

Planning Commission Recorded Motion

Planning Commission Meeting Date:	July 25, 2019
Project Proposal Name and Number:	Winslow Hotel PLN50880 CUP/SPR
Documents available at:	<u>Online Permit Portal</u>
Public Hearing Date:	To Be Determined
Decision Maker:	Hearing Examiner

Purpose: For major site plan and design review and recommendation and major conditional use permit review and recommendation, the purpose of the Planning Commission's review and recommendation is to determine if a proposed project is consistent with the comprehensive plan and applicable design guidelines, BIMC Title 17.

Consideration: The planning commission shall consider the project application at a public meeting where public comment will be taken. The Planning Commission shall recommend approval, approval with conditions, or denial of the proposed project. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director.

Findings of Fact and Reasons for Action

1. The project is either:

_____ Found to meet the recommendations by the Design Review Board; **OR**

 X Recommended for deviation from the Design Review Board's recommendation for the following reasons:

See attached Findings of Fact and Conclusions dated July 25, 2019.



Planning Commission Recorded Motion

Recommendation:

The Planning Commission recommends the Director of Planning and Community Development and the Hearing Examiner:

- ☐ Approve the proposal as recommended.
☐ Approve the proposal with the following changes:
☒ Deny the proposal for the following reasons:

See attached Findings of Fact and Conclusions dated July 25, 2019.

Recorded motion on July 25, 2019:

I move that we deny the application for a major conditional use permit and a major site plan review for the Winslow Hotel project for the reasons stated in the Findings of Facts and Conclusions attached to this recommendation document.

Motion and second: McCormick Osmond/Paar

Planning Commission Record of Vote:

Commissioner	Support	Oppose	Absent	Abstain
Chester	x			
McCormick Osmond	x			
Pearl	x			
Quitslund	x			
Macchio	x			
Doman	x			
Paar	x			
Total	7			

CITY OF BAINBRIDGE ISLAND PLANNING COMMISSION


Chair

Date: 7/25/2019


Administrative Specialist, Planning and Community Development

Date: 7-25-19

WINSLOW HOTEL PROJECT
FINDINGS OF FACT AND CONCLUSIONS

FINDINGS OF FACT

I. Project Description

1. The applicant submitted a Master Land Use Application, dated December 27, 2018 (MLUA), for the Winslow Hotel project, project numbers PLN50880 SPR and PLN 50880 CUP. The MLUA describes the project as a hotel with approximately 75 rooms, with associated banquet and meeting rooms, restaurant and bar, spa and back of house spaces, with landscaped courtyard and both under building and surface parking. The project is located on two parcels – 272502-4-098-2009 and 272505-4-097-2000.

2. The application was revised on April 26, 2019, to add 12 rooms and 12 parking spaces. The applicant also updated the traffic study, State Environmental Policy Act (SEPA) checklist and water/sewer availability request.

3. The application was revised again on June 4, 2019, to clarify locations of disabled access parking, electric vehicle charging stations, bicycle parking and street trees.

4. The MLUA seeks two land use approvals: (1) a major conditional use permit (CUP) and (2) a major site plan and design review approval. The two land use approvals are being reviewed under the consolidated project review process under BIMC 2.16.040.E(7).

5. The project is subject to SEPA review. The Revised Notice of Application/SEPA Comment Period, renoticed April 26, 2019, describes the project as an 87-room hotel, associated banquet space and meeting rooms, restaurant and bar, spa, and back of house spaces. The hotel is designed around a courtyard that includes preservation of a Giant Sequoia (62.5" in diameter), a reflecting pond, ceremony space, a band shell and landscaping. All parking is located on site, both under the building and in surface parking lots, totaling a minimum of 132 spaces.

6. In a presentation to the Planning Commission on June 13, 2019, the applicant described the project as follows: Redevelopment of two properties with an 87-room hotel, banquet space and meeting rooms, restaurant and bar, and spa. All parking is located on site, both under the building and in surface parking lots, totaling 136 spaces. The landscaped courtyard includes preservation of a giant sequoia and other significant trees, a reflecting pond, and a bandshell. Frontage improvements include a six-foot wide sidewalk, bike lane, two on-street parking spaces, an electric vehicle charging station, planting strips, and street trees.

7. Proposed lot coverage is 39% (31,535 sf) and proposed Floor Area Ratio (FAR) is 0.91 (73,571 sf).

8. The site is directly adjacent to residential townhomes on the west, residential senior housing on the south (four buildings), mixed residential/office to the east, and residential/retail to the north.

9. Proposed building base height is 35 feet, with a bonus height of 45 feet due to proposed underground parking on 12,240 sf. The building as proposed is taller than buildings adjacent to it on all four sides.

10. Base FAR permitted is 0.6 FAR (48,513 sf). Max FAR permitted with bonus is 1.00 FAR (80,855 sf). Proposed FAR is 0.91 (73,571 sf), with hotel use of 57,010 sf; spa of 3,916 sf; event and meeting space of 7500 sf; restaurant/bar/lobby of 2,775 sf; kitchen of 2,370 sf. Total bonus FAR needed is 25,058 sf.

11. Average weekly daily vehicle trips for the hotel are 727, as stated in the SEPA Checklist and the Heath & Associates traffic study submitted by the applicant. Peak hour trips are 52.

12. Proposed parking is 136 parking spaces – 82 under building, 38 surface, 14 service entrance and 2 on-street.

13. Peak occupancy demand for parking is 191 parking spaces (7,350 sf of event space in use and full occupancy of hotel rooms), according to a memorandum from the applicant's parking consultant, Walker Consultants, dated June 12, 2019. It is undecided how the additional 55 parking spaces will be provided.

II. Major Conditional Use Permit

14. BIMC 2.16.110.A. states: "A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied."

15. BIMC 18.09.020 classifies a hotel as a conditional use in the Mixed Use Town Center (MUTC), Central Core Overlay District (Core), Gateway and Ferry districts.

16. BIMC 18.09.020 allows a hotel as a permitted use in the High School Road (HSR) I and II districts. BIMC 18.36.030(130) defines "hotel" as "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."

17. All of the hotels currently existing in the Winslow area are located in the HSR districts. The project as proposed would be the largest hotel on Bainbridge by 32 rooms and the only full service hotel.

18. BIMC 18.09.020 allows a bed and breakfast as a permitted use in the MUTC and Core district. BIMC 18.36.030(34) defines "bed and breakfast" as "a single-family residence that is owner-occupied and in which (a) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (b) breakfast is customarily included in the charge for the room. A bed and breakfast lodging is not a hotel, motel, inn, home occupation or other use defined or regulated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title."

19. BIMC 18.09.020 allows an inn as a permitted use in the MUTC and Core district. BIMC 18.36.030(132) defines "inn" as "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.”

20. The project as proposed includes a hotel with almost 6 times the number of rooms (87) that are permitted in the MUTC and Core district (15 rooms for an inn).

21. Under BIMC 2.16.110.F(2), “if no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.”

22. Under BIMC 2.16.110.F(1), the following criteria are applicable to the proposed Winslow Hotel (emphasis added):

- a. **The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property** and with the physical characteristics of the subject property; . . . and
- b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and
- c. **The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property;** and
- d. **The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan;** and
- e. **The conditional use complies with all other provisions of the BIMC . . . ;** and
- 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;** and
- g. **Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A;** and
- h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and
- i. The city engineer has determined that the conditional use meets the following decision criteria:
 - i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
 - ii. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and
 - iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and
 - iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and

vi. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Development Standards Manual,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.

23. Under BIMC 2.16.110.F(1)(a) and (d), the decision criteria for approval of a major conditional use permit require that the project be harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property, and in accord with the comprehensive plan and other applicable adopted community plans.

24. The 2016 Comprehensive Plan and the Winslow Master Plan, dated May 21, 1998 and updated November 8, 2006, emphasize the importance of maintaining Winslow’s small town atmosphere and maintaining it as place for people to live, shop and work.

25. Comprehensive Plan Guiding Principle #1 states: Preserve the special character of the Island, which includes downtown Winslow’s small town atmosphere and function.

26. Comprehensive Plan Land Use Element states (emphasis added):

- Winslow Town Center – The Winslow Master Plan (Appendix D) encourages development of a neighborhood that contains a strong, vital downtown where people want to live, shop and work.
- Goal LU-7 – **The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.**
- Policy LU 7.1 – **Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.**

27. Comprehensive Plan Economic Element states, regarding Tourism (emphasis added):

- Policy EC 11.2 – **The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents.** A lively, pedestrian-oriented town center that provides a mix of commercial and residential uses creates a potential tourist destination.
- Policy EC 11.3 – Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community

- Policy EC 11.5 – Encourage bed and breakfasts and other creative tourist accommodations.

28. The Winslow Master Plan (WMP) states (emphasis added):

Winslow Way is the Centerpiece of Downtown: A simple streetscape retains small-town character and a “sense of place.”

- Overall Land Use Goal WMP 2-1: Strengthen Winslow – the Island’s commercial, cultural and commuter hub – as a sustainable, affordable, diverse, livable and economically vital community by:
 - Encouraging downtown living;
 - Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor
 - Promoting the efficient use of land;
 - Encouraging the retention and expansion of retail that serves the needs of community members and visitors;
 - Providing opportunities for business expansion and private reinvestment;
 - Promoting development that is sustainable and supports community values; and
 - Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.
- Goal WMP 2-3: Maintain and **Enhance Community Character** in the Mixed-Use Town Center:
 - Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.
 - Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.
- Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.
- Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.

- Goal WMP 2-5: Determine density and intensity of development in the Mixed Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.
- Policy WMP 2-5.1: The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.
- Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.

Central Core Overlay District

- Policy WMP 2-6.1: **Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.**

High School Road I and High School Road II Specific Policies

- Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area.

III. Major Site Plan and Design Review

29. BIMC 2.16.040.C Major site plan and design review requires design review board and planning commission review and recommendation

30. BIMC 2.16.040.E(4) Review and Recommendation by Design Review Board

a. The purpose of the design review board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the design review board at the design guidance review meeting. The design review board will also consider any requested departures from the design guidelines.

b. The design review board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The design review board's written findings will be included in the staff report transmitted to the director or planning commission.

31. BIMC 2.16.040.E(5) Review and Recommendation by Planning Commission

a. In the case of a major site plan and design review application, the planning commission shall review the application prior to the review and final decision by the director.

b. **The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.**

c. The planning commission shall consider the application at a public meeting where public comments will be taken. **The planning commission shall recommend approval, approval with conditions or denial of an application.** In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. **If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.**

d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendations shall be documented in their written findings of facts and conclusion.

32. BIMC 2.16.040.F – Site Plan and Design Review Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on criteria that include:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district . . .

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. . . .

7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans.

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

33. Development is governed by both zoning regulations and design guidelines. As explained in the Design Guidelines for Mixed Use Town Center and High School Road Zoning Districts and the Design Guidelines Applicable to the Central Core Overlay District:

- Zoning regulations address standards such as permitted uses, density, building height, parking requirements and building bulk.
- Design guidelines address site design, building design, signs and lighting.
- Projects proposed in the Core must address design guidelines applicable to the Central Core Overlay District, Mixed Use Town Center and Commercial and Mixed Use projects.

34. The DRB considered this project on December 7, 2018; January 7, 2019; May 6, 2019 and June 3, 2019. The DRB reviewed the proposed project's major site plan for consistency with the applicable design guidelines. It did not review the project for consistency with zoning regulations, which includes whether the project is a permitted use in the Core, or whether it is consistent with the Comprehensive Plan or Winslow Master Plan.

35. The Staff Report included DRB Findings and Recommendation, dated June 7, 2019, as an appendix. The DRB finds that the north facing façade on Winslow does not technically meet the MUTC and HSR District Design Guideline 8 requirement for upper level setbacks, but that the purpose of the Design Guideline was met because the building was “very light and airy, lots of glass and contributes to the street rather than creating a corridor affect.” The DRB also finds the east and west facing facades “are large and not well articulated and do not meet this guideline” with respect to Design Guideline 9, but references the addition of trees to break up large linear walls on both facades. The June 7, 2019 DRB Findings and Recommendation also included a recommendation that a study of noise levels should be undertaken because the levels are not known and cannot be evaluated adequately.

36. On June 17, 2019, the DRB issued a second set of Findings and Recommendations regarding the project’s consistency with applicable design guidelines. The DRB found that the project, as conditioned, was consistent with applicable design guidelines and that the project was not proposing any departures from the design guidelines. There was no further discussion of Design Guidelines 8 or 9, referenced in the June 7, 2019 Findings and Recommendation.

37. All of the DRB conditions pertained to the design of the structure itself and were included as proposed Condition 14 in the Staff Report. The DRB did not make any recommendations regarding the project’s consistency with the Comprehensive Plan or Winslow Master Plan, or whether it satisfied the decision criteria for a Major Conditional Use Permit.

38. On June 18, 2019, DRB Chair Joe Dunstan provided an email to the Planning Commission, stating the following as reflecting DRB consensus:

“[D]uring the first few presentations to the DRB the Winslow Hotel project was presented as striving to meet the Living Building Challenge. The targets of collecting rainwater from roofs for all water demands and collecting 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. 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. In the most recent DRB meeting on June 3rd the project as presented as possibly not seeking the Living Building Challenge. As with many aspects of this project, the goals and aspirations of the hotel continue to be moving targets. The Design Review Board encourages the applicant to maintain its previously stated level of commitment to meeting the Living Building Challenge targets and seek certification under this program.”

The applicant’s representative has stated in public comment to the Planning Commission that the applicant is unable to make a commitment to pursue the Living Building Challenge at this time, and there is nothing in the Staff Report indicating that such a commitment has been made or will be a condition of the project.

CONCLUSIONS

Major Conditional Use Permit

1. BIMC 2.16.110.F(1)(a) is not satisfied

*a. The conditional use is **harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property.***

The project as proposed is directly adjacent to residential condominiums to the west, senior housing to the south (four buildings), mixed residential and office to the east and residential to the north. The building includes 87 hotel rooms, which is almost 6 times the number of rooms that is permitted for an inn in the Core district. The building has a height of 45 feet, which is taller than all adjacent buildings, and a proposed Floor Area Ratio (FAR) of 0.91 (73,571 sf). Permitted base FAR is 0.6 FAR (48,513 sf). Permitted max FAR with bonus is 1.00 FAR (80,855 sf). Proposed FAR for the project of 0.91 (73,571 sf) produces hotel use of 57,010 sf; spa of 3,916 sf; event and meeting space of 7500 sf; restaurant/bar/lobby of 2,775 sf; kitchen of 2,370 sf. Total bonus FAR needed is 25,058 sf.

The Winslow Master Plan explains that while bonus FAR is allowed in the MUTC, it is intended to be used to advance Comp Plan and WMP policies and community values, to support greater flexibility in types of housing, and to enhance the vitality of the downtown.

- Comp Plan Policy LU 7.1 -- Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . **The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.**
- Policy WMP 2-5.1: **The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.**
- Policy WMP 2-6.1: **Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.**

The FAR bonus is being used here to support hotel rooms, a spa, event and meeting space, a restaurant/bar/lobby and a kitchen. These do not provide greater flexibility in housing, advance specific Comprehensive Plan policies and community values, or encourage downtown living with a variety of housing sizes and types.

The Staff Report states that the project satisfies CUP Decision Criterion (a) because the Comprehensive Plan and BIMC Title 18 identify the Central Core as the most densely developed district and promotes the concentration of nonresidential development that reduces reliance on automobiles. This conclusion is inconsistent with the Comp Plan and WMP policies and goals cited above. The project also does not reduce reliance on automobiles but is projected to add 727 vehicle trips per day to the Winslow Core and MUTC, according to the SEPA Checklist and the Heath & Associates traffic study (pg. 40 – Hotel trip generation per room average rate is 8.36 trips). Staff has added a condition requiring the hotel to operate

an accessible van to shuttle hotel patrons to and from the ferry terminal and other local destinations, but the extent to which this will reduce the number of vehicle trips generated by the project is unclear.

2. BIMC 2.16.110F(1)(c) is not satisfied

c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property.

The Staff Report concludes that CUP Decision Criterion (c) is satisfied because the proposed use will result in impacts including but not limited to noise, light, and traffic, but as conditioned the use will not be materially detrimental to uses or property in the vicinity of the subject property. There is no explanation for this conclusion, particularly in light of (1) the amount of noise that will be generated by the occupants of 87 hotel rooms, people using meeting rooms and conference rooms, the restaurant, bar and spa, and entertainment in the outdoor amphitheater/bandshell; and (2) noise, congestion and air pollution generated by an additional 727 vehicle trips per day.

There is no analysis of the amount of noise generated by the various elements of the project, such as onsite vehicle traffic, including truck traffic associated with garbage collection, linen service and food/beverage delivery; garbage collection activities; loading dock activity; and outdoor events. There is also no analysis of whether the level of noise would be “materially detrimental” to uses or property in the vicinity of the project, or the extent to which the noise will occur continually. The Staff Report includes Project Condition (10) that requires construction activities to comply with noise limitations per BIMC 16.16.020, and prohibits any use from exceeding maximum environmental noise levels pursuant to WAC Chapter 173-60 and BIMC Chapter 16.16, but this condition does not address noise levels generated by project uses and operations.

The Staff Report includes Project Condition (56) that requires a traffic analysis for the site under BIMC 15.32 and 15.40 to evaluate for concurrency, and states that a certificate of concurrency was issued based on the April 24, 2019 Heath & Associates traffic impact analysis. This report, however, did not analyze the impacts to uses or property adjacent to or within the vicinity of the project resulting from the estimated 727 vehicle trips per day generated by the project, or whether those impacts would be “materially detrimental” to those uses or properties. It is also unclear whether the 727 vehicle trips per day includes trips generated by events or represents only trips generated by the hotel and restaurant. The traffic impact study must analyze the number of trips per day generated by all proposed uses of the project to accurately determine whether the traffic impacts will be “materially detrimental” to uses and property adjacent to and in the vicinity of the project. Finally, the traffic impact study did not take into account traffic surges from ferry loading and unloading, which could affect the concurrency determination. .

3. BIMC 2.16.110F(1)(d) is not satisfied

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

Comprehensive Plan Guiding Principle #1 states: Preserve the special character of the Island, which includes downtown Winslow’s small town atmosphere and function.

The Comp Plan Land Use Element states (emphasis added):

- Winslow Town Center – The Winslow Master Plan (Appendix D) encourages development of a neighborhood that contains a strong, vital downtown where people want to live, shop and work.

- **Goal LU-7 – The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors**
- **Policy LU 7.1 – Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. . . . The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this plan.**

The Winslow Master Plan (WMP) describes the vision for Winslow as including:

The Island is a complete community: Winslow develops as a sustainable, affordable, diverse, livable and economically vital downtown. Development is allowed in a manner that encourages environmentally and economically sound growth, and also protects and conserves resources and lifestyles that would otherwise be impacted in outlying areas of the Island.

Winslow Way is the Centerpiece of Downtown: Pedestrians gather on a street with vibrant retail and attractive places. A simple streetscape retains small-town character and a “sense of place.”

- **Overall Land Use Goal WMP 2-1: Strengthen Winslow – the Island’s commercial, cultural and commuter hub – as a sustainable, affordable, diverse, livable and economically vital community by:**

Encouraging downtown living;

Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor;

Promoting the efficient use of land;

Encouraging the retention and expansion of retail that serves the needs of community members and visitors;

Providing opportunities for business expansion and private reinvestment;

Promoting development that is sustainable and supports community values;

and

Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.

- **Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center:**

- Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.
- Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.
- Goal WMP 2-5: Determine density and intensity of development in the Mixed Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method
- Policy WMP 2-5.1: The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.
- Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.

Central Core Overlay District Specific Policies

- Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meets the needs of the community, and enhances the vitality of the downtown.

High School Road I and High School Road II Specific Policies

- Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area.

Both the Comprehensive Plan Land Use Element and the Winslow Master Plan Land Use Chapter emphasize development of a strong, vital downtown in the MUTC and Core where people live, shop and work. Office and retail are encouraged to provide services for residents of downtown and the island. FAR is intended to support mixed-use development that encourages downtown living with a variety of housing types and sizes, and to provide commercial and retail services that meet the needs of the community. Commercial uses that benefit from highway vehicle access are intended to be located in the HSR districts. In contrast, the proposed project provides services primarily for guests of the hotel, and the inclusion of meeting and conference rooms, a restaurant and bar, a spa and an outdoor bandshell suggest it will be an “inclusive” establishment designed to provide all services to guests onsite. It will generate a significant amount of vehicle traffic (727 trips per day for the hotel alone) in the Core and requires an estimated 191 parking spaces during peak event times.

Comprehensive Plan Economic Element states, regarding Tourism (emphasis added):

- Policy EC 11.2 – **The predominant focus of downtown Winslow is to serve the commercial and social needs of Island residents. A lively, pedestrian-oriented town**

center that provides a mix of commercial and residential uses creates a potential tourist destination.

- **Policy EC 11.3 – Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.**
- **Policy EC 11.5 – Encourage bed and breakfasts and other creative tourist accommodations.**

The Comprehensive Plan Economic Element includes the support of tourism as a key sector of the island's economy, but underscores the predominant focus of downtown Winslow as serving the commercial and social needs of the island's residents and encourages the preservation and enhancement of the unique qualities of the community and the development of bed and breakfasts and creative tourist accommodations. The proposed project does not accomplish these goals because it is designed to be a full service hotel, with most or all of guests' needs met onsite. Its size – almost 6 times the number of rooms that is a permitted use for an inn in the Core district – does not preserve or enhance the unique qualities of the community or provide creative tourist accommodations.

The Staff Report, dated June 7, 2019, concludes that, as conditioned, the proposed development satisfies CUP Decision Criteria (d) because it is in conformance with the Bainbridge Island Comprehensive Plan, the Winslow Master Plan, and the Island-Wide Transportation Plan. This conclusion, however, relies solely on a discussion of street standards, project frontage and public pedestrian easements. It does not address the many ways in which the project's proposed uses are not in accord with the Comprehensive Plan and the Winslow Master Plan. Commercial services in the Core must meet the needs of the community, enhance the vitality of the downtown and contribute to the design for Winslow Way as the community's "living room."

4. **BIMC 2.16.110F(1)(f) is not satisfied**

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 concludes that CUP Decision Criterion (f) is satisfied because, 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 of the subject property. The applicant made multiple revisions in response to public comment including keeping all parking on-site, increasing on-site parking, enclosing trash and recycling, adding perimeter landscaping, and adding a bandshell, and eliminating amphitheater seating for outdoor music. The applicant obtained a letter from Bainbridge Disposal, agreeing to limit pick-up times to after 10:00 a.m. to minimize noise. The City has considered all public comment and has proposed conditions to mitigate impacts including a wall along the west property line to mitigate noise, light and exhaust. The applicant has provided greater parking than the minimum recommended by the parking consultant in response to neighborhood concerns about parking shortages.

As discussed above, the proposed 87-room hotel is almost 6 times the size of a 15-room inn that would be a permitted use in the Core. The project also includes meeting rooms, a conference room, restaurant, bar, spa and outdoor entertainment amphitheater/bandshell. There is no analysis of noise impacts generated by all of these proposed uses and there are no daily or hourly restrictions on noise generating activities, with the exception of the time at which garbage will be collected. The traffic impact analysis is

insufficient with respect to both the extent of the traffic impacts that will occur (based on number of vehicle trips generated) and the concurrency determination (failure to consider surge traffic from ferry loading/unloading). Without this important information, 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.

5. BIMC 2.16.110F(1)(g) is not satisfied

g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A

The Staff Report concludes that CUP Decision Criterion (g) is satisfied because “as conditioned, noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040A.” As discussed above, there is no analysis of the level of noise generated by the proposed uses and therefore no support for this conclusion. Without knowing the level of impact, it is not possible to conclude that the proposed conditions – landscaping green walls, a bandshell, enclosed trash and recycling under the building, building orientation, bandshell orientation and tree retention – will produce the required compliance with BIMC 16.16.020 and 16.16.040A.

6. The project as proposed (87 guest rooms, meeting rooms, conference room, restaurant, bar, spa, outdoor bandshell) is sized and designed as a full service event center to meet the needs of persons from outside the community who seek to hold large events in Winslow. It is almost 6 times larger than the closest permitted use in the Core – a 15-room inn – and also includes a conference center, meeting rooms, a restaurant, a bar, a spa and an outdoor bandshell for entertainment events. As proposed, the project is out of scale with the Core, not compatible with its surroundings (residential to the west, south and north and residential/office/retail to the east) and inconsistent with major elements of the Comp Plan and Winslow Master Plan. Its purpose and function are to serve visitors, which will be at the expense of Island residents. It does not maintain Winslow’s small town atmosphere, and will be materially detrimental to uses and/or property in the vicinity of the project. The project’s noise resulting from the proposed uses, and its estimated generation of 727 vehicle trips per day, will overwhelm the Core and do irreparable harm to Winslow’s small town atmosphere and to the residential communities and office/retail adjacent to and in the vicinity of the project site.

7. Recommendation - For all of the reasons outlined in these findings of fact and conclusions, the Planning Commission concludes that no reasonable conditions can be imposed on the project as proposed that would satisfy the CUP Decision Criteria. As described above, the building is taller (45 feet) than the adjacent buildings on all sides; is too large (73,571 sq. ft., of which 25,058 sq. ft. is bonus FAR); includes an intensity and scale of uses (87 hotel rooms, meeting rooms, conference center, restaurant, bar, outdoor amphitheater/bandshell/courtyard, continuous operations 24/7) that are not compatible with the project’s surroundings; and will result in parking, traffic and noise impacts that either have not been adequately analyzed or are incompatible with the project’s surroundings. Specific conditions cannot remedy these problems without resulting in a significantly different project. The Planning Commission therefore recommends that the application for a Major Conditional Use Permit be denied.

Major Site Plan And Design Review

The major site plan and design review does not meet the following decision criteria in BIMC 2.16.040.F:

1. BIMC 2.16.040 F(1) is not satisfied

1. *The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district*

The requirement for a major conditional use permit is a code provision and development standard for the proposed project in the Winslow Core District. As discussed above, the Planning Commission recommends denial of the application for a major conditional use permit. The site plan and design review consequently is not in conformance with applicable code provisions and development standards requiring a major conditional use permit.

2. BIMC 2.16.040F(5) is not satisfied

5. *The site plan and design is consistent with all applicable design guidelines in BIMC Title 18. . . .*

The DRB has issued two different Findings of Fact and Recommendation documents and also has provided clarifying language that its recommendations were made in the context of the applicant's commitment to pursue the Living Building Challenge. The applicant's representative subsequently has stated to the Planning Commission that the applicant cannot make that commitment. The differences between the two DRB Findings of Fact and Recommendation, and the subsequent DRB clarifying language, create uncertainty about what the DRB ultimately recommends for this project. It is unclear, therefore, whether Decision Criterion 5 is satisfied.

3. BIMC 2.16.040F(7) is not satisfied

7. *The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans.*

The findings of fact and conclusion with respect to the Major Conditional Use Permit are also applicable to the Major Site Plan/Design Review with respect to the project's lack of conformity with the Comprehensive Plan and Winslow Master Plan.

4. BIMC 2.16.040F(11) is not satisfied

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

The Winslow Master Plan includes the following open space policies and goals:

- Goal WMP 4-1: Incorporate open space and green spaces throughout Winslow by:
 - enhancing existing parks and developing new parks;
 - providing street trees, small gardens and other landscaping that provides visual relief and enhances the character;
 - providing a series of green spaces, plazas and corridors that connect the community, define character and protect resources; and
 - celebrating and connecting the town to the Harbor and the Ravine.

To address open space policies, goals and requirements, the project proposes an enclosed interior amphitheater/bandshell/courtyard that is accessed by the public through the hotel; street trees; and a 3-foot wider planter strip between the sidewalk and road. The courtyard has been designed for use by hotel guests and visitors, to accommodate activities and events within the event center. The public can access the courtyard only by entering the hotel. This is in contrast to the open plaza at Winslow Green, located northeast of the project, which is used for community gatherings and concerts and is easily accessible to the public. Questions have arisen regarding whether the project has met the open space goals, particularly in light of the project's size and intensity of use.

5. Recommendation – For all of the reasons outlined in these Findings of Fact and Conclusions, the Planning Commission recommends the application for Major Site Plan and Design Review be denied. The project requires a CUP as a condition of approval of the Major Site Plan and Design Review. As described above, the project does not meet the CUP Decision Criteria. The Major Site Plan and Design Review also are not in conformance with the Comprehensive Plan and Winslow Master Plan goals and policies. Finally, while the Planning Commission has given serious consideration to the two DRB Findings and Recommendation documents dated June 7, 2019 and June 17, 2019, there are inconsistencies between them, and the email from the DRB dated June 18, 2019 raises significant questions about the context of the DRB recommendations for approval of the site plan and design review. The Planning Commission therefore does not adopt the DRB recommendations for approval of the Site Plan and Design Review.

City of Bainbridge Island Planning Commission



Chair

7/25/2019
Date