



## **CITY OF BAINBRIDGE ISLAND**

### **DESIGN REVIEW BOARD**

#### **Regularly Scheduled Meeting Minutes**

**Monday, December 1, 2014 at 2:00 p.m.**

**City Council Conference Room**

**280 Madison Avenue North**

**Bainbridge Island, Washington 98110**

Call to Order (Attendance, Agenda, Ethics)

Approval of Minutes

Ravine Apartments PLN50039 Site Plan Review

Rosebud II PLN19288 Site Plan Review

Old and New Business

Adjournment

- 
1. Meeting was called to order at 2:01 PM by DRB Chair Mark Levine. Design Review Board members present were: Adrian Sawyer, Alan Grainger, Chuck Depew and Jim McNett. City Staff in attendance were Associate Planner Heather Beckmann and Planner Kelly Tayara. Administrative Specialist Jane Rasely monitored recording of meeting and prepared the minutes.
  2. Minutes from November 17, 2014 meeting were unanimously approved with a reminder to Kathy about the statement to be included on all submittal paperwork regarding the DRB's role in the permitting review process. They would like to review it before it is added to paperwork.
  3. Mark welcomed citizens Peter and Dea Perry who were sitting in on the meeting.
  4. Discussion of Ravine project began amongst the DRB. Footprint and setbacks were discussed and the fact that they are putting in a two story building in place of the existing one story which entails digging out the foundation and putting a new foundation in to support the two story building. The developer is not rehabbing the existing building, but building a new one and is that acceptable within the City's guidelines. They are utilizing the footprint of the current building in an effort to stay compliant with City code. The view corridor through to the ravine was also discussed.
  5. Mark asked Kelly Tayara about her overall feeling on the project. She stated that when they came in for pre-application it was a very modern design which they chose not to bring forward to DRB because it did not meet the Ericksen Avenue Guidelines.
  6. Alan stated that he and Jim were wrestling with the building being right at the top of a slope and going from a single story building to a two story building that is within the 25 foot buffer from the top of the slope and within the 10 foot setback from the top of the buffer and it would block an open view from Ericksen Avenue to the ravine as well. He would like to understand the City's stand on staying within the footprint but building more than is there at the moment which results in at least half of the building being built in an area that, if there wasn't a building currently there, you couldn't build anything because of the buffer and the setback. Kelly responded by saying that generally one can build within the same footprint and increase the height as long as there is not a specialized foundation system (i.e., for a geological hazard, etc.) because that is considered an expansion of the footprint. Alan said his point is that they cannot build what they are proposing on the current foundation and that he doubts that the foundation that is there now is capable of meeting code for a new single story building. Kelly stated that Development Engineer

Janelle Hitch said you can replace like for like in the foundation. Chuck mentioned that they have expanded the footprint and they shouldn't get an exception to the code for building within the buffer and setback when they are not staying within the current footprint regardless of whether they are expanding the footprint outside the buffer and setback areas. Kelly stated there is a department interpretation that says expanding is permitted if you expand on the opposite side. Alan stated if they were expanding a single story building and not touching that side of the building he could understand that but they are not, they are removing the foundation and pouring a new one to support a two story building. Essentially, they are building a new building. Mark questioned Kelly further on the departmental interpretation and asked if they are not in the guidelines they have. Kelly responded with information about the critical areas regulations which speak to expansion of the structural footprint. Chris Wierzbicki worked on defining what a structural footprint is. The interpretation provides that builders are limited to the existing structural footprint within the required buffer. Because portions of the building are outside that buffer, those portions can be expanded. If the whole site were wholly in a landslide area, those limitations become pretty significant. The question was raised that since this is a whole new building, why is it not subjected to the current buffer and setback regulations? It is also a change of use for the building which usually automatically triggers compliance with current standards. Alan stated they cannot physically construct the building within the current footprint. Kelly suggested they look at the limited exemptions code together because in a lot of ways it is really hard to make sense of it. Mark and the rest of the DRB had not seen the Limited Exemptions Code, so they wanted to look at it and speak with Janelle Hitch.

7. Discussion ensued about the view from Ericksen with Jim McNett expressing his concern.
8. The question was asked while Kelly was out of the room whether the setback is in the purview or concern of the DRB. The answer was it is part of the Planning Commission's review but since the DRB is the first to see it, they should bring it up and make their concerns known to the Planning Commission. Chuck mentioned that they (DRB) assume that when the projects come into them, City staff has vetted them for following the code. Discussion continued with the landscape plans which were more detailed than the DRB has seen in a while which they appreciated.
9. Kelly re-entered the room with Janelle Hitch and the DRB was introduced to Janelle. Chuck stated they wanted to know why, when the developer is not staying within the existing footprint but is expanding the footprint and changing the use and density of the building, they are receiving exceptions. Janelle responded that if they stayed within the footprint, they are able to build. Janelle was shown the site plans and discussion of buffer and setback widths ensued. Winslow Ravine provided from that stream a reduction in the setback. Janelle spoke to the geotechnical data and there was extensive conversation about allowed setback and buffer limits for new versus existing structures on that site. Chuck's concern was that they are being given exceptions for a remodel when in reality they are tearing down a whole building and expanding the footprint. Kelly stated this code is about a structural alteration, not a remodel. The thing this code was trying to do was make a geotechnical review required in a situation like this as opposed to the old code which did not require that type of review. Discussion continued of the definition, or lack thereof in the City, of structural footprint. The question was asked if there is a history of this type of action in the last five years of the City. Alan brought up City Exception Code 16.20.024, Standards for Existing Development. It talks about what you can do to a structure that isn't in a geologically hazardous area. It can be offered if there is no change in the footprint of the building and there is no further encroachment into buffers required. Alan's question was why would the rules be more lenient in a hazardous area than they are for a non-hazardous area?
10. Mark stated that what they have brought forward today is there is a real problem with definitions, especially of footprint, structures in general and it would be great if a group of staff could get together and create the definitions so there is clarity for all groups that need to use these

definitions. Jim brought up the fact that they have designed something that will make it difficult to get the corridor view through to the ravine.

11. Developer was invited in at 2:55 PM and gave a general overview/concept of the project. Currently, small building in back being used for commercial purpose will be taken down and a 2 story apartment complex with 1 unit on main floor and 2 units on second floor. They will expand footprint on opposite side of ravine. There will be 5 condominiums that are leased as apartments. Currently there is an internal property line or change it around. Kelly stated the City Attorney and Surveyor are looking into what is legally appropriate. Essentially the applicant would like to proceed with the development and how the underlying land has to be configured will be resolved as they move forward. The question of parking was brought up and whether the property line must be dissolved to process it as mixed development. Developer has provided 9 spaces when only 8 are required.
12. Jim asked if they used the Ericksen Guidelines to develop the plans. The developer responded yes. Jim asked about view corridor and the developer said since he is not expanding the building either north or south, the existing view corridor stays intact.
13. Chuck stated the struggle the DRB was having is the developer is creating a new structure that would not be allowed under the code right now (Developer agreed) under an exception of staying within the existing footprint even though they are not staying within the existing footprint. Developer agreed he was extending the original footprint. So, Chuck stated if there was going to be flexibility accommodated, it would have been nice if they had looked at the design issues more, i.e., if they had looked at an L shaped building instead of staying within the maximum width to establish a view corridor which is really important to the design guidelines. The City was making accommodations, but there was not a lot of effort to follow the design guidelines to help make it easier to accommodate the exception.
14. Chuck also spoke about the handicapped parking spot and putting the striped area on the right side instead of the driver's side.
15. Mark spoke to the design aspect again and that it was disappointing since they have the ability to expand that they did not take the Ericksen Avenue Guidelines into account to create something that fit them better and especially accommodate a view corridor. Developer asked if they could move building three feet south to provide more of a view corridor, but that disturbs existing footprint and puts building into buffer area. Kelly said it was a risk because it may not pass through the hearing examiner. Conversation ensued regarding the Ericksen Avenue Guidelines and that the DRB feels they should take precedence.
16. Alan stated there are two issues relative to the existing building: The applicant is taking advantage of the existing one story building to allow development closer to the top of the slope than would be allowed if the building wasn't already there as well as saying the requirement of the Ericksen Guidelines do not have to be met because of the existing building. The subject of side yard setback was revisited.
17. At 3:23 PM DRB recommended the following using the Mixed Use Town Center Guidelines Checklist:
  - Parking lot – Yes
  - Open Outdoor Space – Yes
  - Pedestrian connections – Yes
  - Shielded Lighting – Yes
  - Screening Service Areas – Yes
  - Common Open Space – No
  - Concealed Garage Doors – Yes
  - Overall Form – Yes
  - Entrances – No
  - Mechanical Equipment Well – No

Structured parking – Non issue  
Varied Details – Yes  
Integration – Yes  
Creativity – No  
Awning Signs – No

18. Developer asked to talk about common open area again and what the DRB was looking for. DRB spoke about landscaped areas, Devin was concerned for privacy of tenants and Kelly spoke about the types of pervious areas that could be built as well as vegetation that would be allowable. Discussion progressed to creating a trail to a bench that could be placed for a common space.

Ericksen Guidelines:

Pre 1920's Look – Yes, can do better.  
Modest Scale of Building – Yes  
View Corridor - No  
Reinforce Historic Pattern of Development – Yes  
Reinforce Landscaped Front Yard – Yes  
Signs – Not an Issue  
Building Design Compatible with Historic Structures – Yes  
Continue Historic Pattern – Yes  
Site Access – Yes  
Materials Design – Yes

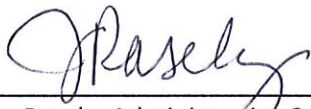
19. DRB will not approve project until there is further information from the applicant. Kelly stated they will revisit the project at the next DRB meeting since it was not approved.
20. At 3:57 PM discussion of Rosebud project began with Heather Beckmann providing an overview of the project and reviewing their previous meeting and two items of concern: The blank wall façade and a planting area designed out of removing one parking area. DRB also asked for balconies to show on site plan.
21. Jim expressed concern about having the balconies extend out to property line. Discussion also ensued about the wall at the back of the parking area with holes with mesh screen. There was a fire hazard as well as a safety concern from burglars over this.
22. Developer was invited in at 4:15 PM and introductions made. The last meeting with developer was in July 2014. Mark opened with discussion about previous concerns and asked Heather about getting into design conversation. Steve provided a quick overview of project for Alan's benefit and gave an overview of their neighboring site which had already been developed with two buildings. He proposed developing the second lot exactly the same with the front building being a slightly different design than the first building in the front of the developed lot. The floor plans for both buildings are very similar. Steve reiterated that nothing had really changed since the last meeting except the applicant added balconies and moved retaining walls along the back of the building under the balconies.
23. Heather brought up the blank wall façade and it was stated that the blank wall will only be at the back side of the unit where it is not visible. Jim brought up that they had spoken about awnings over the openings, but Steve wanted to maintain consistency with neighboring building, especially since it opens right on to the sidewalk/street.
24. Heather reviewed landscaping. Discussion ensued about parking and that underground parking is not a possibility because there really is not a 6 foot grade and not enough slope to go down.
25. At 4:47 Mark asked Heather where the City stood. Heather asked for design suggestions. Jim recommended the City look at 3 walls with enough openings to keep the carport (2 walls) designation and thought the City should give a little more leeway.

26. Conversation continued with DRB and Heather.  
27. Meeting adjourned at 5:06 PM.

Approved by:



Mark Levine, Chairperson



Jane Rasely, Administrative Specialist

**CITY OF BAINBRIDGE ISLAND**  
**DESIGN REVIEW BOARD - REGULAR MEETING**  
**December 1, 2014**

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