

October 14, 2019

To: PCD & Heather Wright, PCD Director, City of Bainbridge Island  
(Please include this document in the public record for the Winslow Hotel SPR/CUP permit)

## **WINSLOW HOTEL - PUBLIC COMMENT TO THE PCD DIRECTOR AND HEARING EXAMINER**

The purpose of this document is to **review** all aspects of the conditional use permit process for the proposed Winslow Hotel, PLN50880 CUP/SPR: It will specifically look at the administrative report dated June 7, 2019 and the additional memorandum dated June 11, 2019. This document also reviews the Design Review Board and the Planning Commission recommendations. The recommendation from the PCD Director to the Hearing Examiner was not available at the time this review was written. This review will deal primarily with consistencies or inconsistencies with ordinances, guidelines, goals, or policies in the BIMC.

This is also an attempt to assess the risk the proposed hotel may have on the neighborhood and the downtown business area based on a review of existing comprehensive plan goals and policies.

### **SUMMARY OF THE RECOMMENDATIONS IN THIS REVIEW:**

**Because of the conflicting recommendations, the hearing examiner is encouraged to retain an independent land use planning consulting firm to reconcile the staff report, the Planning Commission recommendation, and the Design Review Board recommendation before rendering a final decision.**

**It does not appear that any reasonable conditions can be imposed that would ensure that the application meets the conditional use permit decision criteria. Therefore the major site plan and conditional use permit application for the proposed Winslow Hotel should be denied.**

## TABLE OF CONTENTS

Application/Property Description	page 2 - 3
Zoning and Definitions	pages 3 – 4
Administrative Report dated June 7, 2019	pages 4 – 32
June 11, 2019 Memorandum to staff Report	page 32
Design Review Board Recommendation	pages 32 – 44
Planning Commission Recommendation	page 45
PCD Director Recommendation: Hearing Examiner	page 45
Reviewer's Conclusions	pages 45 – 46
Reviewer's Recommendation	pages 47 - 48

## APPLICATION AND PROPERTY DESCRIPTION

The application is for a site plan and design review – (PLN50880 SPR) and a conditional use permit – (PLN50880 CUP), city of Bainbridge Island, to build an 87-room full service hotel in the MUTC CC zone.

### Property details:

- \* 251 and 253 Winslow Way W., Bainbridge Island, WA
- 1.85 acres or 80,855 sf
- 87 room hotel
- Gross building area: 73,571 sf, = .91 FAR. (base = .6 FAR, or 48,513 sf of building area)  
Source of additional FAR: purchased 17,000 sf bonus FAR from city allows 65,513 sf of building. This is 8,058 sf less than the proposed 73,571 sf building area. It is assumed that the extra 8,058 sf have been purchased from the city at \$34/ sf.

**Hotel:** 57,010 sf:

**Restaurant/bar/lobby:** 2,775 sf

**Kitchen:** 2,370 sf

**Spa:** 3,910 sf

**Event/meeting:** 7,500 sf (one divisible banquet room with seating for 200 and a second banquet room designed for music recitals with seating for 100)

## ZONING and DEFINITIONS

## **Zoning Designation: 18.06.030 Mixed Use Town Center zone (MUTC)**

A. Purpose. The purpose of the Mixed Use Town Center zone is to implement the Mixed Use Town Center sections of the comprehensive plan. The Mixed Use Town Center should strengthen the vitality of downtown Winslow as a place for people to live, shop and work, to provide a strong residential component, and to encourage a lively community during both the day and night. The Mixed Use Town Center zone includes five overlay districts that allow diverse types of housing, shopping, civic facilities, recreation and employment. The mix of land uses promotes a pedestrian atmosphere, enhances the viability of the town center, and allows development in a manner that is harmonious with the scale of the town center. **Land uses that require outdoor storage or that have an auto orientation, such as drive-through establishments, are not permitted within the Mixed Use Town Center.**

**1. Central Core Overlay District. (MUTC-CC) The central core overlay district is the most intense district within the Mixed Use Town Center. Within this overlay district, residential uses are encouraged, but exclusive office and/or retail uses are permitted.**

**Definition of an Inn:** BIMC 18.36.030.132. “Inn” means a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. **An inn is not a hotel, motel** or bed and breakfast lodging as defined and regulated elsewhere in this title.

**Definition of a hotel:** BIMC 18.36.030.130. “Hotel” means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed and breakfast lodging or inn as defined and regulated elsewhere

in this code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel.

**Definition of Conditional Use Permit: BIMC**

18.36.030.62. Conditional use means “a use listed among those classified in any given zone but permitted to locate only after review by the city’s hearing examiner and in accordance with standards and criteria set forth in this title.”

**REVIEWER COMMENTS:** The key words in the Conditional Use Permit definition are “a use listed...but permitted to locate only after review by the city’s hearing examiner....” Therefore, this is not a permitted use subject to conditional use approval, but a **listed use** subject to conditional use permit approval. With a Conditional use permit required, the burden of proof should be on the applicant to demonstrate that the proposed hotel is consistent with applicable city ordinances, guidelines, and comprehensive plan goals and policies.

**ADMINISTRATIVE REPORT DATED JUNE 7, 2019**

The administrative report is dated June 7, 2019. There is a June 11, 2019 memorandum, which adds goals and policies from the Winslow Master Plan. The following is a summary of the administrative report content dated June 7, 2019 by page. To see the staff report, refer to: *(50880 SPR CUP Staff Report to Planning Commission.pdf)*, then find: *(PLN50880 SPR CUP Staff Report to Planning Commission.pdf)* The June 11, 2019 memorandum to the administrative report will be reviewed later.

In order to make the review of the administrative report easier to follow, each heading in the report is discussed starting by underlining the pages in the report being reviewed (eg, Pages 1–3), followed by REVIEWER COMMENTS.

**Pages 1 – 3:** Provides a description of the project, that it is subject to the State Environmental Policy Act, and explains the decision process.

REVIEWER COMMENTS: No comment.

**Pages 4 - 5:** Provides basic information, public services, and application background, including the Design Review Board recommendation.

REVIEWER COMMENTS: A review of the Design Review Board (DRB) recommendation will be discussed later. No analysis was included in the staff report about the DRB recommendation.

**Page 6: (top of page)** This page includes a request from the applicant for an administrative code interpretation of BIMC 18.15.010.D, perimeter buffering and screening. The request was whether the perimeter landscaping requirements in table 18.15.010-3 in the BIMC apply to both abutting zoning and abutting uses since the property abuts similar MUTC CC and R-8 zones.

The director's decision on this administrative code interpretation was that perimeter buffering and screening apply to zoning districts and does not apply to existing uses of abutting properties. The decision states that perimeter buffering and screening would apply only to residential zones designated R-6 and lower densities. As a result of this administrative decision, the staff report concluded that "no perimeter landscaping buffers are required for the proposed hotel."

REVIEWER COMMENTS: There are several issues of concern with this administrative interpretation and the related conclusion. The biggest issue is how it is applied under the conditional use permit process.

**First**, the Conditional Use Permit definition states that it is "a use listed among those classified in any given zone but permitted to locate only after review by the city's hearing examiner..." By stating that "no perimeter landscaping is required" the staff report treats the perimeter landscaping as though the property was being processed as a permitted use. No review of the impact to the neighborhood was provided. Since this property requires the approval of a conditional use permit, some additional discussion of this issue should have been provided.

**Second**, this interpretation creates more useable land for improvements, which allowed the developer to create a larger project that increased its incompatible impacts on the neighborhood.

**Third,** the interpretation does not consider the permanence of the townhomes and eight-unit condominium adjacent to the west that was built in 2004. The two most recent townhome sales in 2019 were \$989,000 and \$1,025,000. These townhomes are currently zoned MUTC, but the use is considered permanent. These townhomes will likely be there for 50 to 100 years or more. These townhomes provide a buffer to three new homes across Wood Avenue to the west, which are zoned R-8 plus older homes north and south on Wood Avenue, which are also zoned R-8. There is a high quality home on the west side of Wood Avenue that was built in 2013 on a 6,970 square foot lot that sold August 29, 2019 for \$1,310,000. The purpose of this information is to demonstrate the permanence of the properties west of the proposed hotel.

Reasonable zoning practices would suggest that the land under these seven townhomes and the eight unit condominium should be changed from MUTC CC to their current density of R-8 with the next comprehensive plan and zoning code update, as well as a lower density zoning on the west side of Wood Avenue consistent with the new development. The PCD Director's administrative interpretation does not recognize the long-term use or the lower density character of the adjacent townhomes and condominium. This interpretation should be re-evaluated.

**Fourth,** there is a single family home adjacent to the southeast corner of the hotel site on a small lot fronting on Finch. This home was sold within the last two years and the buyer remodeled the home. It is likely that this home will be used as a single-family home for many years. The lot is also quite small and not very deep which will make redevelopment or an alternative use more challenging. Not placing perimeter landscaping adjacent to this home would create a less desirable living environment for the homeowners.

The interpretation concludes that no perimeter landscaping is required adjacent to uses of abutting properties, only on adjacent land zoned R-6 or a lower density. There is no adjacent land zoned R-6 or less. The staff report then states that: "This decision resulted in no perimeter landscape buffers required for the hotel proposal."

The staff report does not include any guidance to the Planning Commission that special consideration may be appropriate under the conditional use permit process if they determine that perimeter landscaping would make the hotel development more compatible within the neighborhood. This is supported by the definition of a conditional use permit, which states: BIMC 18.36.030.62. Conditional use permit means “a use listed among those classified in any given zone but permitted to locate only after review by the city’s hearing examiner and in accordance with standards and criteria set forth in this title.” The staff report is misleading in this instance by omission. This interpretation should be considered only as guidance for a property being processed under a conditional use permit, but not a right for the proposed project.

**Page 6: (bottom of page)** Provided notification that the developer had added 12 rooms to the hotel, but no additional building square footage. Noted that the applicant proposed two alternatives that would decrease the overall size of the building, but elected to proceed with the proposal presented to the DRB May 6, 2019.

REVIEWER COMMENTS: The addition of twelve rooms adds to the automobile orientation of the hotel due to corresponding additional traffic. The size of the improvements will not be changed.

**Pages 7 - to the middle of page 15:** These eight pages contain a list 114 goals and policies from the comprehensive plan under the headings of guiding principles, land use, economic, environmental, water resources, transportation, capital facilities, utilities, cultural, and human services. Some of the goals and policies are favorable toward the hotel, some are negative toward the hotel, and some that are not relevant. There are no negative comments in the staff report about the hotel not meeting any particular goals or policies. No analysis of how each of these individual policies relate favorably or unfavorably to the proposed hotel is included. The structure and content of this section do not lead the reader to a logical conclusion.

REVIEWER COMMENTS: The administrative report does not analyze the proposed hotel with regard to each of the goals or policies. Including these goals and policies seems of little value without discussing how the proposed hotel is compatible or

incompatible with each one. Only the relevant goals and policies should have been included rather than all of them.

**Pages 15 and 16:** is the staff analysis of the Comprehensive Plan Goals and Policies mentioned above. It includes comments, which presumably come from the goals and policies listed in the prior section. Comments on the components in the staff analysis on pages 15 – 16 are shown in the following paragraph in a summary format. In order to minimize confusion each of the staff's summary comments have been numbered from 1 – 42 in the following paragraph. The underlined items will be reviewed later as examples.

The following is a summary of the comments included in the Staff Analysis: 1) special character, 2) small town atmosphere, 3) locally appropriate scale, 4) sense of place, 5) green building, 6) core is most dense district, 7) promotes concentration of nonresidential redevelopment that reduces reliance on automobile, 8) encourages a vibrant city center day and night, 9) meets applicable design guidelines, height, dimension, and other density requirements, 10) height matches building across street, 11) is taller than buildings to east and west, 12) incorporates cedar beams, 13) design uses other natural and sustainable materials that speak to the island's character, 14) glass entry highlights large coastal redwood, 15) reflecting pond with landscaping inspired by Bloedel Reserve, 16) increases employment, 17) increases economic vitality, 18 ) provides gathering spaces, 19) supports tourism, 20) proximity to ferry, 21) public transit options, 22) six foot sidewalk, 23) bike lane reduces reliance on automobiles, 24) disabled access, 25) exceeds parking recommendations, 26) van shuttle service, 27) provides electric vehicle charging stations, 28) exceeds bicycle parking requirements, 29) traffic impact analysis prepared by applicant's consultant... concluded that no mitigation was required, 30) accommodate new growth to preserve less dense residential areas, 31) redevelop underutilized land, 32) recognizes island constraints, 33) proposes rainwater recycling permeable parking and drive surfaces, 34) uses solar panels, 35) retains over 100 trees and 137 new ones, 36) mitigates noise impacts, 37) uses landscaping, green walls, bandshell, enclosed trash and recycling to reduce noise, odor, and light, 38) wall along west property line, 39) applicant very responsive to DRB suggestions resulting in quality development that meets the

city design guidelines, 40) applicant made many revisions in response to public comments like all parking on site, increased parking, enclosed trash and recycling, 41) added perimeter landscaping, and 42) reduced accommodations for outside music.

At the conclusion of this list of the property's attributes, the administrative report concludes that, "as conditioned, the proposal is consistent with comprehensive plan goals and policies."

REVIEWER COMMENTS: (of the staff analysis on pages 15 – 16): The comments in this section of the staff report listed attributes of the property, but do not relate any of the comments to a comprehensive plan goal or policy listed earlier in this report. In order for this to be a meaningful staff report, each of the 42 specific comments made in the preceding paragraph should have stated the goal or policy it referred to and whether the goal or policy supports or does not support the hotel as proposed. It is extremely difficult and should not be necessary to do an audit to trace a staff comment to a particular goal or policy in order to determine its validity. The staff analysis seems to make a leap to a conclusion without substantive support. Without this the hearing examiner has limited guidance from which to make an informed and reliable decision. A few examples of the comments in the staff report are summarized below. These comments are numbered to match the comment number shown underlined several paragraphs back.

**Staff comment 7** "promotes concentration of non residential redevelopment that reduces reliance on automobiles."

REVIEWER COMMENTS: In fact, the hotel will be very auto oriented with three curb cuts and will generate an average daily weekday traffic count of 727 car trips.

**Staff comment 10** in the report says that the hotel matches the height of the building across the street.

REVIEWER COMMENTS: The Planning Commission recommendation states that the subject is higher than other buildings in the neighborhood. The height of both buildings should be verified before accepting this staff comment. The staff report also does not include

the fact that the building across the street has a width of +/-120 feet along Winslow Way with street front variation, whereas the width of the proposed hotel is +/-200 feet with no upper level setbacks.

**Staff comment 22** states: That frontage improvements such as a ‘six foot sidewalk” and bike lane reduces the reliance on automobiles.”

REVIEWER COMMENTS: Project Condition 39 (on page 37 in the Staff Report) requires a minimum five-foot wide concrete sidewalk and a six-foot wide bike lane. The developer is proposing a 6-foot wide sidewalk. City policy also calls for new developments to provide sidewalks consistent with what is in the neighborhood. The sidewalk along Madrone Village across Winslow Way West has seven-foot wide sidewalks. The hotel should be required to provide a seven-foot wide sidewalk consistent with the Madrone Village development across Winslow Way West. Hotel patrons will likely not arrive by bicycle so a bicycle lane will not reduce the reliance on automobiles. The street currently does not have a bike lane, but a significant number of bicycle commuters use this street. Low traffic volumes contribute to the current safety of using this street. Adding a bike lane will most likely not “reduce reliance on the automobile,” but may offset the reduced safety of the additional traffic flow caused by the hotel and the three proposed curb cuts.

**Staff comment 30** in the report states: Designated centers such as the MUTC “accommodate new growth to preserve less dense residential areas and critical areas.”

REVIEWER COMMENTS: In fact, since the hotel will include no permanent residential units, it will not contribute to achieving this goal. Inclusion of this policy is misleading without this explanation.

**Staff comment 39** states that “applicant was very responsive to DRB suggestions resulting in a quality development that meets the city design guidelines” and **staff comment 40** states that the “applicant made many revisions in response to public comments like providing all parking on site, increased parking, enclosed trash and recycling.”

REVIEWER COMMENTS: These are subjective observations about the responsiveness of the developer to make changes. They are not

relevant to the SPR and CUP applications, which are about the improvements. Based on the number of design review criteria that the hotel will not comply with as noted in this review, it appears that the applicant was not very responsive to the DRB criteria. (refer to the DRB sections later)

**Staff comment 41** states “adding perimeter landscaping.”

REVIEWER COMMENTS: The staff report stated earlier that no perimeter landscaping is required. This comment implies perimeter landscaping is provided. No perimeter landscaping is proposed.

**Summary of reviewer’s conclusion in the staff report:** Pages 15 and 16 of the staff report (Staff Analysis) do not provide an adequate analysis of whether the proposed hotel conforms or does not conform to the relevant goals and policies from the 114 listed on pages 7 - 15. Making a favorable recommendation on the proposed hotel without this analysis makes a leap to a conclusion that puts doubt on the reliability and objectivity of the report and minimizes the credibility of the recommendation. It also shifts the burden of this goal and policy analysis to the hearing examiner and community. An analysis of the relevant comprehensive plan goals and policies should have been provided that objectively reviewed how each one reflects either positively or negatively on the property. This section of the staff report and the recommendation appears to be subjective and conclusory and should not be considered reliable enough to use for decision-making purposes.

**Page 16 (bottom):** Includes public notice information.

REVIEWER COMMENTS: No comment.

**Page 17 to the top of page 19:** This section includes a summary of public comments. The preponderance of comments state that the project is too large, out of scale and incompatible with the neighborhood, and will bring a significant amount of additional traffic into the neighborhood. The staff report explains why the public comments are not supported.

REVIEWER COMMENTS: There are several items that are of concern: One is that **guideline 15, (which is included in the top**

**right box of page 17 in the staff report)** states: “maintain smaller scale commercial buildings by asking that buildings in excess of a 10,000 square foot footprint be visually split into two or more distinct elements.” The staff response is that “the hotel is within the BIMC Title 18 dimensional standards....” This completely ignores what the criteria says and that this is a conditional use permit application which may require more than just complying with title 18, as demonstrated earlier in the staff report where a substantial list of comprehensive goals and policies are included.

A statement on **page 17 in the staff report, (right column, third box down)** states: “Surrounding uses primarily include dense residential development and commercial development. In response to concerns, the applicant has incorporated landscape buffers and additional tree retention to provide relief to adjacent properties.” The statement that landscape buffers have been incorporated into the development plans is not the case. In fact, an administrative interpretation made by the PCD Director, at the request of the applicant, stated that no perimeter buffers were required. No perimeter landscaping is shown on the site plans provided. Earlier in the staff report it was clearly stated that no landscape buffers are required.

**Page 19 to bottom of page 20:** Agency comments, including the Design Review Board (DRB) and multi modal transportation (MTAC).

REVIEWER COMMENTS: A separate review of the DRB recommendation will be provided later in this review.

**Page 20 (bottom of page) and top of page 21:** Landmark tree removal.

REVIEWER COMMENTS: A significant landmark tree will be retained.

**Page 21, middle of page:** Zoning. Mixed use town center (MUTC) which includes five districts and the central core overlay district (CC) where the property is located. Retail and office is allowed in these zones, but residential uses are encouraged. A place for people to live, shop, and work.

REVIEWER COMMENTS: In the MUTC CC zone a hotel is a listed use but allowed only after approval of a conditional use permit (CUP). It is under the CUP process that the comprehensive plan policies referenced in this section become relevant and are to be used in the approval process.

Since there are no direct regulations about when a hotel could be approved, or how many rooms are acceptable, other MUTC zone overlays and HSR districts were investigated to determine what the intent of the planning commission and city council may have been at the time these regulations were adopted.

The only zones where hotels are permitted outright are HSR I and II. 18.06.040 High School Road Districts I and II. A. Purpose. The purpose of the High School Road I and II zones is to provide commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. A variety of commercial uses are allowed that offer goods and services for the convenience of Island residents and that may have an auto orientation and a drive-through facility.

The Ericksen Avenue (EA) and Madison Avenue (MA) zoning districts do not allow hotels. These districts have a strong residential emphasis. Traffic is lower on Ericksen Avenue (EA). The Madison Avenue (MA) zone has heavier traffic.

A conditional use permit is required for a hotel in the MUTC-CC and Gateway districts. A conditional use permit is also required in the Ferry district, but only south of Winslow Way East. A hotel is not a permitted use in the Ferry District north of Winslow Way East.

The Gateway district is along SR-305. The purpose of the gateway overlay district is to protect the ravine. The district permits low-intensity, tourist-oriented, commercial, multifamily and agricultural uses that will have limited parking and minimum traffic impact. Impervious surface coverage is limited.

The Ferry district south of Winslow Way East consists primarily of parking lots, with several smaller commercial buildings, and an old police station. The area north of Winslow Way East is primarily multi-family residential. This area south of Winslow Way East has a strong traffic orientation near SR 305 and the ferry. The purpose of the ferry terminal overlay district is to provide an attractive setting for ferry and associated transportation-oriented uses and to serve as the entry-point into Winslow. This district is also intended as a new pedestrian and transit-oriented, mixed-use neighborhood that complements the character and vitality of the core and serves the neighborhood and commuters

The Central Core (CC) district provides little guidance on how to review a hotel development. BMC 18.06.030.1. States that: "The central core overlay district is the most intense district within the Mixed Use Town Center. Within this overlay district, residential uses are encouraged, but exclusive office and/or retail uses are permitted."

Some guidance for a hotel use comes from 18.06.030 regarding all of the MUTC zones. The Mixed Use Town Center zone includes five overlay districts that allow diverse types of housing, shopping, civic facilities, recreation and employment. The mix of land uses promotes a pedestrian atmosphere, enhances the viability of the town center, and allows development in a manner that is harmonious with the scale of the town center. Land uses that require outdoor storage or that have an auto orientation, such as drive-through establishments, are not permitted within the Mixed Use Town Center.

It is likely that a reasonable person would conclude that an 87-room hotel will have an automobile orientation and that the size and bulk of the building will not be harmonious with the scale of the town center. This is supported by the estimated daily traffic count in the applicant's traffic study. The city engineer has signed a certificate of concurrency showing 52 peak hour trips (cars) and 727 average weekday trips. The question becomes, at what number of rooms is a hotel not traffic oriented? Since up to a 15 room Inn is a permitted use this could be considered not to be traffic oriented. This is limited guidance for the staff, planning commission, and hearing examiner to determine what is an acceptable number of hotel rooms in the CC under a conditional use permit. The two hotels in the HSR district have 45 and 53 rooms.

These hotels likely represent the upper range of the number of hotel rooms that are appropriate in the CC since these are located in an auto-oriented zone. The next significant number below this range is 40. This would be a logical maximum number of rooms for a proposed hotel in this part of the MUTC zone and would provide some guidance on this issue going forward. This suggests that the current proposal is out of balance with current goals and policies and would most likely result in a mixed-use project including a smaller hotel on the subject site.

A hotel with fewer rooms would be less-car oriented and the smaller building size would be more harmonious with the scale of the town center. The MUTC CC zone discourages automobile-oriented uses. A favorable decision on this conditional use permit application will result in an automobile orientation in the vicinity, negatively affect the character of downtown Winslow because of the large building size, and set a precedent for larger hotels in the MUTC CC zone.

**Page 21, (bottom of page) and top of page 22.** Performance standards.

REVIEWER COMMENTS: No comment.

**Page 22, bottom of page:** Proposed use and definitions. The hotel requires a conditional use permit. The other proposed uses within the hotel are allowed uses.

REVIEWER COMMENTS: No comment.

**Page 23 and the top of page 24:** Dimensional standards. The staff report provides information regarding zoning requirements for the MUTC CC zone.

REVIEWER COMMENTS: One of the key issues is that the code allows the height to be increased from 35 feet to 45 feet when under-building parking is provided, with limitations. The staff report provides no guidance regarding how this additional height may affect the compatibility with the neighborhood, except that the building across the street has a similar height. The Planning Commission

recommendation says that the hotel is the higher of the two buildings. The staff comments take into consideration the hotel front, but not the large and bulky hotel wings, which are adjacent to significantly lower buildings that will be looking at 35- to 45-foot high straight building walls without horizontal modulation, as required in the DRB criteria.

**Page 24, top of page:** Landscaping requirements. The staff report discusses the number of trees to be retained and the number to be added in parking areas.

REVIEWER COMMENTS: No comment

**The bottom of page 24 and all of page 25.** Parking requirements. Page 25 of the Staff Report states that: "According to the parking study, the applicant is proposing to exceed the number of parking spaces required by four spaces."

REVIEWER COMMENTS: The Bainbridge Island Municipal Code (BIMC) 18.15.020.C, table 18.15.020-1.BIMC shows the on-site parking requirements for a hotel and the various uses within the hotel if calculated separately.

**Hotel:** 1 parking space per room. 87 rooms X 1 = **(87 spaces)**

**Spa:** 4 per 1,000 sf. 3,916 sf/ 4 = 15.66, rd. to **(16 spaces)**

**Restaurant:** 1 per employee plus 1 per 4 occupants.

\* **Servers:** (2,775 sf / 20 sf per customer = 139 customer capacity / 4 customers = 34.69 tables, rd to 35. One server per 5 tables = 7 servers.

\* **Back of house employees:** est. @ 4 per 50 customers; 139/50 = 2.6 X 4 = 10.4, rd. to *10 back of house employees*

\* **Plus: 1 per 4 occupants.** 139 / 4 = 34.75, rd. to *35 spaces*

The total est. restaurant parking required based on one per employee and one per four occupants = ( 7 + 10 + 35 )= **(52 spaces)**

**Banquet rooms:** 10 spaces / 1,000 sf (7,500 / 1000 = 7.5 X 10 = 75 or, 1 space per 5 fixed seats. (300 fixed seats / 5 = 60.

Total est. banquet parking, mean of two methods = **(68 spaces)**

The total number of parking spaces required under BIMC 18.15.020.C for all uses in the hotel is 87+16++52+68= **223 spaces**

This represents a best attempt to estimate the maximum number of on-site parking spaces that would be required by the BIMC based on the information available. In order to estimate the parking requirement in the restaurant some assumptions were made, including: 20 sf per customer, 4 customers per table, and one server per 5 tables. The kitchen square footage was not included, but the number of employees in the kitchen was estimated.

The 136 on-site parking spaces proposed represents a 39% reduction from the 223 parking space requirement under the BIMC for this full service hotel if parking for all the uses in the hotel were calculated separately.

The code allows the PCD director various options, and he required the applicant to provide a technical study of the parking demand. Based on this study, the staff report states that the proposed hotel “...exceeds the number of parking places required...” The traffic consultant recommended 132 parking spaces based on peak design day demand assuming 3,600 square feet of the banquet space being in use. Peak design day is the demand on a weekend evening in summer. The parking spaces needed under peak occupancy demand, assuming all of the banquet facility being in use, is estimated to be 191. The staff recommends 136 parking spaces as proposed, which includes the two spaces in the street right of way.

Another way of supporting the appropriate number of on-site parking spaces for a hotel is to look at zoning regulations in other comparable jurisdictions. This is an option in the zoning code that the PCD director did not choose or discuss. This analysis has been included in this review as a check on the parking study provided by the applicant.

The parking requirements for a full-service hotel in Edmonds, Issaquah, and Mercer Island were investigated. The following chart shows the number of parking spaces that would be required in Edmonds and Issaquah based on the room count and square footage of the various uses for the Winslow Hotel. The results are shown in the following table.

<u>Space Use</u>	<u>#rooms/sf</u>	<u>Edmonds</u>	<u>Issaquah</u>
Hotel	87 rooms	1 per room	1 per room
Spa	3,916 sf	1 /300 sf	1 /100 sf
Event	7,500 sf	1 /40 sf	1 /75 sf
Restaurant/lobby/bar	2,775 sf	1 /200 sf	1 /200sf
Kitchen	2,370 sf	1 /200 sf	1 /200sf
<u>Total parking spaces required:</u>		<u>314</u>	<u>252</u>

Mercer Island's parking requirements include minimums and maximums which do not fit well in the above chart due to limited space. The parking space requirements on Mercer Island are:

- \* Hotel: 1 per hotel guest (1 X 87 = **87 spaces**),
- \* Restaurant + kitchen: 5 to 10 per gross square feet (5.145 X 5 = **26 min**) to (5.145 X 10 = **51 max**); 26 min to 51 max.
- \* Spa: 4 to 5 per 1,000 sf, (3.916 X 4 = 16 min) to (3.916 X 5 = 20 max); **16 minimum to 20 maximum spaces**.
- \* Assembly/meeting: 1 per 3 seats to 1 per 5 seats plus 2 per 3 employees: (300 seats / 5 = 60 min) to (300 seats / 3 = 100 max); **60 min to 100 max spaces**. (The estimated number of employees in the assembly/meeting area in the Winslow Hotel is not known so the number of parking spaces for these employees is not included. As a result this analysis understates the probable number of parking spaces required.)

As shown above, Mercer Island's zoning code indicates a minimum of 189 parking spaces for the Winslow Hotel (87+26+16+60); with a maximum number of 258 parking spaces. (87+51+20+100).

The above table indicates that the proposed Winslow Hotel would require 314 and 252 parking spaces, respectively, in Edmonds and Issaquah. The number of parking spaces required on Mercer Island

would be a minimum of 189 to a maximum of 258. For the three cities investigated, they would require a minimum number of spaces of 189 to a maximum number of 252 to 314. Using the same analysis, Bainbridge Island would require 223. Bainbridge Island, Edmonds and Issaquah do not specify a range in the number of parking spaces that could be required like Mercer Island.

The upper range of parking spaces in the parking study indicated a peak occupancy demand of 191, (55 more than the 136 proposed and recommended by staff), which is similar to the minimum required by Mercer Island and well below the number of parking spaces that would be required in either Edmonds or Issaquah or the maximum number required on Mercer Island.

Based on this information, it would appear that the downtown Winslow area and immediate neighborhood could be negatively impacted and take on substantial risk if the hotel is approved with 136 parking spaces. There appears to be enough information here to require a minimum of 191 on-site parking spaces, but the comparable cities indicate that even more may be needed under peak occupancy demand when all rooms are occupied and all the banquet facilities are in use.

There is enough uncertainty regarding the appropriate number of parking spaces that the city should independently retain a consultant to prepare another parking study. If a new parking study retained by the City is not done, a minimum of 191 on-site parking spaces should be required.

The issue of a parking shortage in downtown has been discussed for over 30 years. In the most recent effort to do something about it, the city appointed a citizen task force several years ago with one of their assigned tasks being to design a parking garage on city-owned property adjacent to the southeast of city hall, recommend the number of parking spaces to construct, estimate the cost, and recommend how to finance it. This task force put a substantial amount of effort into the project, but dissolved without a

recommendation when the former city manager resigned. The task force estimated the cost of a parking structure to be between \$35,000 to \$40,000 per space, not including the land.

There is no reason why the neighborhood and the downtown business core should have to accept the risk of the proposed hotel not providing adequate parking. Using the numbers in the traffic study, there will be 55 more cars coming to the hotel during peak demand than the 136 parking spaces provided ( $191 - 136 = 55$ ). The streets of Winslow and nearby private parking lots would be negatively impacted when these additional 55 cars arrive at the hotel and find no on-site parking available. If a structured parking garage were to be built to accommodate these extra cars, it would cost between \$35,000 and \$40,000 per space, or \$1,925,000 to \$2,200,000 (rounded to \$2,000,000), not including the value of the land.

A separate publication entitled “Winslow Hotel” by city planner Olivia Sontag and development engineer Peter Corelis dated June 13, 2019 says that many parking spaces will sit empty for 300+ days per year if 191 parking spaces are required. This means that approximately 65 days per year 55 cars will have to find off-site places to park if the hotel is developed with 136 parking spaces. Based on this, the estimated subsidy the community would be extending to the hotel owner would be calculated as follows: ( $65 \text{ days} / 365 \text{ days} = 17.8\%$ , the percentage of days per year the hotel would not have adequate parking); ( $\$2,000,000 \times .178 = \$356,164$ , rounded to **\$350,000**). This represents the approximate annual value of the subsidy the community would be giving the hotel developer under this scenario. On the approximately +/-65 days per year that there will be +/-55 cars that will not fit on the hotel site, they will have to compete for parking spaces in the downtown area. This could displace others who typically come downtown by car. There has been no attempt to estimate the gain or loss of income to local merchants under this scenario. This information should have been provided in the SEPA review.

The cost would be substantially less if there were land available to purchase and develop a surface parking lot in the downtown Winslow commercial area. This is likely not an option due to the limited supply of vacant land.

This shows the magnitude of risk to the downtown area when the hotel generates a demand for 191 parking spaces. Once the permits have been issued, it is unlikely that the hotel owner would be responsible for solving a parking shortage if there is not adequate on-site parking at the hotel. Comprehensive Plan Guiding Principle #4 states: “Consider the costs and benefits to island residents and property owners in making land use decisions.” Goal # TR-10 states: “The availability of public parking is an asset to commercial districts and a benefit to island residents and visitors. Parking is a vital element of the designated centers.” These policies give caution that new land use proposals need to be reviewed closely by the city to minimize the risk that a development will not provide adequate on-site parking. To rely only on a parking study retained and paid for by the applicant without a double check of any type adds substantial risk to the decision process and to downtown property owners.

**Page 26:** Mobility Requirements, Lighting Requirements, Sign Requirements, and Design Guidelines.

REVIEWER COMMENTS: There is a section later in this review that covers the recommendation of the Design Review Board.

**Page 26, bottom of page, to page 29: BIMC 2.16.040.** Site Plan and Design Review. Decision Criteria BIMC 2.16.040 for the Planning Commission and PCD director, (not for the design review board.)

1. Design criteria 1. The staff report states in the analysis that “As conditioned, the site plan design is in conformance with applicable code provisions...”

REVIEWER COMMENTS: This seems like too much of a generalized statement since no detailed explanation is provided. The hotel is a ‘listed use’ that is allowed only after

approval of a conditional use permit. (BIMC 18.36.030.62) In some instances the staff report seems to treat the hotel like it is a permitted use. The following design criteria 2 is an example of this.

2. Design criteria 2. In the analysis or this decision criteria, the report states that "...open space and perimeter landscaping is not required for the proposed use..." **and** states that "The frontage shall include ... "a minimum 5-foot wide concrete sidewalk."

REVIEWER COMMENTS: Considering the density and bulk of this building on a collector street with less intensive surrounding density, some discussion should have been provided regarding how the use might impact the immediate neighborhood without perimeter landscaping. Specifically, BIMC section 18.15.010.B states: "projects subject to a conditional use permit may be required to exceed landscape requirements." Section 18.15.010.A.1.e says "to provide screening between residential and non-residential areas." To state that "open space and perimeter landscaping is not required" in this instance oversimplifies a very meaningful issue to the neighborhood and provides no guidance to the Planning Commission. It leaves the burden on the Planning Commission to discover the meaning of this section of the code.

The SEPA Mitigation and Conditions in the staff report states that: "minimum six foot high wall be installed along the west property line." A six-foot high wall is not an equally attractive substitute for perimeter landscaping with a 35- to 45-foot high and very large building approximately 25 feet from the property line. The staff report does not define what a wall is (concrete wall, cedar fence, etc.) or place a limit on how high it can be (8 feet, 12 feet?). There is already a six-foot cedar fence in this location. Rather than requiring a six-foot wall, a boundary plant like arborvitae should be required which is an evergreen and grows to a height of 10 to 15 feet with a diameter of

approximately 3 feet. This would be more consistent next to a residential use as well as more pleasing to hotel customers. SEPA condition 3 in the June 7, 2019 staff report should be revised to say: “A boundary plant like arborvitae spaced at approximately six- to seven-foot intervals shall be installed along the west property line starting approximately 10 feet from the south edge of the new sidewalk and ending at the southerly end of the property. (Since the hotel wing goes almost this far) This same perimeter landscaping treatment should be required in the southeast corner of the site along the east boundary line common with the single-family home on Finch.

The report also discusses the right of way improvements. Here the staff report states that “The frontage shall include ... “a minimum 5-foot wide sidewalk.” In other places a six-foot sidewalk is recommended. (see supplemental information provided by Olivia Sontag and Peter Corelis dated June 13, 2019). The code calls for new developments to provide sidewalks consistent with what is in the neighborhood. Directly to the west the existing sidewalk is 6.5 feet wide along the street frontage of an eight-unit condominium that was built in 2004. Across the street in Madrone Village the sidewalk is 7 feet wide. This is a mixed-use development that was constructed in 2006. Further east toward downtown there is no sidewalk on the south side of the street along the Marge Williams Center between the subject property and Finch Avenue, and 5 foot older sidewalks along Winslow Green that was built in 1984 and the Congregational Church that was built in 1882. Once in downtown east of Madison, Winslow Way sidewalk widths range from approximately 9 to 11 feet, depending on the location. The clear trend is that wider sidewalks are desired as one gets closer to the downtown area. Based on the existing sidewalk width in the immediate location of the proposed hotel with a trend toward wider sidewalks closer to the core retail area, the sidewalk in front of the proposed hotel should be a minimum of 7 feet. Project

Condition 39 in the report should be changed from a minimum 5- foot wide sidewalk to a minimum 7-foot wide sidewalk. The developer is proposing a six-foot wide sidewalk.

3. Design criteria 3. County Health,

REVIEWER COMMENTS: no comment.

4. Design criteria 4. City engineer. The city engineer states that ...."the frontage improvements are designed in accordance with the Island Wide Transportation Plan."

REVIEWER COMMENTS: This conclusion conflicts with other areas of the code related to sidewalks which 'calls for new developments to provide sidewalks consistent with what is in the neighborhood.' See design criteria 2 above.

5. Design criteria 5. Design Review Board;

REVIEWER COMMENTS: The Design Review Board recommendation is discussed later in this report. This review will demonstrate that the DRB review is flawed and should not be relied upon.

6. Design criteria 6. Unhealthful conditions.

REVIEWER COMMENTS: No comment.

7. Design criteria 7. Site plan and design is in conformance with the Comprehensive Plan and Winslow Master Plan. The staff concludes that the hotel is in compliance.

REVIEWER COMMENTS: Other sections in this review demonstrate that the proposed hotel is not in conformance with some significant policies. Some examples are: Guiding Principle #1: It does not preserve downtown Winslow's small town atmosphere; Guiding Principle #4: it does not consider the costs and benefits to island residents and property owners in making this decision; Policy LU 6.2: the proposed hotel does

not reduce reliance on the automobile (it increases reliance on the automobile), or plan for adequate parking in Winslow. Excess parking demand during peak demand at the hotel could add 55 cars 65 days per year to a downtown that already has a parking shortage; Policy LU 7: it does not have a strong residential component; Policy LU 7.3: residential uses are encouraged, but exclusive office and/or retail uses are permitted; Policy EC 6.2: it does not ensure that changes to the built environment are at a locally appropriate scale; Policy TR 6.5: Control the location and spacing of commercial driveway entrances; Policy TR 10: the availability of public parking is an asset to commercial districts and a benefit to residents and visitors.

As is typical of comprehensive plans, there are goals and policies that support the proposed hotel and goals and policies that do not. However, in this instance the preponderance of information suggests that the proposed hotel is not in compliance.

8. Critical areas or buffers.

REVIEWER COMMENTS: Not relevant

9. Site plan and design review within shorelines.

REVIEWER COMMENTS: Not relevant

10. Credits against dedications for park and recreation facilities.

REVIEWER COMMENTS: Not relevant

11. Site plan has been prepared consistent with the purpose of the site design review process and open space goals.

REVIEWER COMMENTS: The staff analysis states the hotel is in conformance with these criteria, but uses reasons from other criteria and with little substance. Staff comments include: "The

applicant has made a proper application that allows the site design review process.” A “proper application” is a specific code requirement that is not optional and not worthy of being mentioned as a decision criterion.

**Bottom of page 29 to page 33: Design Criteria BIMC 2.16.110**  
**Major Conditional Use permit. “A conditional use may be approved or approved with conditions if:” (see items a – j below)**

- a. “The conditional use is harmonious and compatible in design, character, appearance with the intended character and quality of development in the vicinity of the subject property.”

REVIEWER COMMENTS: The staff report does not address this criterion. This is a significant issue since the proposed hotel is clearly not harmonious and compatible in design, character and appearance with the intended character...in the vicinity of the subject property. The quality of the proposed hotel fronting Winslow Way appears to be of equal or better quality than other buildings in the vicinity, however it is of a substantially different contemporary design. The quality is more difficult to assess on the hotel wings, which have received minimal scrutiny, to a point of almost being ignored in the city’s review process. The hotel wings with the guest rooms are big, bulky, and higher than other buildings in the vicinity with flat roofs that accentuate their non-residential appearance. The rest of the write-up in the staff report in this sub-section (a.) points out the positive attributes of the hotel and leaves the impression that it lacks objectivity.

The staff report states that “the Central Core is the most densely developed district and promotes the concentration of non-residential development that reduces reliance on automobiles.” The staff report does not include Policy LU 7.3 which states: “Central Core Overlay District...Within this district residential uses are encouraged, but exclusive office and/or retail uses are permitted...” The proposed hotel is large as well as not residential and will increase the reliance on automobiles.

The city engineer has signed a certificate of concurrency dated June 6, 2019 that states: "Approved intensity: 52 peak hour trips (cars) / 727 average weekday trips (AWDT) at project completion." To state that that this project "...reduces reliance on automobiles" is inconsistent with the City Engineer's certificate of concurrency with 727 average weekday trips.

The staff recommendation on this item (a.) should have been that the proposed hotel is not harmonious and compatible in design, character, and appearance with the intended character and quality of development in the vicinity of the subject property.

- b. ...will be served by adequate public facilities.

REVIEWER COMMENTS: No comment

- c. "...will not be materially detrimental to the uses or property in the vicinity...". The staff report concludes: "... as conditioned, the use will not be materially detrimental to uses or property in the vicinity of the subject property."

REVIEWER COMMENTS: The building frontage is quite different in design and materials and does not include upper level setbacks as required in the design review guidelines. The large bulky hotel wings will be long, high, and visible from the street. They are not broken up into separate buildings as required by design review guidelines.

There will be an additional 55 cars in the neighborhood +/- 65 days per year that will not be able to find parking on the hotel property when the 191 parking spaces are needed under peak occupancy demand. These cars will have to park somewhere in the neighborhood. This will be "materially detrimental to the uses or property in the vicinity." The condition for on-site parking should be increased from 136 to 191. To require less than 191 on-site parking spaces would be to ask property owners in the vicinity and downtown to permanently subsidize

the hotel parking needs at peak design demand. The cost to cure this problem was estimated earlier at \$2,000,000.

The response by staff to this criterion is not supported and should have been that the use will be materially detrimental to uses or property in the vicinity of the subject property. A to-scale three dimensional model of the proposed hotel and the immediate vicinity would be helpful in evaluating this criteria.

- d. "The conditional use is in accordance with the comprehensive plan, and other adopted community plans, including the Island-Wide Transportation Plan."

REVIEWER COMMENTS: This criterion covers quite a bit of material. The staff report provides no documentation, but concludes that ... "the proposed development is in conformance" with these plans. Again, this is an overly simplistic and conclusory response in covering how the various goals and policies in the comprehensive plan may or may not, support this proposed hotel. The staff explanation is inadequate and draws a conclusion without any support. The staff conclusion on this item this item d. should not be relied on.

- e. "The conditional use complies with all other provisions of the BIMC." The staff report states "as conditioned, the conditional use complies with all provisions of the BIMC."

REVIEWER COMMENTS: This is also a conclusion with without any support. The content in other parts of this review demonstrate that as conditioned, the use does not comply with all provisions of the BIMC. It would be informative to see an example of "all other provisions of the BIMC." The staff recommendation on this item (e.) is not supported and should not be considered reliable.

- f. "All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject

property;” The staff report states that “as conditioned, all necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity...” The report mentions areas where the applicant has made changes, with the biggest one being to have all parking on site.

**REVIEWER COMMENTS:** There have been no attempts to reduce impacts on the immediate vicinity, instead the developer appears to have made the proposed hotel as large as possible which maximizes the negative impacts on the immediate vicinity. The most significant items impacting the immediate vicinity include: 1) the high number of hotel rooms in a small neighborhood, 2) the PCD Director’s code interpretation that concluded that no perimeter landscaping is required, which increases the amount of usable land for development and maximizes the negative impacts on adjacent properties, 3) not requiring breaking up buildings with footprints over 10,000 square feet into smaller buildings per the design review guidelines, 4) not providing modulation on the long hotel room wings, 5) not having upper level setbacks on the building frontage, and 6) proposing the maximum building height allowed under the code for much of the structure by putting parking under portions of the building. It seems like the developer has maximized the utilization of the site at the expense of the neighborhood rather than minimized to the extent possible the impacts that the use may have on the immediate vicinity. The staff report seems to have missed the bigger issues and focused on the smaller issues. The staff recommendation on this item (f.) is not supported and should not be considered reliable. The answer to this criterion is clearly that all necessary measures have not been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property.

- g. Noise level.

REVIEWER COMMENTS: No comment.

- h. Vehicular, bicycle, and pedestrian circulation.

REVIEWER COMMENTS: No comment.

- i. Vehicular, pedestrian, and bicycle circulation meets all applicable city standards.

REVIEWER COMMENTS: The 5-foot minimum sidewalk width recommended in the administrative report does not align with adjacent properties or the six-foot sidewalk proposed by the developer. A 7-foot wide sidewalk should be required consistent with the Madrone Village development across Winslow Way from the hotel and the sidewalk widths in the downtown area east of Madison Avenue. The three curb cuts reduce pedestrian safety and amplify the automobile orientation of the property.

- j. Housing design demonstration project.

REVIEWER COMMENTS: This section is not applicable to this property.

**The concluding paragraph in this section of the staff report states:** “If no reasonable conditions can be imposed that ensure the application (conditional use permit) meets the decision criteria of this chapter, then the application shall be denied. Staff has recommended reasonable conditions to ensure the application meets the decision criteria.”

REVIEWER COMMENTS: Some of the conditions (mitigation) should include reducing the average daily traffic trips well below the 727 stated in the certificate of concurrency so the neighborhood does not become auto oriented like the High School road area, require the one large building to be broken up into smaller buildings, require horizontal modulation on the hotel room wings, and upper level setbacks on the building frontage. The staff report left out analysis of

significant goals or policies that would have resulted in a different conclusion had they been analyzed objectively.

It is clear that no reasonable conditions were imposed that ensure the application (conditional use permit) meets the decision criteria of this chapter. Therefore, the conditional use permit application should be denied. The recommendation by city staff on the Design Criteria BIMC 2.16.110 Major Conditional Use Permit is inadequate and should not be relied upon.

### **JUNE 11, 2019 MEMORANDUM TO THE STAFF REPORT ADDING APPLICABLE GOALS AND POLICIES FROM THE WINSLOW MASTER PLAN**

REVIEWER COMMENTS: Much of the content in this memorandum is redundant to the Staff Report of June 7, 2019, except it lists goals and policies from the Winslow Master Plan. As encouraged in the review of the staff report, the planning department should be asked to include only relevant goals and policies from the Winslow Master Plan and state whether or not the hotel conforms to each goal or policy listed and why. The staff's recommendation is not supported through an analysis of specific goals and policies. The content of this memorandum is considered to be inadequate and should not be relied upon.

### **DESIGN REVIEW BOARD (DRB) RECOMMENDATION**

The design review board recommended was to: "approve the two alternatives from June 3, 2019 with no additional conditions and approve the original proposal from May 6, 2019 with...conditions." The applicant has opted to stay with the original proposal. The DRB conditions are:

1. A description of the material pallet. The applicant agreed to provide a description of materials palate for DRB in the next several weeks.

REVIEWER COMMENTS: The material palate has not been provided to the DRB yet so there is no information about the

exterior finish of the hotel wings. This material palate should have been provided before the DRB recommendation was made. If the CUP is approved, a building permit should not be issued until the DRB has approved the material pallet.

2. To review the plans for the hydraulic design of the roof drainage system unless water is to be removed from the roof via internal building system.

REVIEWER COMMENTS: This is a very minor issue.

3. Any substantial changes to the building materials and roof articulation would be reviewed by the DRB.

REVIEWER COMMENTS: Any substantial changes to the building materials would be relevant to the front of the building only since there has been no material pallet provided for the hotel wings. Not requiring the material pallet for the hotel wings before making a recommendation appears to be an oversight by the DRB.

REVIEWER COMMENTS: These three items are insignificant recognizing the bulk of this project in a neighborhood with much smaller buildings with more traditional designs, including gable roofs. The most important of the three is number one, to provide a description of the material pallet to the DRB within several weeks after their recommendation, which the applicant did not provide. This issue was not brought up in the staff report and the conditional use permit was allowed to move forward in the decision process. Most of the DRB review was on the building frontage and green building issues, with minimal or no review of the hotel room wings.

## **Design Review Board Design Guideline Checklists**

The following text reviews each of the three Design Review Board Design Guideline Checklists that the city requires and includes whether or not the DRB thought the proposed hotel met the guideline. A summary of each guideline will be included (at times with further description from the checklist), the DRB decision, and provide

REVIEWER COMMENTS when deemed appropriate. The DRB is required to review and draw a conclusion on each of the criteria in the next three sections before making a recommendation.

### **Mixed Use Town Center and High School Road Districts / General Design Guidelines – BIMC 18.18.030**

1. Parking lots are unobtrusive: DRB decision - YES  
REVIEWER COMMENTS: YES
2. Outdoor open spaces: New development should provide facilities near or visible from the sidewalk for outdoor public use; DRB decision – YES  
REVIEWER COMMENTS: NO. This clearly should have been answered no since there is no outdoor public use provided. The courtyard for the proposed hotel will be private open space primarily for hotel guests and is not visible from the street. The staff report stated earlier that no open space was required, which makes a “yes” answer to this criterion inconsistent with the staff report.
3. Pedestrian connections: DRB decision – YES  
REVIEWER COMMENTS: This guideline has three sections:  
YES. The sidewalk connects well to the building.  
NA. Provides connections to adjacent properties.  
NO. Plans are not adequately detailed to determine if there are pedestrian walkways within parking lots, designed to meet handicapped standards, that would allow people to traverse the parking lots without being forced to use vehicle aisles. Internal sidewalks should be provided connecting parking lots to the building similar to Madrone Village located directly across Winslow Way.
4. Parking lot lighting: DRB decision – YES  
REVIEWER COMMENTS: Adequate detail not available.
5. Screen service areas: DRB decision – YES  
REVIEWER COMMENTS: NO. A minimum six-foot high wall is

included as a staff recommended condition along the service area on the west side of the property. The adjacent two-story Corner House condominiums would look over this fence at the service area, which does not meet the intent of this criterion. A wall over six feet high would be intrusive similar to having a building on the property line and should not be allowed.

Adequate taller landscaping should be required in this area.

6. Common open space useable by all residents: DRB decision – YES

REVIEWER COMMENTS: NA. This guideline is to ensure that open spaces within a residential development are accessible by all residents. This guideline does not seem to be relevant to this hotel project, which is not a residential use.

**6.a** Is to conceal garage doors and also restricts access to a single two-way curb cut. The proposed hotel has three curb cuts: DRB decision – YES

REVIEWER COMMENTS: NO. It is likely that this guideline applies to residential developments, however, the concept of fewer curb cuts seems relevant to commercial developments as well in order to provide a safer pedestrian environment. The proposed hotel has three curb cuts.

7. Create visual continuity among buildings having different styles: DRB decision – YES

REVIEWER COMMENTS: NO. The building frontage has a significantly different style than the hotel wings which are large rectangular buildings. These two different parts of the building do not create visual continuity but create a significant contrast.

8. Make major entrances apparent from the street: DRB decision - YES

REVIEWER COMMENTS: YES.

9. Conceal mechanical equipment: DRB decision - YES

REVIEWER COMMENTS: Not able to determine from reduced plans.

10. Structured parking, to minimize the visual impact from parking viewed from the street: DRB decision – YES  
REVIEWER COMMENTS: YES. Some of the parking has been placed under the building, which reduces the visual impact from the street. The open parking area in the southeast corner will be visible from the street and adjacent properties. Parking on the west side will be fenced reducing the visual impact from ground level.
11. Ensure that denser types of housing include details that create a sense of human scale and that break down the bulk of large buildings: DRB decision – YES.  
REVIEWER COMMENTS: NO. While this guideline seems to apply to residential buildings, breaking down the bulk of a large hotel building also seems logical within the same MUTC zones. While a hotel may not be a residential building, it certainly houses people. The large hotel wings do not create a sense of human scale and should be broken down into smaller components.
12. Integration of signs: DRB decision – YES  
REVIEWER COMMENTS: No comment.
13. Creativity of signs: DRB decision – YES  
REVIEWER COMMENTS: No comment.
14. Awning signs: DRB decision – YES  
REVIEWER COMMENTS: No comment.

### **Mixed Use Town Center / Core District Design Guidelines – BIMC 18.18.030**

1. Streetscape (appealing to people): DRB decision - YES;  
REVIEWER COMMENTS: No comment.

2. Streetscape (sidewalks): DRB decision - YES;  
REVIEWER COMMENTS: NO. The hotel plans show a six-foot wide sidewalk. The staff report recommends a minimum sidewalk width of five feet. City policies state that sidewalks shall be similar to what is in the immediate vicinity. There are 6.5 foot wide sidewalks adjacent to the west, 7.0 feet wide sidewalks across Winslow Way to the north, no sidewalk adjacent to the east, and older five foot wide sidewalks further east to Madison Avenue. The intersection of Winslow Way and Madison has nine-foot sidewalks, and further east into the heart of downtown sidewalks are 9 – 12 feet. The immediate vicinity and the trend toward larger sidewalks toward downtown supports that the sidewalk should be a minimum of 7.0 feet wide.
3. Streetscape “Street trees shall be provided: DRB decision: YES  
REVIEWER COMMENTS: YES
4. Public space: DRB decision: YES  
REVIEWER COMMENTS: NO. There are clearly no public spaces. Comprehensive plan goals and/or policies encourage public open space, but do not require it.
5. Public space: “...new buildings should incorporate forecourts, plazas, or gardens that welcome the public and offer a dramatic statement of the corner.” DRB decision - YES;  
REVIEWER COMMENTS: NA. There will be no public space. This guideline seems to focus on properties at intersections.
6. Building design, massing, and variation: DRB decision - YES;  
REVIEWER COMMENTS: NO. There are four elements under this category: 1. Articulation: there is no articulation provided in the hotel wings or building frontage; 2. Variety in forms: The front of the building has variety, but the hotel wings do not. 3. Varied frontages: The building street front has variety, but the design uses a significant amount of glass, which provides a much different appearance than that of existing buildings in the

area. There also are no upper story setbacks. 4. Multi frontages: Not applicable.

This guideline should have been rated a NO since there is no articulation or variety in form on the bulky hotel room wings. Articulation of the hotel room wings should have been a requirement by the DRB, or they should have given reasons why not. Upper level setbacks should have been provided on the building frontage.

7. Building design/street level Elements: DRB decision: YES  
REVIEWER COMMENTS: NO. Item 4 in this criteria states: "...there will be variety of architectural features to produce a visually rich and engaging experience for people on foot." The glass entry showing the large tree in the courtyard creates and interest for the northeast corner of the building, but the 40 to 45 high straight wall on the balance of the building street frontage is out of scale with pedestrians because the sidewalk is quite close to the building.
8. "The building façade shall be stepped back above the second floor and shall be distinguished by a change in elements such as window design, trellises, details, materials, and/or colors....."  
DRB decision: YES.  
REVIEWER COMMENTS: NO. The building frontage clearly does not meet this guideline. The DRB provided no explanation or alternatives to this guideline in their decision. No findings or explanations were provided. The DRB response should clearly have been NO.
9. Building design/blank walls: DRB decision - YES;  
REVIEWER COMMENTS: NO. Little or no attention has been placed on reviewing the elements on the exterior of the hotel wings. The exterior walls of the hotel wings have windows, but they have no articulation and could have been designed to have some pleasing architectural treatment. Further

explanation should have been provided by the DRB regarding the exterior of the hotel wings.

10. Building design/roof appearance: DRB decision: YES;  
REVIEWER COMMENTS: YES. The criteria states that flat unembellished roofs are not desired. Flat roofs may be allowed for green building purposes to accommodate green roofs or solar panels. The project is proposing green roofs.
11. Parking Design/Surface parking lots: DRB decision - YES;  
REVIEWER COMMENTS: NO. The guideline states, "1. Surface parking lots shall be screened from adjacent properties or treated architecturally. The parking lot in the southeast corner of the property is not screened or architecturally treated and does not meet this requirement. The DRB decision should have been NO.
12. Parking design/parking structures: DRB decision - YES;  
REVIEWER COMMENTS: NA. This guideline does not appear to be relevant.

### **Commercial and Mixed-Use Design Guidelines for All Zoning Districts – BIMC 18.18.030**

1. Develop variations in façade treatment to provide visual interest. Vary building materials & patterns: DRB decision – YES;  
  
REVIEWER COMMENTS: NO. The building façade is all glass. The facade materials do not vary and there are no patterns to produce variations in texture. It has a very interesting entry.
2. Modulate scale of building masses: DRB decision - YES;  
REVIEWER COMMENTS: NO. The checklist states: "Building elevations shall be vertically modulated in no more than 20' increments or horizontally in no more than 30' increments.

Modulation is defined as a change in plane or articulation such as bands, cornices, setbacks, or changes in material;" The building frontage does not have vertical modulation and the exterior of the hotel wings do not have vertical or horizontal modulation. The DRB did not make any comments about the above requirement. The DRB response to this criterion should have been NO.

3. Limit the visual impact of blank walls and facades: DRB decision - YES.  
REVIEWER COMMENTS: NO. This was covered earlier in this review in another DRB checklist, particularly regarding the hotel room wings.
4. Visually prominent ground floor facades: DRB decision - YES;  
REVIEWER COMMENTS: YES. This is a prominent façade in comparison to the facades of other buildings in the neighborhood.
5. Maintain pedestrian scale along facades: DRB decision - YES;  
REVIEWER COMMENTS: NO. The checklist states: "Facades facing public ways shall incorporate setbacks or articulation that establishes a pattern of bays or window openings." The front façade is three stories high with no upper story setbacks. The higher straight wall reduces the pedestrian scale. This is not consistent with this guideline without some explanation from the DRB. The use of a variety of materials at the sidewalk level is encouraged but is not provided.
6. To maintain pedestrian activities by encouraging continuous frontages along sidewalks: DRB decision - YES.  
REVIEWER COMMENTS: NA. This criterion only applies where parking fronts on a public street.
7. Reduce overall scale of the building into multiple building masses: "Facades over 128' in length shall be separated by pedestrian passage or open space. Passages should be at

least 12' wide and two stories in height if covered. Façade setback should be expressed at the roofline by changes in plane. Passage should connect to public open spaces": DRB decision: YES;

REVIEWER COMMENTS: NO. The building plans available are not detailed enough to evaluate this criterion completely. We know that the frontage of the building is well over 128' wide and that the pedestrian passage is at the northeast side of the building which does not separate the building. We do not know if the pedestrian passage through the building is 12' wide and two stores high, but we do know that the passage through the building does not go to a public open space. Based on what is known, the DRB should have determined that more information is required or voted NO.

8. To encourage the creation of public outdoor spaces: DRB decision – YES.

REVIEWER COMMENTS: NA. The criterion gives the developer the option to create public outdoor spaces by increasing setbacks and having the public space between the building and sidewalk. This guideline is not relevant because the front setbacks under the MUTC CC zone requires the building to be quite close to the sidewalk.

9. "Soften impact of building environment. Encourage public pedestrian passageways and vegetation between buildings."

DRB decision - YES;

REVIEWER COMMENTS: NA. There is open space between the hotel room wings, however, the developer does not propose to have the passageway through the building or the open space between the hotel room wings open for public use. Requiring open space does not appear to be an option. This criterion appears to apply to properties with multiple buildings.

10. "To encourage compatibility of development with both community and neighborhood characteristics." "Building designs should respond to nearby buildings that meet the

upgraded design standards by sharing elements, materials or massing.” DRB decision - YES;

REVIEWER COMMENTS: NO. The building frontage is uniquely different than nearby buildings. No shared elements, materials or massing appear to be used. The hotel wings are large and rectangular and do not incorporate elements from other buildings in the neighborhood. The DRB decision should have been NO.

11. Minimize intrusiveness of commercial signage: DRB decision - YES;

REVIEWER COMMENTS: No comment.

12. Improve pedestrian environment around buildings and minimize curb cuts. DRB decision - YES;

REVIEWER COMMENTS: NO. The property proposes using three curb cuts along a lot frontage of +/-245 feet. The design of the building makes it difficult to have fewer curb cuts if the hotel is to have a valet and drop-off area. This design may not be suitable in this location if the pedestrian environment is a priority. Consistent with this guideline, attempts should be made to only use two curbs cuts. The fact that the hotel needs three curbs cuts is a strong indication that this is an automobile oriented use of the land. The design criteria are meant to guide the architect in the design. The criteria should not be ignored in order to accommodate the design proposed for the property. The DRB recommendation should have been NO.

13. Provide pedestrian access to buildings: DRB decision - YES;

REVIEWER COMMENTS: YES.

14. Provide weather protection for pedestrians: “Recessed entries and/or overhead weather protection above the sidewalk entrances shall be used” DRB decision - YES;

REVIEWER COMMENTS: NO. The entry appears to be

recessed, but no overhead weather protection is provided over the sidewalk.

15. “To maintain smaller scale commercial buildings.”  
“Buildings in excess of a 10,000 square foot footprint should be split into two or more distinct elements.” DRB decision – YES.  
REVIEWER COMMENTS: NO. The hotel footprint is substantially larger than 10,000 square feet. The hotel building should have been split up per this guideline. This criterion is very specific with no ambiguity. The DRB decision appears to ignore this criterion which should clearly have been determined to be NO.
16. Reduce the visual impact of parking areas: “Create small parking clusters connected by landscaping and pedestrian walkways. Internal streets that connect or serve parking areas shall be designed as streets with sidewalks and pedestrian scale lighting.” DRB decision – YES.  
REVIEW: NO. This guideline requires sidewalks, planters, and pedestrian scale lighting on internal streets connecting all parking areas to the hotel. These internal sidewalks should also be designed for handicapped access. This was not addressed by the DRB. Requiring internal sidewalks should have been determined to be NO because it is not optional; it says “shall.” The level of detail in the reduced plans make difficult to determine how this is being handled.

### **Reviewer’s conclusion of the Design Review Board**

**Recommendation:** As the above review of the three guideline checklists indicate, a substantial number of the criteria rated ‘YES’ by the DRB should have been rated ‘NO.’ During the research for this review, no meaningful explanations were found for most of these DRB recommendations.

The Design Review Board chairman submitted a letter to the city dated June 18, 2019. A key excerpt from this letter states: “....The Winslow Hotel was presented as a living building challenge. The targets of collecting rainwater from roofs for all water demands and through use of solar panels generate more energy than is used by the project on an annual basis resonated with the DRB as a means for providing meaningful community benefits and reducing the impact on city infrastructure. The DRB chairman’s letter continues and says: although the sustainability targets are not part of the current design guidelines, it was in this context that the DRB approvals were made for the Winslow Hotel....”

This letter from the DRB chairman indicates that the DRB approved the design of the proposed hotel giving significant consideration to a concept that was discussed by the applicant, but that is not one of the DRB design guidelines that they are required to use in their decision process. The letter from the DRB chairman and the above review of the various DRB criteria supports that the recommendation of the DRB should be rejected and not used by the PCD director in the recommendation to the hearing examiner or the hearing examiner in his decision. The staff report missed this procedural issue in their June 7, 2019 report to the planning commission.

## **PLANNING COMMISSION RECOMMENDATION**

A review of the planning commission recommendation showed that it covered all of their decision criteria objectively. When appropriate, they included explanations. They considered the criteria and referred to specific comprehensive goals and policies for support. No additional review of their recommendation is considered necessary. Their recommendation was well supported.

## **PCD DIRECTOR RECOMMENDATION TO THE HEARING EXAMINER:**

The PCD director's recommendation was not available at the time this review was written.

## **REVIEWER'S CONCLUSIONS**

**The staff report** made many conclusions that were not supported. The majority of the comments in their report seemed to focus only on positive aspects of the proposed hotel, which felt like advocacy rather than an objective staff report. There was minimal discussion on significant issues like the impact of the additional traffic the hotel will generate, the bulk of the building, the compatibility and character of the building in comparison to neighboring buildings, the criteria to break larger buildings with over 10,000 square foot footprints into smaller buildings, why no horizontal or vertical modulation was required, why no upper level setbacks were required on the building frontage, the minimally reviewed large bulk of the hotel wings and how they may impact the surrounding neighborhood. The information provided in this review shows that the recommendation of the Design Review Board was flawed and should not be relied upon for decision-making purposes. The staff report accepted the DRB recommendation without a critical analysis. The lack of a review and analysis of specific goals and policies in the staff report and lack of doing a critical analysis of the potential errors and omissions in the DRB recommendation shows serious flaws in the staff report. The staff report should not be considered reliable.

**The Design Review Board** recommendation concluded that the proposed hotel was consistent with all 41 guidelines in their three decision criteria checklists. This review of the DRB recommendation demonstrates that they did not adequately evaluate all of the criteria objectively and answered 'YES' to many guidelines that should have been answered NO or NA. Refer to the DRB review earlier in this document. Supporting text explaining why they voted 'YES' on many of the guidelines is essential in supporting their recommendation. This review indicated that 23 of the 41 design review criteria should have been determined to be NO.

After the DRB recommendation was made, the chair provided a letter that stated: "...although the sustainability targets are not part of the current design guidelines, it was in this context that the DRB approvals were made for the Winslow Hotel." This significantly discounts the reliability of the DRB recommendation. They in effect modified BIMC 18.18.030, a function of the city council, by creating an additional criterion to which they gave significant weight in their recommendation. The developer has since abandoned the living building challenge. The DRB recommendation is flawed and should be rejected.

**The planning commission recommendation** showed that they covered the relevant BIMC title 18 regulations, the appropriate goals and policies of the comprehensive plan were reviewed to the proposed hotel, they were aware of the traffic that would be generated and demonstrated an understanding of the impact to the neighborhood and downtown area, and they understood the details of the proposed hotel. They reviewed the Design Review Board recommendation and determined that the DRB did not make a recommendation regarding the project's consistency with the comprehensive plan or Winslow Master Plan, or whether it satisfied the criteria for a Major Conditional Use Permit. Contrary to the staff report, the Planning Commission determined that "it cannot be concluded that all necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts of the proposed uses on the immediate vicinity of the proposed project." (see Planning Commission recorded motion dated July 25, 2019, page 14) The Planning Commission recommended denying this conditional use permit application. The recommendation appears to be well documented.

### **REVIEWER'S RECOMMENDATION**

Rather than repeating information provided earlier in this review, the hearing examiner is encouraged to consider the significant issues raised throughout this review that are directly relevant regarding whether or not this conditional use permit should be approved or denied. This report attempts to provide an objective review of the approval process of the major site plan and conditional use permit application for the Winslow Hotel.

The information included in this review casts significant doubt on the objectivity and reliability of the recommendations in the PCD Director's

staff report dated June 7, 2019, the staff memorandum dated June 11, 2019 and the Design Review Board recommendation. The content and recommendations in the staff report and the Design Review Board should be considered unreliable for decision-making purposes.

The recommendation provided by the Planning Commission seemed well organized, objective and thorough. Their recommendation was supported.

The fact that there are opposite recommendations between the PCD director's report, the DRB recommendation and the Planning Commission's recommendation puts the Hearing Examiner in the position of having to determine which recommendation accurately reflects the city's check lists, guidelines, ordinances, goals, and policies. There is no reason why the Hearing Examiner should be put in this position of uncertainty.

The current situation with the Winslow Hotel is somewhat similar to a major site plan and conditional use permit applied for in 2013 on the Wintergreen Shopping Center property (Visconsi) on High School Road and SR-305. In that case the city staff recommended the project be approved and the Planning Commission unanimously recommended denial. This project was later approved by the Hearing Examiner. It is dysfunctional when there are these kinds of differences in recommendations between the city staff and the Planning Commission since they all consider similar city regulations in arriving at their recommendations.

Based on the information and analysis provided in this review, the following recommendation is made:

**Because of the conflicting recommendations, the hearing examiner is encouraged to retain an independent land use planning consulting firm to reconcile the staff report, the Planning Commission recommendation, and the Design Review Board recommendation before rendering a final decision.**

**It does not appear that any reasonable conditions can be imposed that would ensure that the application meets the conditional use permit decision criteria. Therefore the major site plan and conditional use permit application for the proposed Winslow Hotel should be denied.**

s/s *Kjell Stoknes*

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