



## SUMMARY OF THE MINUTES TOWN COUNCIL

**Thursday, June 26, 2014 – Brickworks Plaza – Evening Session**

### **CALL TO ORDER**

Mayor Pro-tem Hushebeck called the regular session of the Town Council to order at 5:30 p.m.

### **ROLL CALL**

Councilmembers: Position No. 1, Steve Hushebeck; Position No. 2, Noel Monin; Position No. 3, Anna Maria de Freitas; Position No. 4, Farhad Ghatan; and Position No. 5, Barbara Starr.

Others Present: Town Administrator, Duncan Wilson; and Clerk, Amy Taylor.

Mayor, Carrie Lacher was absent.

The positions of Treasurer and Town Attorney are unappointed.

### **FLAG SALUTE**

Mayor Pro-tem Hushebeck conducted the flag salute.

### **PUBLIC ACCESS TIME**

No public access was forthcoming.

### **PUBLIC HEARINGS**

#### SSDP No. 97 – Spring Street Landing

At 5:30 p.m., Mayor Pro-tem Hushebeck opened the public hearing regarding a request by the Port of Friday Harbor for new construction to replace the previous Spring Street Landing and the Downriggers Restaurant.

The subject parcel is identified as TPN 351353001 and located at 10 Front Street, Friday Harbor. The upper street level will include a new restaurant with outdoor dining, an upper public plaza, and small retail building. The lower level of the building will contain retail and parking. A public and pedestrian walkway will link the waterfront to the Front Street upper level and the Spring Street Pier. The new construction proposes approximately 9,218 square feet of restaurant and retail area; and 5,628 square feet of lower level parking and restrooms. The subject property is located with the shoreline.

The Council answered in the negative to direct communication regarding the proposal; and affirmative to hearing the matter in a fair and objective manner.

At 5:45 p.m., Mayor Pro-tem Hushebeck asked the Applicant to make a presentation. Marilyn O'Connor, Port Director, introduced Peter Brachvogel, Architect, to describe the proposal and answer Council questions. Mr. Brachvogel entered Exhibits E-H, story boards of the design concept, into the record. Mr. Brachvogel stated that a public participation process was used to develop the design. The footprint for the proposed building was changed to allow greater view corridor access. The Port changed the shape and design of the structure to be a contemporary version of building, reminiscent of what was commonly seen on wharfs. Mr. Brachvogel stated that height restrictions drove its design.

46  
47 Mayor Pro-tem Hushebeck asked Land Use Administrator, Mike Bertrand, to present the staff report.  
48 Mr. Bertrand entered Exhibit A, Staff Report; and Exhibits B-D, public testimony letters received prior  
49 to the hearing into the record. Applicable policies include land use, public access & circulation, impacts  
50 of shoreline views, and parking issues.

51  
52 Staff evaluation as follows:

- 53
- 54 1. Land Use: The planned uses for this development are considered water-oriented and are  
55 therefore allowed as per FHMC 19.04.330(b)(2), “Commercial Development Policies”. The  
56 applicant has applied for historic preservation incentives for height up to 35’, which is calculated  
57 based on existing grades; and for a 50% reduction in parking requirement.
  - 58 2. Public Access & Circulation: The design in this proposal allows for additional public access on  
59 Front Street through the site. The proposed plaza area lead to stairs that lead to the water level  
60 and intersects an urban sidewalk/trail along the shoreline. The development would not impede  
61 public access with the additional street level plaza entrance, but instead enhance accessibility,  
62 especially for those with physical disabilities.
  - 63 3. Public Shoreline Views: In evaluating existing views there is a hierarchy of value considered.  
64 Existing views from the “SVC Map” are deemed of greater value than other public shoreline  
65 viewpoints. In recognition of the fact that nearly all development projects will include some  
66 increase in the extent to which structures will occupy a given site, the amount of acceptable  
67 public shoreline view loss are determined by giving due regard to size and orientation of  
68 proposed buildings.  
69 The development will change shoreline views from the original building, however the applicant  
70 has mitigated impacts by allowing additional public access on the Front Street elevation by  
71 incorporating a plaza within the development site. This will allow a net gain in public views and  
72 access overall. The viewing area on top of the first floor, closest to the water, will be a new  
73 experience to view the shoreline that was not previously available.
  - 74 4. Parking: The development would include a 14 car parking garage under the building within the  
75 first floor. There are 3 on-street parking spots proposed, including 1 handicap space. The  
76 parking solution proposed eliminates unsafe conditions that were part of the previous structure  
77 which allowed backing out over the sidewalk and on to Front Street.

78  
79 Staff Recommendation is that it’s in the best interest of the Town and general public to approve  
80 Shoreline Substantial Development Permit Application No. 97 and SEPA Checklist No. 293.

81  
82 At 6:01 p.m., Mayor Pro-tem Hushebeck opened the hearing to Council questions.

83  
84 Councilmember de Freitas asked staff to explain the “height incentives” allowable through the Town  
85 Historic Preservation Program. Staff provided the definition allowable by Friday Harbor Municipal Code.

86  
87 Councilmember Ghatan asked if a photograph/drawing could be provided overlaying the structure  
88 existing before the fire, and proposed design. Mr. Brachvogel stated that it was attempted but wasn’t  
89 a good enough rendition to make it usable.

90  
91 Councilmember Monin asked if there was a vegetation plan. Mr. Brachvogel stated that “thin” tree and  
92 landscaping are planned to provide shade and heat control.

93

94  
95 At 6:09 p.m., Mayor Pro-tem Hushebeck opened the public testimony portion of the hearing. The  
96 following testimony was received:

97  
98 At 6:10 p.m., Roger Bennett, 1 Spring Street, stated that the staff report is not accurate. Three other  
99 parcel owner are present on the waterfront; and that the pitch of roof for the proposed design is too  
100 steep. Mr. Bennett stated that the design looks like a house instead of industrial port property.

101  
102 At 6:14 p.m., Jim Carrol, local business owner, stated that the structure was well designed but to  
103 large.

104  
105 At 6:17 p.m., Matt Shildneck, Friday Harbor resident, stated that the structure doesn't fit the historical  
106 look of Town.

107  
108 At 6:19 p.m., Haus Buchanan, local business owner, stated concerns regarding stormwater run-off and  
109 the harm that pollution causes to the orca population and local wildlife.

110  
111 At 6:21 p.m., Brain Livermount, local business owner, spoke in agreement with Mr. Buchanan and  
112 commented on the transparency of the design and approval process.

113  
114 At 6:23 p.m., Nina Labaron, local business owner, submitted Exhibit I and J, photos of the site and  
115 stated that the "story poles" do not give an accurate depiction of what would be built.

116  
117 At 6:25 p.m., Susha Forrest, on behalf of local business owner, submitted Exhibit K, statement read  
118 into the record, stating that the proposal should receive the parking incentives but denied height above  
119 27 feet.

120  
121 At 6:27 p.m., Misty Todd, local business owner, stated that the stormwater run-off mitigation for the  
122 proposal was inadequate. Mr. Bertrand stated that stormwater mitigation was considered by the Town  
123 and that the proposed footprint has close to the same amount of impervious surface as the footprint  
124 before fire damage. Mr. Bertrand continued that additional stormwater mitigation may be provided by  
125 the Town when the new stormwater vault is installed at the base of Spring Street. Mr. Bertrand  
126 elaborated on current practices for stormwater mitigation.

127  
128 At 6:33 p.m., Marian Lagatree, Friday Harbor resident, stated concerns regarding stormwater  
129 mitigation and stated that an environmental impact study should be required. Ms. Lagatree questioned  
130 how tall the building would be after excavation and grading. Mr. Bertrand commented that the  
131 building height seen now from story poles demonstrates actual height.

132  
133 At 6:35 p.m., Debbie Rishel, local business owner, commented that the public participation process to  
134 date for the proposal has been transparent.

135  
136 At 6:36 p.m., Mayor Pro-tem Hushebeck closed the public testimony portion of the hearing, reserving  
137 the right to reopen if needed; and opened the hearing to Council questions and comments.

138  
139 Councilmember Starr commented that height was an issue that would not be fully resolved; and that  
140 the Council needs to make a decision for the good of our community and local economy.

141  
142 Councilmember de Freitas concurred. Ms. de Freitas added that stormwater quality remains a priority  
143 for the Town.

144

145 Councilmember Hushebeck questioned the significance or net gain in view that an 8/12 compared to  
146 an 8/10 pitch roof would make. Ms. Strehlou, Historic Preservation Coordinator, commented that the  
147 Historic Preservation Review Board must comply with the guidelines set forth by the Council. In this  
148 case, a 8/12 pitch is outline in the regulations.

149  
150 Councilmember Monin commented stated that the building at the corner of East and Front Streets (the  
151 Doctor’s Office) shares the same roofline as proposed and that the aesthetics of the Dr. Office building  
152 is pleasing. Mr. Monin commented that he was ready to move forward with a decision.

153  
154 Councilmember de Freitas stated that the site has been vacant for long enough that any proposal  
155 would seem to block view of the shoreline.

156  
157 Marilyn O’Connor stated that (if requested) the hearing would need to be continued to such time as  
158 the Port Commission could authorize a design concept with an alternative roof pitch of 8/10.

159  
160 At 6:57 p.m., Mayor Pro-tem Hushebeck opened the hearing to Council deliberations. The Council  
161 discussed the desire for additional information regarding height restrictions and the preference to  
162 review a rendition of the building with an adjusted roof pitch. Discussion followed with Mr. Brachvogel  
163 and Mr. Bertrand regarding the request. Staff explained that to do so, the hearing would need to be  
164 reopened to receive additional public testimony. The Council concurred.

165  
166 **Moved by Starr, seconded by Monin, to continue the public hearing to July 17, 2014 at**  
167 **5:30 p.m. to receive additional information, reopen public testimony if submitted, and**  
168 **conduct deliberations. Motion passed unanimously.**

169  
170 Shoreline Master Program Updates  
171 At 7:11 p.m., Mayor Pro-tem Hushebeck opened the continued public hearing regarding updates to the  
172 Town Shoreline Master Program.

173  
174 Mayor Pro-tem Hushebeck asked Land Use Administrator, Mike Bertrand, to present any testimony  
175 received by the public and/or staff information. Mr. Bertrand entered Exhibit A into the record, a letter  
176 from the Port Commission of Friday Harbor expressing concerns about the proposed language. Mr.  
177 Bertrand stated that the Port’s concerns were unwarranted and that the revised language would not  
178 adversely affect Port operations as they described.

179  
180 At 7:15 p.m., Mayor Pro-tem Hushebeck opened the public testimony portion of the hearing.

181  
182 Roger Bennett, 1 Spring Street, stated that the previous Plan listed inaccurate information regarding  
183 parcel owners along the waterfront. Mr. Bertrand verified that the update contained accurate  
184 information.

185  
186 At 7:18 p.m., hearing no other comments from the audience or questions from the Council, Mayor Pro-  
187 tem Hushebeck closed the public hearing.

188  
189 **Moved by de Freitas, seconded by Ghatan, to adopt Ordinance No. 1538, adopting updates**  
190 **to the Town Shoreline Master Program. Motion passed unanimously.**

191

192  
193 Six Year Transportation Improvement Plan  
194 At 7:19 p.m., Mayor Pro-tem Hushebeck opened the public hearing regarding the Town Six Year  
195 Transportation Improvement Plan for years 2015 through 2020. Administrator Wilson explained the  
196 requirement for a public hearing and that several additional projects were included that could  
197 potentially be funded through a Transportation Improvement District, if approved.

198  
199 At 7:25 p.m., Mayor Pro-tem Hushebeck opened the public testimony portion of the hearing. Hearing  
200 no comment from the audience or Council, Mayor Pro-tem Hushebeck closed the public hearing.

201  
202 **Moved by Monin, seconded by Starr, to adopt Resolution No. 2040, adopting the 2015**  
203 **through 2020 Six Year Transportation Improvement Plan. Motion passed unanimously.**

204  
205 Transportation Benefit District  
206 At 7:30 p.m., Mayor Pro-tem Hushebeck opened the continued the public hearing regarding  
207 establishment of a Transportation Improvement District. Administrator Wilson explained that the  
208 purpose of establishing a district is to establish a sustainable fund for street repairs and outlined the  
209 proposed ordinance. Administrator Wilson explained that, if approved, the District would need to pass  
210 an ordinance to place any sort of levy on a ballot.

211  
212 At 7:34 p.m., Mayor Pro-tem Hushebeck opened the public testimony portion of the hearing.  
213  
214 Roger Bennett, 1 Spring Street, asked if parking solutions could eventually be funded by the District.

215  
216 At 7:36 p.m., hearing no further comment from the audience, Mayor Pro-tem Hushebeck opened the  
217 hearing to Council questions. Discussion followed regarding timing and procedure for placing a  
218 measure on the November General Election ballot.

219  
220 At 7:38 p.m., Mayor Pro-tem Hushebeck closed the public hearing.

221  
222 **Moved by Starr, seconded by Ghatan, to adopt Ordinance No. 1539, establishing a**  
223 **transportation benefit district; specifying that the boundaries of the district will coincide**  
224 **with Town boundaries; specifying the transportation improvements to be funded by the**  
225 **District; providing for severability; and establishing an effective date. Motion passed**  
226 **unanimously.**

227  
228 **APPROVAL OF MINUTES**  
229 Moved by Monin, seconded by de Freitas, to approve the minutes of **June 5, 2014 as submitted.**  
230 Motion passed unanimously.

231  
232 **FUTURE AND NON-AGENDA ITEMS**  
233 Councilmember Ghatan requested that Council discuss a policy that Utility Providers that perform work  
234 in the right-of-way of newly reconstructed streets be required to pave from intersection to intersection.  
235 Administrator Wilson stated that the requirement will be made part of the Town Street Standards  
236 update.

237  
238 Councilmember Hushebeck requested that review of height and roof pitch be considered for the  
239 historic preservation ordinance revisions.

240  
241 Councilmember Hushebeck noted that the Evergreen State Ferry will be retired on Sunday.

242

243 **CITIZEN RESPONSE**  
244 No citizen response was forthcoming.

245  
246 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Pro-tem Hushebeck  
247 adjourned the meeting at 7:55 p.m. The next regular meeting is scheduled for Thursday, July 3, 2014  
248 at 12:00 p.m.

249  
250 \* \* \* \* \*

251 **These minutes were approved on July 17, 2014. The original document is retained by the**  
252 **Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**  
253 **Harbor Clerk**