)
 LEVEL 5
 40'-0" (12.19M)
 LEVEL 6
 50'-0" (15.24M)



NORTH ELEVATION (WEST)

EDMONDS PINE ST. LLC

50 PINE STREET AT POINT EDWARDS | PREVIOUS ELEVATIONS, 2008 PERMIT SET

07.26.13

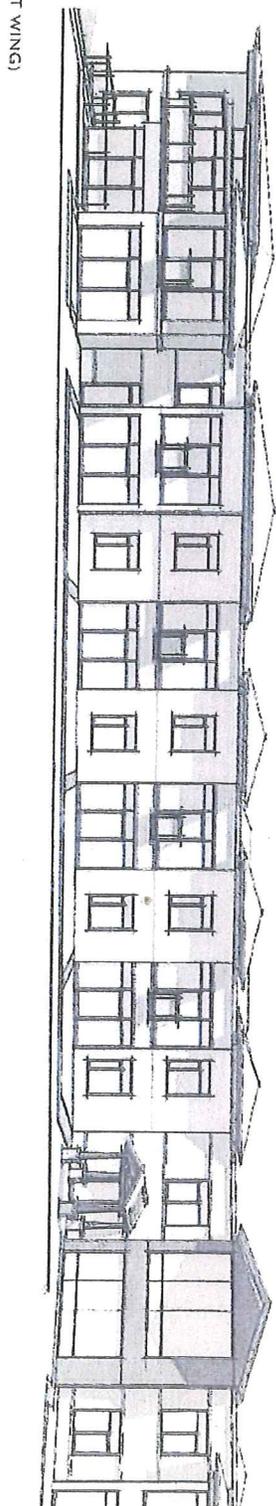
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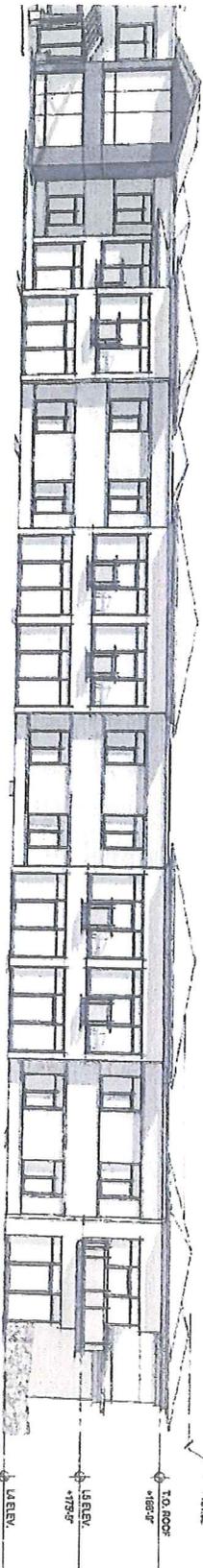
0074

MAX HEIGHT @
ARTICULATED
ROOF FINISH
+181.02'
+180.92'
T.O. ROOF
+179.92'
L1.BEV.
+178.92'
L2.BEV.
+180.92'



SOUTH ELEVATION (WEST WING)

SOUTH ELEVATION (EAST WING)



MAX HEIGHT @
ARTICULATED
ROOF FINISH
+181.02'
+180.92'
T.O. ROOF
+180.92'
L1.BEV.
+179.92'
L2.BEV.
+180.92'

EDMONDS PINE ST. LLC	50 PINE STREET AT POINT EDWARDS PROPOSED ELEVATIONS	48	WEBER THOMPSON
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0072



EDMONDS PINE ST, LLC

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

04/15/14

3

WEBER THOMPSON



0457