

Winslow Hotel Response to Planning Commission Recommendation July 25, 2019

Planning Commission Original Text is Black.

Missing Review Policies and Goals is Red and in Times Roman.

Comments made by Cutler Anderson Architects is in Arial, Bold and Red.

This submittal dated 7/28/2019

I. Project Description

1. The applicant submitted a Master Lane Use Application, dated December 27, 2018 (MLUS), 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 – 272502-4-98-2009 and 272-4-097-2000.
2. The application was revised again on April 12, 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 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” 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 June 31, 2019, the applicant described as follows: Redevelopment of two properties with an 87-room hotel, associated banquet and meeting rooms, restaurant and bar, 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 bandshell. Frontage improvements include a six-foot sidewalk, bike lane, two on-street parking spaces, an electric 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 proposed is taller than building adjacent to it all 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 2,775sf; kitchen of 2,370. Total bonus FAR needed is 25,058 sf.

In fact, maximum FAR mixed use is 1.5, allowing for total development square footage on this parcel to be up to 121,282.5 sf.

This was known by the Planning Commission.

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

12. Proposed parking is 136 parking spaces – 82 underbuilding, 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.

Peak design day/time is 9:00pm on Saturdays as described in report and the report recommends 132 spaces to meet that demand. Proposal is to exceed this demand. This was known to the Planning Commission.

If every space in the hotel is occupied at the same time by unique people, i.e. a hotel guest is in their room, not in the restaurant for example, the larger parking count represents that circumstance. The parking consultant recommends not building that parking as stated in the report.

It is not undecided how to provide that additional parking, see the proposed valet stacking diagrams that address a significant portion of that added parking count. The balance would be addressed by 1. Requiring staff to use public transportation, or carpool for example and 2. With arrangements made with other parking owners off-site, such as churches, schools or businesses with their parking demand at other times of day. This was known to the Planning Commission.

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 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).

The hotel is proposed on a project site that is nearly two acres, one of the largest parcels of land downtown, and on Winslow Way in the Central Core zone.

To suggest that because the proposed hotel is categorized as a “conditional use”, because it is “six times” the size of a permitted hotel is pure rhetoric on the part of the Planning Commission. A 16 room hotel is also a “conditional use”.

This parcel could be divided easily into six parcels, with 15 room inns on each parcel, and avoid the conditional use process. Parcel size is an important consideration.

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

The Design Review Process recommended approval determining the hotel meets the City’s design guidelines, and City Regulations implementing the Comprehensive Plan and Winslow Master Plan have been met. This satisfies this criteria.

b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and

The City has determined that adequate public facilities are available to serve this project.

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

The City found no materially detrimental conditions created by the proposed Hotel.

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

The City, in their review of ALL applicable Comprehensive Plan, the Winslow Master Plan, and the Island-Wide Transportation Plan, found the Hotel to be in accord with those plans.

e. The conditional use complies with all other provisions of the BIMC . . . ; and

The City found no provisions of the BIMC that, as conditioned, are not met by the proposed hotel.

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

The Planning Commission has not identified in this recommendation any further measures to impose on the proposed hotel to further reduce or eliminate impacts. In fact, they have made no attempt to even try.

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

The City has conditioned the project to comply with these regulations in the Municipal Code. Further, State Law regarding noise must be complied with as well. The applicant has proposed additional restrictions on courtyard activities, and truck traffic, to exceed the minimum requirements in regard to noise.

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

The City engineer has made this determination as to compliance with the Municipal Code.

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.

The City engineer has made this determination as to compliance with the Municipal Code as conditioned by the City.

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.

These are objective criteria, as they have to be in a regulatory environment, defined by compliance with design standards (as determined by the DRB and their recommendation that the project is in conformity to the guidelines), and conformity to the City’s regulations that implement the policies of the Comprehensive Plan and Winslow Master Plan that define character and appearance, and quality of development in the vicinity of the subject property.

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.

Those policies are implemented through the City’s land use and other regulations.

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

City has implemented this guiding principle through the adoption of land use regulations and the Winslow Master Plan. Project conforms to all land use regulations, exceeds minimum requirements for setbacks and lot coverage, and uses considerably less than the maximum allowable building area in this zone.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 1.2 Accommodate new growth in designated centers that meet the island’s identified needs for housing, goods, services and jobs while respecting conservation and environmental protection priorities.

Project is inside a designated center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 1.3 The built environment represents an important element of the island's special character. Improve the quality of new development through a review process that implements the community vision and supports long-term goals for the preservation of the island's special character

Project has received considerable review, including five Design Review Board meetings, as well as a public meeting, and SEPA review.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Principle #2 Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. The City's water plan for Winslow shows sufficient water for development into the future.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 2.1 Manage the water resources of Bainbridge Island for the present and the future, recognizing that the island's finite ground water resources [aquifers are the sole source of our resident's water supply and are critical perennial sources for our surface waters and the ecosystems they support.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. The City's water plan for Winslow shows sufficient water for development into the future.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 2.2 As part of long-range land use planning, consider the impacts of future development to the quality and quantity of water that will be available to future Islanders and to the natural environment. Maintain sustainable groundwater withdrawal, protect aquifer recharge areas, guard against seawater intrusion and prevent adverse impacts to water quality from surface pollution.

Project includes the reuse of stormwater, and pervious pavement to allow for groundwater recharge. Development of surfaces that are used by automobiles include systems to maintain the water quality of any discharge.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Principle #4 Consider the costs and benefits to Island residents and property owners in making land use decisions.

Staff report makes no determination that there are defined costs to any island residents as the result of this project.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 4.1 Respect private property rights protected by the State and U.S. Constitutions.

Project is consistent with all regulations, and policies defined by the City's Municipal Code and other adopted plans and policies.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 4.2 Recognize that private property rights are not absolute but must be balanced with necessary and reasonable regulation to protect the public health, safety and welfare.

Project is consistent with all regulations, and policies defined by the City's Municipal Code and other adopted plans and policies.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Principle #5 The use of land on the Island should be based on the principle that the Island's environmental resources and are finite and must be maintained at a sustainable level.

City has defined land use through zoning and regulations to be consistent with this principle.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 5.1 Regulate all development on the Island consistent with the long-term health and carrying capacity of its natural systems.

City has defined land use through zoning and regulations to be consistent with this principle.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Guiding Policy 5.2 Recognize that the sustainable use of the island's finite land base is served by green building practices.

The project proposed will meet, or exceed, all green building practices adopted by the City.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-1 Plan for growth based on the growth targets established by the Kitsap Regional Coordinating Council: 5,635 additional residents and 2,808 additional jobs from 2010-2036 and at the same time promote and sustain high standards that will enhance the quality of life and improve the environment of the Island.

Project will provide some of the additional jobs the City is required to plan for between 2010 and 2036.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-2 This Comprehensive Plan recognizes and affirms that as an Island, the city has natural constraints based on the carrying capacity of its natural systems. The plan strives to establish a development pattern that is consistent with the goals of the community and compatible with the island's natural systems.

City has defined land use through zoning and regulations to be consistent with this principle.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-3 Develop a meaningful process for citizen participation that includes participation from all segments of the Island community.

City has defined process, which in the case of this project includes five DRB meetings, a public meeting, going on three Planning Commission meetings and finally the Hearing Examiner.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-4 As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in designated centers, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the island's ecosystems and the green and open character of its landscape.

Project is located in a designated center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy LU 4.1 Focus development and redevelopment on the Island over the next fifty years in designated centers that have or will have urban levels of services and infrastructure while increasing conservation, protection and restoration on the Island, including shorelines, especially where there is interaction between the fresh and saltwater environments.

Project is located in a designated center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-5 Focus Urban Development in Designated Centers: The Plan focuses residential, commercial, and industrial growth in Winslow and other designated centers with urban services such as the Neighborhood Centers, and the industrial centers at Day Road, and Sportsman Triangle. Collectively, Winslow, the Neighborhood Centers, and the two industrial centers constitute Bainbridge Island's designated centers.

Project is located within Winslow, a designated center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy LU 5.7 Encourage the design of buildings in designated centers for a long life and adaptability to successive uses over time.

Project is a hotel with banquet spaces, music spaces, restaurant and bar and spa. The building is flexible and adaptable to a mix of uses.

EXCLUDED FROM PLANNING COMMISSION REVIEW

GOAL LU-6 Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.

Project is reusing land, in the City's most intense zoning district, on Winslow's main street, that was previously uses as residential, sale of auto parts, a restaurant, a bar, an office building with a marine focused business and now housing a charitable entity.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy LU 6.1 Land use designations reflect the priority of Bainbridge Island to remain primarily residential and agricultural with nonresidential development concentrated in the designated centers.

This proposed commercial use is in a designated center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy LU 6.2 Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

Proposed hotel speaks directly to creating, and maintaining a vibrant city center. It's mix of uses, including the restaurant, bar, spa and meeting/music/banquet venues are designed to serve residents and visitors alike. Infrastructure exists to support the use, it includes a planned shuttle service to reduce the reliance on automobiles. It can provide affordable housing on site. The project is providing parking consistent with the City's regulations.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy LU 6.5 Process applications for development approval on Bainbridge Island within the timelines established in the City's land development regulations in order to ensure affordability, fairness, citizen notification and predictability in the land development process.

State law defines the required timeline for all planning approvals.

WAC 365-196-845 (10) Project review timelines. Counties and cities must establish and implement a permit process time frame for review of each type of project permit application, and for consolidated permit applications, and must provide timely and predictable procedures for review. The time periods for county or city review of each type of complete application should not exceed one hundred twenty days unless written findings specify the additional time needed for processing.

Project application was made December 27, 2018, Application Determined Complete January 24, 2019. Application formally revised April 26, 2019. No written findings have been issued by the City specifying additional time is needed for processing.

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.

The Winslow Master Plan is implemented through the Design Review Guidelines, and the City’s regulations.

- 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.

The hotel provides a restaurant and bar, spa, meeting rooms and banquet spaces that are available to both islanders and visitors. It’s location on Winslow Way, and proximity to the core of downtown, strengthens the vitality of downtown as envisioned in the Winslow Master 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.

Project is located in Island’s major center for new commercial development, the Mixed Use Town Center.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy LU 7.3 Central Core Overlay District: The Central Core is the most densely developed district within the Mixed Use Town Center. Within this Overlay District, residential uses are encouraged, but exclusive office and/or retail uses are permitted. Mixed-use development within the Central Core Overlay District that includes a residential component may be exempt from requirements to provide off-street parking for the residential component of the project.

Project is located within the Central Core District, defined by the City as the most densely developed district within the Mixed Use Town Center. Residential uses are encouraged, but exclusive office and or retail uses are permitted. This hotel includes guest rooms, a restaurant and bar, meeting rooms, banquet rooms including one designed for music performances and a spa. This project is seeking no exemptions from any required parking.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL LU-17 Strive to ensure that basic community values and aspirations are reflected in the City's planning program recognizing the rights of individuals to use and develop private property in a manner that is consistent with City regulations. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The city is not proposing any taking of private property for public use, save the street dedication along Winslow Way.

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

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-1 Promote economic vitality, growth and stability. Bainbridge Island has the opportunity to create a robust, resilient and durable economy by demonstrating early leadership and acknowledging the changes that will affect our economy. Planning for these changes and taking actions that support and encourage a local economy will help reduce community vulnerability to issues such as aging demographics, housing availability, transportation constraints, and climate change. By providing enterprises that both serve and employ local residents, Bainbridge Island will be better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate

and respond to conditions that affect our community. This would include identifying emerging needs and markets so that Bainbridge Island businesses benefit from being on the leading edge of change.

Proposed hotel will provide employment opportunities within a range of types of jobs. Additionally, it will contribute to the economic success of existing and future downtown businesses, especially retail and restaurants, by expanding their market with additional visitors staying overnight within walking distance of their businesses.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 1.1 Develop and maintain regulations that provide support for our community's businesses.

Project conforms to applicable regulations.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 1.2 The city should embrace diverse and innovative business opportunities compatible with community values and develop programs to make Bainbridge Island an attractive location for those businesses. Bainbridge Island is affected by regional, national, international and global environmental and economic trends and changes in the physical environment. While we cannot control global economic or environmental conditions we can support the local economy by providing policy direction and land use infrastructure to allow for and encourage robust economic activities that are prepared for and responsive to change.

Project is consistent with City's goals and policies in this regard.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-3 Promote business practices that protect the island's natural beauty, and environmental health, and support long-term business success. Environmental protection is a value expressed in the guiding principles that are the foundation of the comprehensive plan. A quality environment incorporates and enhances financial, natural, and social economic capital of the community.

Project is consistent with City's goals and policies in this regard.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 3.1 Encourage the use of green building materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.

The project proposed will meet, or exceed, all green building practices adopted by the City.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-6 As the city's designated centers evolve, balance their functions as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.

Hotel can help meet affordable housing needs in Winslow if desired. It will be, as designed and intended, a focal point for civic engagement as a gathering space, and cultural enrichment with its meeting space designed for music recitals and small musical events.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 6.1 Enhance the existing designated centers to help the Island economy prosper and provide a high quality of life, creating ancillary benefits such as decreasing pollution (including greenhouse gas emissions), protecting open space, and creating local family wage jobs.

This project, on a large, mostly vacant parcel on Winslow Way will strengthen the existing downtown economy by expanding the market for downtown goods and services, by being in a walkable location relative to surrounding uses and the ferry, and will provide a range of job opportunities.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 6.2 Utilize urban design strategies and approaches to ensure that changes to the built environment are at a locally appropriate scale and enhance the island's unique attributes, in recognition of the economic value of "sense of place".

City has adopted zoning regulations, design guidelines and the Winslow Master Plan to shape development in Winslow. City staff has recommended approval, determining that the project meets zoning regulations and City policies and guidelines. Design Review Board has recommended approval, determining that the project meets the design guidelines. See project comparison to base mixed use relative to a comparison of "intensity".

The project as proposed is smaller than what is allowed as base zoning for a mixed use project in this district. It's uses mean fewer people typically on site and less on-site parking than what a different mix of uses would be required to provide.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 6.7 Monitor parking requirements in the designated centers and revise them as needed to encourage business development, while reasonably accommodating parking demand. This should be done in concert with efforts to increase use of multi-modal transportation options, reduce dependence on automobiles and improve our local environment.

Project proposes a shuttle service to reduce automobile use by the hotel. Bicycles will be available on site for hotel guests. Hotel is within walking distance of the ferry, and is located in Winslow's downtown core.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-8 Maintain and enhance Winslow as the commercial hub of Bainbridge Island. Position the Neighborhood Centers to provide the opportunities for smaller-scale commercial and service activity.

The proposed hotel enhances the range of uses and activities on Winslow Way, the prime commercial street on the Island.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 8.3 Promote locally-owned and independent businesses with standards that foster unique development.

This is a locally owned hotel.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-9 Grow a healthy service sector to increase employment opportunities, enhance local revenues and meet emerging needs of the island's changing demographics.

Project is primarily a service sector focused project. Service Sector being defined by the Census Bureau as health care and social assistance; and arts, entertainment, and recreation.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-10 Support building design and construction industries to increase employment opportunities, enhance local revenues, and help ensure a built environment that responds to and reflects the island's Vision and Guiding Principles.

Project is locally designed. Adherence to all of the other goals, policies and regulations reflect the island's Vision and Guiding Principles.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL EC-11 Tourism is a key sector of the island's economy and needs to be supported. Bainbridge Island provides unique opportunities for visitors to experience internationally recognized gardens, cultural centers, parks, and recreational events.

This project addresses a market response to the desires of visitors to visit the island, as well as providing meeting rooms, banquet spaces, as well as restaurant and bar to serve islanders or visitors alike.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EC 11.1 Improve pedestrian links between the ferry terminal, downtown Winslow, and the harbor. Encourage visitors on foot and bicycle and support public transit and shuttle services.

Hotel is within walking distance of the Ferry, as well as proposing to provide shuttle services for guests to and from the ferry. Hotel may create additional demand for car sharing services.

- 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.

Project is designed with indoor and outdoor spaces to serve both islanders and visitors. The restaurant and bar will service both islanders and visitors. It adds to the mix of uses in the Central Core District a hotel.

- Policy EC 11.3 – Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.

Project is designed with indoor and outdoor spaces to serve both islanders and visitors. The restaurant and bar will service both islanders and visitors. It adds to the mix of uses in the Central Core District a hotel.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy EC 11.4 Encourage multiple-day stays and participation in selected Island events and destinations by off-Island visitors.*

Project provides for multiple-day stays, which encourages visitors to expand their participation in island events and visits to island destinations.

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

This will be the only full-service hotel on the island.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Goal EN-4 Encourage sustainable development that maintains diversity of healthy, functioning ecosystems that are essential for maintaining our quality of life and economic viability into the future.

Project is striving to be the first hotel to fully meet the “Living Building Challenge”. Short of that are “pedals” that include conservation of water, on-site treatment of sewage, careful selection of building materials and operations of the hotel that emphasize sustainability.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 4.1 Employ conservation design methods and principles such as low impact development techniques for managing storm and waste water, green building materials, high-efficiency heating and lighting systems.

Hotel is capturing excess stormwater for reuse as submitted. Waste water may be captured and, together with rainwater, be reused. Building materials, to meet the “Living Building Challenge” must be selected for their sustainability and lack of hydrocarbons. Heating, cooling and lighting will be high-efficiency to meet or exceed codes.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 10.2 Encourage the retention of existing trees and vegetation and the planting of new trees and vegetation that provides natural filtration of suspended particulate matter, removes carbon dioxide and improves air quality.

A Heritage tree and Landmark tree on site will be preserved and protected. Project is required to retain or plant 55.8 tree units. Project proposes to retain or plant at least 238.4 tree units.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 10.3 Evaluate the impacts and consequences of new development both during and subsequent to construction on air quality as a part of the environmental review process and require mitigation when appropriate.

Project will conform to required standards for air quality as conditioned.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 10.6 Reduce the quantity of airborne particulates through regulations for dust abatement of construction sites and street sweeping programs in areas with concentrations of both vehicular and pedestrian traffic.

Project will conform to required standards for air quality, and dust abatement, as conditioned.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 10.7 Maintain nuisance regulations to minimize offensive odors generated by commercial or industrial uses in proximity to residential uses.

Project's kitchen exhaust is located away for adjacent residences both in distance, and with an intervening building element.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 10.9 Transportation and energy production diminish air quality when power is produced with fossil fuel combustion. Maintain and improve Island air quality, by promoting the development of carbon free infrastructure.

This project is designed to accept solar arrays, reducing the demand for carbon based infrastructure. Additionally, the project will have at least 8 electrical vehicle charging stations.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 11.2 Promote actions such as equipment modifications and operational requirements that reduce noise from transportation modes, construction sites, industrial uses and commercial business establishments.

Project has received written confirmation from Bainbridge Disposal to pick up trash and recycling at the end of their daily routes, after 10:00AM. Deliveries of other goods can be similarly scheduled. Exterior events, which have to conform to City and State regulations for sound between a commercial use and residential use, can be similarly limited to end at 10:00PM, when otherwise their sound level must drop in half.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 12.2 Facilitate the improvement and convenience of low carbon mass transit and increased carsharing, cycling, walking and the development of alternative vehicle infrastructure (e.g., charging stations) to reduce greenhouse gas emissions.

Project has 8 vehicle charging stations, a proposed shuttle van to the ferry that can be electric, bicycles available to guests and a location that is walkable from the Ferry.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Goal EN-13 Preserve and enhance the view of the dark sky by controlling glare and light trespass.

Project will at least meet, if not exceed, the requirements for exterior lighting to preserve the night sky. Interior lighting will also be designed to reduce light spill to the exterior.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy EN 13.1 Enforce development regulations that provide standards for appropriate lighting practices and systems that will curtail the degradation of the nighttime visual environment.

City has conditioned the project to meet required standards.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL WR-1 Manage the water resources of the Island in ways that preserve, protect, maintain, and where possible restore and enhance their ecological and hydrologic function.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 1.2 Groundwater, surface water and stormwater are resources that shall be protected and managed to preserve water quality and quantity, and to retain natural ecological and hydrologic function.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL WR-2 Protect the quality and quantity of groundwater on the Island to ensure clean and sufficient groundwater for future generations.

Project will employ required storm water quality systems, and pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 2.1 Recognize that the Island functions as an aquifer recharge area. Low impact development techniques are essential for maintaining aquifer recharge.

Project utilizes pervious paving and stormwater capture and reuse to send water back into the ground rather than solely into the City's stormwater conveyance system for discharge into Eagle Harbor.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 2.12 Encourage water re-use and reclamation to serve as a supplementary source for high-water users such as industry, parks, schools and golf courses as approved by the Washington State Department of Health.

Project will capture stormwater for reuse. It may, if a living machine is selected for on-site sewage treatment, use this system for reuse on site.

EXCLUDED FROM PLANNING COMMISSION Review

- Policy WR 2.13 Require the retention of native landscapes to promote water quality and to reduce the need for irrigation.

Landscape is a combination of retention of existing landscape, and replanting of native materials to reduce the need for irrigation.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL WR-5 Ensure that sewage is collected, treated and disposed of properly to prevent public health hazards and pollution of groundwater, Island surface water and the waters of Puget Sound.

Project will either hookup to the City's sewer system, or utilize a living machine. In either case the systems and connections will meet code.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 5.1 Regulations and procedures of the Washington State Department of Health and the Kitsap Public Health District apply to all on-site disposal systems. Coordinate with these agencies to assure regular inspection, maintenance and repair of all sanitary sewer and on-site systems located on the Island.

Project will conform to all regulatory requirements for inspection, maintenance and repair.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 5.3 Allow alternative systems such as sand filters, aerobic treatment, composting toilets and living-systems when approved by the Kitsap Public Health District.

Project will either hookup to the City's sewer system, or utilize a living machine. In either case the systems and connections will meet code. The City has recently passed an ordinance that allows for limited use of a living machine. The hotel demand is inside the limits defined by the new ordinance.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 5.4 Require coordination between the on-site septic and storm drainage disposal systems designs to ensure the proper functioning of both systems.

Project will conform to all regulatory requirements.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WR 5.8 Provide the service of operation and maintenance management for approved large on-site sanitary sewer systems or community sanitary sewer systems in coordination with the Kitsap Public Health District.

Project will conform to all regulatory requirements for inspection, maintenance and repair.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL TR-1 Encourage the development of an integrated multimodal transportation system that provides a range of safe transportation alternatives and increases the through movement of people, maximizing use of non-motorized and public transit.

The project proposes a shuttle van to the ferry to reduce the demand for automobile use. Additionally, the hotel will have bicycles available to hotel patrons, and the hotel is located within easy walking distance of the balance of downtown Winslow and the ferry.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 1.3 Encourage and support the establishment of ride sharing and ride hailing services.

The hotel users will likely create additional demand for ride sharing services, which may increase the availability for all islanders.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL TR-2 Provide a non-motorized transportation system that is a planned and coordinated network of shoulders, sidewalks, trails, footpaths, bikeways and multi- purpose trails that connect neighborhoods with parks, schools, the shoreline, the ferry terminal and commercial areas.

Project will make right of way improvements along its frontage, and possibly nearby as well.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 2.4 Provide a network of sidewalk facilities adjacent to roadways in designated centers with the Winslow area given priority.

Sidewalks shall be of sufficient width to accommodate expected pedestrian use, including safe crossings with adequate overhead or embedded lighting. Where possible, separate sidewalks from the roadway with a street tree planting strip and buffer. Designs should accommodate users of all abilities, meeting ADA requirements.

Project is adding a sidewalk, and in some locations where not adjacent to on street parking there is a planting strip between the curb and sidewalk.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 5.3 Encourage schools, the private sector and the public sector to adopt programs that reduce SOV use including telecommuting, promotion of ridesharing, walking, biking and reliance on buses.

Project proposes a shuttle to the ferry terminal and will provide bicycles to hotel patrons for their use.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 6.4 Enforce the City's concurrency ordinance and monitor the expected impact of proposed development on the available capacity of the roadway system. Early in the development review process, ensure that there are adequate transportation facilities or that improvements are planned, scheduled and funded for completion within six years.

Project has received a concurrency certificate.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 6.5 Develop access management programs to control the location and number of curb cuts. Control the location and spacing of commercial driveway entrances and the design of parking lots to avoid congestion near intersections, line of sight obstructions and confusing circulation patterns. Design to prevent pedestrian and vehicular accidents.

Project's curb cuts are designed consistent with this policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL TR-8 Consider the special needs of neighborhood safety, pedestrian and bicycle facilities, transit use and facilities and traffic flow in the development of transportation improvements that affect neighborhoods.

Project is consistent, as conditioned with the City's requirements in this regard.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 8.1 Protect residential neighborhoods from the impacts of cut-through motor vehicle traffic by providing appropriate connecting routes

and applying appropriate traffic-calming measures to control vehicle volumes while maintaining emergency vehicle response times.

Project is surrounded on east, north and portions of the west by the same Core District zoning. The south edge and portions of the west side about residentially zoned land. There is no vehicle access to the parcel through, or near, residential zoned land.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 8.2 Support the character of neighborhoods by providing neighborhood programs and projects for place making, traffic calming, greenways, appropriate street width, lighting for safety, curb cuts, and pedestrian and bicycle facilities as consistent with the Comprehensive Plan.

Not a project specific policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL TR-9 Support the safe use of the transportation system by maintaining the roadway system and including necessary safety enhancements in transportation improvement projects.

Not a project specific policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 9.4 Provide street lighting, including safety features designed for sidewalks, to address safety issues. Light design and placement should minimize glare and light spillage and maximize visibility of pedestrians and bicyclists.

City has not proposed street lighting. Building entrances will have lighting consistent with the City's dark sky regulations.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL TR-10 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.

Project is designed to provide all “design day – Saturday at 9:00PM” parking on site (132 spaces). Maximum occupancy parking, predicted to be 191 spaces, can be partially achieved on site by 1. (4) additional spaces provided, 2. valet parking stacking on site. 3. Employees can be required to not park on site.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 10.1 Provide adequate parking in designated centers. Development of street frontages in urban commercial areas should

maximize on-street parking to the extent practical. Development projects in urban residential areas should consider on-street parking rather than off-street parking.

Project is in a designated center, two on-street spaces are provided, balance of parking is on site, mostly located under building.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 10.2 Preserve on-street parking in the mixed-use commercial districts of Winslow and designated centers. City projects in commercial districts should maximize parking to the extent practical within the existing rights of way. Note that “Complete Streets” projects must also balance other functions such as non-motorized uses. Seek opportunities to expand public parking.

There is no existing on-street parking fronting the project site. City has conditioned right-of-way improvements to include a bike lane.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 10.5 Support parking programs for customers in retail and service areas and employees of local businesses in the mixed-use districts of Winslow. Work with business owners to limit employee parking to off-street facilities to optimize available, convenient parking for patrons. Continue to manage City public parking to maximize close-in parking for patrons of local businesses and assist in providing some daily off-site parking for employees at walkable outlying locations.

Not a project specific policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 10.6 Encourage bicycle parking in the designated neighborhood centers and at public facilities. Provide bicycle parking at locations convenient to businesses providing goods and services and for employees who commute to work by bicycle. Provide bicycle storage at transit facilities.

Project will provide at least 28 bicycle parking spaces.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 11.3 Create safe, attractive, and functional pedestrian and bicycle circulation within Winslow and designated neighborhood centers through the design and implementation of Complete Streets to enhance community character.

City has conditioned right-of-way improvements to include a bike lane.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 11.4 Minimize the use of street lighting outside of Winslow, except to address safety.

City has requested no street lighting.

- Policy TR 15.2 Require all new and expanded development to maintain the adopted Transportation LOS standards. The pro-rated cost of any improvements needed to maintain the adopted LOS shall be the responsibility of developers.

Project traffic study shows no drop in required LOS for any intersections the City requested by studied (downtown and up to High School Road, including both 305 intersections in Winslow). City has issued a Concurrency Certificate, requiring no improvements, except at the frontage.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy TR 15.3 Require new and expanded developments to construct, or upgrade unimproved and/or under improved roadways, or participate in the funding of roadways that conform to City standards.

Project is conditioned to improve its frontage on Winslow Way.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CF 2.3 Require new development to fund the capital facilities needed to serve the development.

Project is conditioned to provide a new sewer line from the south end of the parcel to Winslow Way.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 12.2 Within public sewer system service areas, new construction should provide for eventual connection to public sewer systems.

Project will either connect to the public sewer system, or provide a living machine to treat sewage under the adopted ERU allowance for not connecting to the sewer in Winslow.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 12.3 Sewer connections will not be required where septic systems are fully functional and maintained, except as provided by law.

Project will either connect to the public sewer system, or provide a living machine to treat sewage under the adopted ERU allowance for not connecting to the sewer in Winslow.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 12.6 Improve the quality and reduce the quantity of effluent discharged to Puget Sound.

If the living machine is adopted, any discharge will be of improved quality, and less quantity.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 13.2 Require new development to provide both on-site and off-site improvements necessary to avoid adverse water quality and quantity impacts.

Project as conditioned avoids any negative water quality and quantity impacts.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 13.3 Use low impact development standards wherein infiltration of stormwater is preferred over surface discharge to downstream systems, so as to encourage the return of uncontaminated precipitation to the soil at natural rates near where it falls through the use of detention ponds, grassy swales, and infiltration facilities.

Project is using pervious pavements, and reuse of storm water to infiltrate more precipitation into the ground compared to conventional development.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 13.4 Design and construct stormwater systems that provide for removal of pollutants and sediment through bio-filtration or other means.

Project, as designed, does this.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 13.5 Minimize disruption and/or degradation of natural drainage systems, minimize impervious areas by restricting site coverage, and encourage site permeability by retaining natural vegetation and buffers, and specifying use of permeable materials.

While project is in a zone that allows for 100% lot coverage, less than 50% of the project site will be covered with buildings or impermeable surfaces.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 13.6 Manage surface water in a manner which prevents pollutants from industrial, commercial, and agricultural land uses from entering ground or surface waters.

Project, as conditioned, complies with all requirements for managing pollutants from entering ground or surface water.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 14.2 Encourage the conservation of electrical energy, especially during periods of peak usage, and encourage energy saving building code strategies, local renewable energy and other cost effective approaches to meeting the island's energy needs, including distributed energy systems.

Project is designed to accept a solar array on the roof, and incorporate energy saving practices in construction and use.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 14.8 Encourage new development to integrate environmentally responsible and innovative energy systems.

Project is designed to accept a solar array on the roof, and incorporate energy saving practices in construction and use.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy U 16.7 Require new development to have underground conduits suitable for existing and foreseeable new utilities such as cable and broadband.

Project have will redundant conduit to future proof the hotel.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 1.5 Support the emergence of cultural spaces Island-wide especially in designated centers where they are accessible to a broad range of people encouraging both informal and planned gatherings and recreation.

Project includes a space designed for music events that will be accessible to the community.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- GOAL CUL-2 Preserve and promote the distinctive character, history, traditional cultural and institutions of Bainbridge Island and take advantage of the island's cultural stature within the dynamic economy of the Puget Sound region.

By serving visitors, hotel will provide the possibility for increased access to institutions such as the Historical Museum, and local events in Winslow for example.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 2.1 Promote Bainbridge Island's "Sense of Place" by supporting an ongoing public dialogue about preservation, sustainability, hospitality and the influence of the arts, history and culture.

Not a project specific policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 2.2 Support artistic, historic and cultural events, institutions and places for sharing the island's unique built and natural with residents and visitors.

Project includes a space designed for music events that will be accessible to the community.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 2.3 Cultivate partnerships among the arts and humanities, economic development and tourism sectors.

Not a project specific policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 3.2 Support the City's Historic Preservation program to identify and preserve historic and cultural resources, including historic farms and heritage trees.

Project is preserving a significant heritage tree.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 3.5 Recognize the probability of discovering new Native American cultural resources throughout the Island.

Project specifications will include the requirement to report any discovered artifacts consistent with state law.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy CUL 5.6 Promote public art in new commercial developments.

Project has not yet developed a public art plan.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy HS 4.2 Encourage local business organizations to create jobs that reflect good business practices (e.g., job training, employee benefits, family wages).

Project will create a significant number of direct jobs, consistent with good business practices.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy HS 4.3 Encourage businesses that actively support human services for workers and their families (e.g., provide on-site childcare, transportation subsidies, flexible work hours).

Not a project specific policy.

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.

The City’s land use code and other regulations define the standards by which development will meet this overall land use goal. Private development, consistent with these goals, implements these goals.

Hotel encourages pedestrian use by proximity to the sidewalks on Winslow Way, and the proposed shuttle service to the ferry that reduces the demand by hotel patrons to bring cars onto the island.

It utilizes an underdeveloped, large parcel on Winslow Way. Replacing a former bar and BBQ business, and office/retail building, with a hotel that includes a restaurant and bar, a spa, meeting and banquet rooms, that serve both islanders and visitors.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center and High School Road Districts.

City's land use code defines uses within each zone, and transitional relationships between higher intensity and less intensity districts. Project complies with those regulations.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center and High School Road districts, variations in development standards and design guidelines may be provided within districts.

The project as proposed conforms to all regulatory standards in the Mixed Use Town Center, and the Design Review Board has found it meets the design guidelines as well.

In the Mixed Use Town Center perimeter landscape buffers are not required (as no setbacks from property lines are required either). The project provides for landscaping in the "yards" surrounding the building in an urban location to protect certain existing trees.

Surface parking landscaping is consistent with City requirements.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.

The subject parcels presently are served by three driveways. No change in the number of driveways are proposed.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-2.4: A full-screen vegetative buffer shall be maintained along SR 305. A similar screen should be provided within the SR 305

right-of-way. This requirement would not apply to the interior renovation of existing buildings.

No vegetative buffers are required in this zoning district for either buildings, uses, or parking.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-2.5: Establish transition standards for other boundaries abutting less intense districts.

This parcel abuts a less intense district on its south property lines, and the southern portion of part of its west property line. The east line, and the far west property lines abut parcels in the same zoning district.

The project conforms to, and exceeds in regard to building setbacks, at its boundaries all city requirements.

- 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.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

Project as proposed provides for significant natural light, and ventilation in hotel rooms and public spaces. It is the intention of the project to attempt to be the first “Living Building Challenge” hotel.

- 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.

Project proposes a large central landscaped courtyard, accessible to hotel patrons, restaurant and bar users and others accessing the garden through the transparent hotel entrance. The courtyard is designed to be a gathering space for weddings and other life events, a space used by banquet and meeting room users during breaks, and an outdoor space for the restaurant weather permitting.

- 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.

The project as designed breaks up the street frontage into three building blocks, separated by linking elements. One of those blocks is setback from the street, more in line with the adjacent Marge Williams Center, to define the hotel entry and orient the building entrance toward the intersection of Winslow Way and Madison. While the building can be 45' tall as measured by City regulations, because of the considerable slope to the land under the building, the height of the building along the street is three stories.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.

The project proposes both to save the historic redwood, and is shaped by its presence and position, as well as landmark trees on the parcel. There are no qualifying historic buildings on site.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.

The project site is surrounded by private uses and only fronts one public right-of-way. There is a pedestrian passage east of the project connecting the south end of Finch with Parfitt Way. If a project to the east redevelops and desires a link, nothing in the design of the hotel precludes this possibility.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

The project retains and expands street trees along Winslow Way, and includes a larger landscape element at the west end of the street frontage as a transitional element to the housing immediately west. The courtyard is designed as a garden space with limited hardscape.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- **Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts**

The addition of a full-service hotel, on Winslow Way, will enhance the economic vitality of downtown Winslow.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- **Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.**

Hotel conforms to established policies and development standards.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- **Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.**

Hotel conforms to established policies and development standards.

- **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.**

Central Core District determines the density and intensity using FAR standards. Hotel is using 91% of allowable base FAR for mixed use projects. For a comparison of the hotel use in terms of both density, and intensity, see provided comparison of hotel to a representative base mixed use development.

Also note that the density and intensity of development on this parcel can be expanded by 50% using bonusing credits.

- **Policy WMP 2-5.1: The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values.**

The proposed hotel will utilize this tool in the BIMC.

- **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.

The proposed hotel will utilize this tool in the BIMC.

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.

Project conforms to established FAR standards for this Central Core District, as adopted by the City, to implement this policy.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.

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Project as proposed has ground floor uses, including lobby, retail, restaurant and bar on the ground floor facing Winslow Way. To the west end of the street frontage, we're proposing hotel administrative space facing the street as a transition to residential uses to the west.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- Policy WMP 2-6.4: Design Winslow Way as the community's "living room"—the stage for community gatherings and a gallery to showcase art and gardens. The central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Hotel as designed includes a courtyard space for outdoor events suitable for community gatherings, interior meeting rooms and ballrooms that can function as spaces for various gatherings and a space designed specifically for small music events.

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.

The proposed hotel will utilize this tool in the BIMC.

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 . . .

Applicable code provisions, lot coverage (100% allowable), setbacks (required side and rear yard setbacks, building shall be less than 5' from sidewalk), height limits, FAR limits are all met.

Parking requirements for hotels are subject to either conformance to a parking study, or consistent with other cities.

EXCLUDED FROM PLANNING COMMISSION REVIEW

2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;

Hotel proposes, in a zone where 100% lot coverage is allowed, over 17,000sf of central open space, accessible through the hotel lobby and from the restaurant and bar, pre-function and banquet spaces. Remaining areas of landscaping preserve landmark trees.

Neither Planning, Public Works nor the Fire Marshal has expressed any concerns about vehicular, pedestrian or bicycle circulation or access. City has issued a Certificate of Concurrency.

Vehicular access is separated from service and employee access. Bicycles can access the hotel and bike storage, without crossing vehicular lanes of travel if desired.

Pedestrian access is directly from the sidewalk on Winslow Way.

EXCLUDED FROM PLANNING COMMISSION REVIEW

3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:

- a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
- b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director;

Proposal is served by public water and sewer.

EXCLUDED FROM PLANNING COMMISSION REVIEW

4. The city engineer has determined that the site plan and design meets the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

City Engineer has determined site plan and design conforms as conditioned.

b. The site plan and design 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

City Engineer has determined site plan and design conforms as conditioned.

c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

Pedestrian ways align with flanking properties and design of frontage improves conform as conditioned.

d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

The traffic study, as mandated by the City as to the bounds of the study, shows no drop in Level of Service at any intersection studied. Intersections studied were determined by the City. The City has issued a Certificate of Concurrency, answering this decision criteria

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

There is capacity in both water and sewers to accommodate the project.

f. The site plan and design conforms to the “City of Bainbridge Island Design and Construction Standards,” 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 18;

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

The project has been before the DRB more than once, and received a recommendation from the DRB that it is consistent with the applicable design guidelines BIMC Title 18.

EXCLUDED FROM PLANNING COMMISSION REVIEW

6. No harmful or unhealthful conditions are likely to result from the proposed site plan;

Harmful – Merriam-Webster - of a kind likely to be damaging : INJURIOUS : inflicting or tending to inflict injury.

Unhealthful – Merriam-Webster - harmful to health of body or mind : UNHEALTHY : not conducive to health

As conditioned and in conformance to all applicable laws, any harmful or unhealthful elements of the site plan have been resolved by conformance to all regulatory requirements and conditions as identified in the SEPA process and City review.

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

The applicant provided the Planning Commission with a submittal, dated July 3, 2019, listing each of the Comprehensive Plan Policies, and the Winslow Master Plan Policies, applicable to this project as noted in the Staff Report, as well as a response to each of those policies.

EXCLUDED FROM PLANNING COMMISSION REVIEW

8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

The project has no critical areas or buffers.

EXCLUDED FROM PLANNING COMMISSION REVIEW

9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;

The project is not in the shoreline jurisdiction.

EXCLUDED FROM PLANNING COMMISSION REVIEW

10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;

The project is not requesting credit against park and recreation facilities.

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

The Design Review Board, and the City as noted in their staff report, has determined that the project site plan is consistent with the site plan 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.

The Design Review Board, and the City as noted in their staff report, has determined that the project is consistent as conditioned with the zoning regulations, the design guidelines, and the specific design guidelines applicable to Central Core, Mixed Use Town Center regarding Commercial and Mixed Use projects.

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.

The Design Review Board does not have a role in determining compliance with City and State law regarding noise level regulations. The DRD recommended approval of the project as in compliance with applicable design guidelines.

The applicable design guidelines were adopted by the City and are consistent with the Comprehensive Plan, and Winslow Master Plan.

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.

Design Guideline 8 is: 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 roof line by changes in plane. Passage should connect to public open space.

The applicant response to this guideline was: The building frontage along Winslow Way is approximately 134’, broken into three building blocks for scale. There is no programmatic passage that would be secure for a hotel use.

Design Guideline 9 is: Encourage public pedestrian passageways and vegetation between buildings. The applicant’s response was: Overall hotel site design incorporates a central landscaped court, maintaining the existing coastal redwood heritage tree, and a forested area at the southern end of the court.

The DRB recommended approval of the proposed hotel considering all applicable information presented to the Board.

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.

The DRD recommended approval of the project as in compliance with applicable design guidelines.

The applicable design guidelines were adopted by the City to implement the Comprehensive Plan, and Winslow Master Plan.

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.”

We have consistently stated that it is a project goal to meet the Living Building Standards, and specifically has noted that:

- 1. It would be the first hotel to meet the standards if that happens, and**
- 2. That some of the specific standards are very difficult for hotels to meet and that is why it cannot be promised. There are no moving targets whatsoever. The commitment to Living Building has not changed from the original statement we made, to the same statements we continue to make.**

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.

Meeting the Living Building Challenge is not required by any regulation. However, it is the intention of the project to attempt to meet the Challenge, and if not the entire Challenge, as many of the “Pedals” as possible.

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 **[without a Conditional Use Permit]** for the Core district. The building has a height of 45 feet 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 1.05 FAR (80,855 sf).

[Incorrect, see previous correction] 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.**

The proposed hotel is utilizing the bonusing provisions of the Municipal Code consistent with the regulations. Those regulations were adopted to be consistent with the Comprehensive Plan, and their implementation furthers those goals and policies.

- 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 City's land use code and regulations, are specifically designed to implement the Comprehensive Plan and Winslow Master Plan. To say that conforming to those City's regulations means a project is not consistent with the Comprehensive Plan is an arbitrary and capricious action on the part of the Planning Commission.

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.

The Planning Commission is inventing facts here, first with a shallow and purposely selective review of all of the policies, and goals contained in the Comprehensive Plan, then by pretending that the daily traffic projection, which is less than the previous uses which is why NO transportation impact fees are owed by the Hotel, is somehow too much when in fact it has been demonstrated to be less than prior uses on the subject parcel.

The parking study recommended transportation management actions and the project is proposing to utilize each of these except for cars on site for hire. Those management tools will reduce the traffic generation, but were not included in the traffic study so as to be as conservative as possible.

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.

The Planning Commission has made no determination as to why they conclude otherwise in an objective, measurable way.

There does not appear to be any 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 Planning Commission, in regard to noise, is being disingenuous here. The project is required to conform to all applicable laws with regards to noise. The City repeats that legal requirement in a condition of approval. The applicant has

stated in writing, that the project will conform to the law, and suggested a provision to measure sound post construction to verify conformance.

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.

A Planning Commissioner stated during their review that he didn’t understand the traffic report with “all the diagrams and spreadsheets”. Ignorance, when the Planning Commission has access to the professional engineers in Public Works, cannot be used to reach what is therefore an arbitrary and capricious conclusion.

The information contained in the traffic report in fact takes into account the hotel trips in the immediate vicinity, and surges from the ferry. 3. The City is not requiring transportation impact fees because the hotel represents a REDUCTION of car trips as compared to previous development on this site.

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.

This particular zoning district emphasizes commercial use over residential use, where commercial base FAR is 50% higher than base FAR for residential uses.

- 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 project proposes to utilize the FAR bonus process consistent with the City's regulations.

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:

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.*

Project as proposed provides for significant natural light, and ventilation in hotel rooms and public spaces. It is the intention of the project to attempt to be the first “Living Building Challenge” hotel.

- 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.

Project proposes a large central landscaped courtyard, accessible to hotel patrons, restaurant and bar users and others accessing the garden through the transparent hotel entrance. The courtyard is designed to be a gathering space for weddings and other life events, a space used by banquet and meeting room users during breaks, and an outdoor space for the restaurant weather permitting.

- 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.

The project as designed breaks up the street frontage into three building blocks, separated by linking elements. One of those blocks is setback from the street, more in line with the adjacent Marge Williams Center, to define the hotel entry and orient the building entrance toward the intersection of Winslow Way and Madison. While the building can be 45’ tall as measured by City regulations, because of the considerable slope to the land under the building, the height of the building along the street is three stories.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.*

The project proposes both to save the historic redwood, and is shaped by its presence and position, as well as landmark trees on the parcel. There are no qualifying historic buildings on site.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.*

The project site is surrounded by private uses and only fronts one public right-of-way. There is a pedestrian passage east of the project connecting the south end of Finch with Parfitt Way. If a project to the east redevelops and desires a link, nothing in the design of the hotel precludes this possibility.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.*

The project retains and expands street trees along Winslow Way, and includes a larger landscape element at the west end of the street frontage as a transitional element to the housing immediately west. The courtyard is designed as a garden space with limited hardscape.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts*

The addition of a full-service hotel, on Winslow Way, will enhance the economic vitality of downtown Winslow.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.*

Hotel conforms to established policies and development standards.

EXCLUDED FROM PLANNING COMMISSION REVIEW

Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.

Hotel conforms to established policies and development standards.

- 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.

Central Core District determines the density and intensity using FAR standards. Hotel is using 91% of allowable base FAR for mixed use projects. For a comparison of the hotel use in terms of both density, and intensity, see provided comparison of hotel to a representative base mixed use development.

Also note that the density and intensity of development on this parcel can be expanded by 50% using bonusing credits.

- 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.

The project as proposed will use bonusing tools in conformance with City regulations.

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.

Project conforms to established FAR standards for this Central Core District, as adopted by the City, to implement this policy.

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.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.*

Project as proposed has ground floor uses, including lobby, retail, restaurant and bar on the ground floor facing Winslow Way. To the west end of the street frontage, we're proposing hotel administrative space facing the street as a transition to residential uses to the west.

EXCLUDED FROM PLANNING COMMISSION REVIEW

- *Policy WMP 2-6.4: Design Winslow Way as the community's "living room"—the stage for community gatherings and a gallery to showcase art and gardens. The*

central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Hotel as designed includes a courtyard space for outdoor events suitable for community gatherings, interior meeting rooms and ballrooms that can function as spaces for various gatherings and a space designed specifically for small music events.

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.

The Planning Commission is inventing policy in this paragraph, not consistent with the established Plans, as well as regulations defined in the BIMC.

The statement that the project is intended to be “inclusive” is contrary to stated testimony by the applicants, and actually not how hotels commonly works.

The statement that the project generates a “significant” amount of vehicle traffic is contrary to submitted materials that the Planning Commission has failed either to review, or understand.

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.**

Project is designed with indoor and outdoor spaces to serve both islanders and visitors. The restaurant and bar will service both islanders and visitors. It adds to the mix of uses in the Central Core District a hotel.

- Policy EC 11.3 – **Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.**

This project supports the island as a visitor destination by providing an increased ability for visitors to stay longer, and be a venue for meetings, banquets, weddings, etc. that serve both visitors and islanders.

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

This will be the only full-service hotel on the island.

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 in the Core district – does not preserve or enhance the unique qualities of the community or provide creative tourist accommodations.

Project is designed with indoor and outdoor spaces to serve both islanders and visitors. The restaurant and bar will service both islanders and visitors. It adds to the mix of uses in the Central Core District a hotel.

It's size, "almost 6 times the number of rooms that is a permitted use" is simply rhetoric, showing a lack of understanding that the size of the subject parcel matters, and that the 15 rooms is simply a trigger to move to a different review process.

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.

Project has received written confirmation from Bainbridge Disposal to pick up trash and recycling at the end of their daily routes, after 10:00AM. Deliveries of other goods can be similarly scheduled.

Exterior events, which have to conform to City and State regulations for sound between a commercial use and residential use, can be similarly limited to end at 10:00PM, when otherwise their sound level must drop in half.

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.

The Planning Commission provides virtually no analysis, or evidence, of this arbitrary and capricious conclusion.

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 **[Not substantiated by any evidence in the record, and there is in the record the fact that there are 11 existing buildings surrounding the hotel three and four stories tall]**; 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.

The project proposes no conference center. The Planning Commission is correct when they acknowledge they have "have not been adequately analyzed". They should have done this before issuing a recommendation.

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.

The Planning Commission's shallow and incomplete review of the Project, contrary to what their review is mandated to be under the requirements in the BIMC, provides no factual basis to simply declare non-conformance.

The record shows conformity to all applicable code provisions and development standards.

There has been no effort on the part of the Planning Commission to explore how they might recommend approval.

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.

Any uncertainty within the process now is between the DRB, and Planning Commission. The Commission has had ample time to correct any uncertainty in the internal workings of the City's review. This is NOT the result of any action by the applicant, but leaving uncertainty on the table and using it for any negative determination in this process is lazy, as well as arbitrary and capricious decision making by the Commission.

The intention to pursue the "Living Building Challenge" is a stated intention on the part of the Applicant, and has no bearing on the application of the City's land use code and regulations, design standards or conditions of approval – nor any conditions of approval.

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.

"Show your work." The Planning Commission has not shown lack of conformance, and in fact ignores most of the applicable Comprehensive Plan Goals and Policies, Winslow Master Plan Goals and Policies, as well as no

understanding of the relationship of regulations defined in the BIMC and the relationship of regulations to the Plans.

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.

The Planning Commission is choosing to ignore one of the Winslow Master Plan Policies:

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.

The Policy clearly anticipates private gardens. At the same time as a hotel, access to the courtyard is open to all patrons of the restaurant and bar for example (the price of a cup of coffee for example) as well as meeting rooms and banquet spaces. Comparing the Hotel to Winslow Green, a project with significant ground floor retail, is a disingenuous comparison.

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.

For all of the reasons above, as well as the shallow and incomplete review as required by the BIMC, the lack of referencing the documents in the public record, no discussion of potential conditions, and factual errors imbedded in the recommendation, the Planning Commission has minimized their role in reviewing this project.