

Action Item 12: Density Clarification

The current proposal, deemed 'Cityview' by developer Madrona Bay Real Estate Investments, includes 106 multi-family units. However, under certain conditions, the developer may choose to submit an amended or new proposal that includes up to 176 units. Therefore, the requested method to determine the proposal's base density is the 176-unit reference shown on the recorded Cedar Ridge Division 2 final plat (AF# 202070360). In no event shall the maximum density exceed the vested 176 (see attached Density Clarification and III. Order, Permitted Uses/Par. 2, page 25 Hearing Examiner Order dated 10/23/13).

May 11, 2020

Kathy Bell
Senior Planner
City of Bellingham
210 Lottie St.
Bellingham WA 98225

RE: 1433 Consolidation/Area 17/Puget Neighborhood. Residential Multi; Planned with a 5,000 SF per unit overall density. AKA 'Cityview'. Request for density bonus.

Kathy,

The area of the subject parcel is 11.15 acres, or 485,694 SF. Under the applicable density, the parcel is zoned outright for up to 97 multi-family units (485,694 SF / 5,000 SF per unit = 97.3 units).

Also, this property has been vested for an ADDITIONAL 79 units, to a maximum of 176 (see 'Density Clarification', revised Cityview narrative at cob.org/cityview).

Our revised Cityview application reflects a substantial downsizing to 106 units, from our original unit count of 136. Per the vested density, our proposal is 70 units below the maximum.

In light of the above facts, the allowed density is at minimum 97 units. Our revised proposal is 106 units, just 9 over the density minimum of 97. Therefore, we are requesting ONE of the following density bonuses be granted:

- 1) Under BMC 20.38.050 (B)(3)(c)(v), we are requesting a density bonus in the amount of 15%. Nearly 50% of the site will be left in open space, far exceeding code requirements. Approval of this density bonus would increase our unit count (under current zoning) to $97 + 14$ (15% of 97) at 111. Our proposed unit count would remain at 106.

OR

- 2) Under BMC 20.38.050 (B)(3)(c)(vii), we are requesting a density bonus in the amount of 10%. Our proposal already calls for enhanced perimeter buffering/screening (see Site Plan, Landscape Plan, cob.org/cityview). Approval of this density bonus would increase our unit count (under current zoning) to $97 + 9 = 106$.

Thank you for considering our request. Please let me know if you need further information or if I can answer any questions.

Sincerely,

Morgan

Morgan Bartlett, Jr.
Director
Madronabayllc.com



****Density clarification:**

The Hawley Replat, or Cedar Ridge Plat received Preliminary Plat approval in May 1994 in Bellingham Resolution No. 19-94. The plat included 46.71 acres and provided for a total of 123 units, including 64 single family lots, one duplex lot, one triplex lot, one fourplex lot, and a 50 unit multifamily tract. It also contained a 15 acre open space parcel that was dedicated to the City and a tract that was labeled Future Development. The tract labeled Future Development is the subject property. The plat conditions provided that additional public review would be required prior to the development of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat contained the seven single family residences abutting Nevada Street north of Consolidation Avenue and immediately to the west of the subject property. Final Plat approval for Division 1 was granted in April 1996 in Resolution 26-96.

Division 2 of the Cedar Ridge Plat received Final Plat approval in July 2002 in Resolution 2002-24. Division 2 consisted of 48 single family lots, one duplex lot, one triplex lot, one fourplex lot, a 50 unit multifamily lot and a reserve tract (the subject property). The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site, See Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution. Sheet 4 as recorded with the Whatcom County Auditor has the notation: "176 units" on Tract F. Attachment 1 to the proposed Final Plat Resolution included in the City Council Agenda Bill, described in the proposed Resolution as the Site Plan, shows the same notation for Tract F, "Future Development (176 units)".

In October 2004, Cypress Ventures, LLC requested a Plat Alteration and Subdivision Variance for a portion of the property located in Division 2 of the Cedar Ridge Plat. Part of the proposal was to transfer 3 units from Tract F (the subject property) to Lot 12 and Tracts C and D. The plat alteration was approved to allow further division of Lot 12 (the duplex site) and Tract B (the triplex site) so that the units could be developed on lots that would be individually owned. Tract C (the 50 unit multifamily tract) was also altered to allow single family attached, cottage, carriage and townhouse units on individual lots to provide an alternative to condominium or apartment development on the sites. The transfer of units from Tract F to Lot 12 and Tracts C and D was denied. The Order of November 29, 2004 indicates that the existing unit count (176) shall remain.

The maximum density for the entire 46.71 acre parcel included in the Cedar Ridge Plat under the Residential Multi, Planned, 5,000 square feet per unit designation was 406 units. If density was not clustered on the subject site by the Cedar Ridge Plat the subject property would be able to accommodate 97 units at 5,000 square feet per unit zoning.

18. Any Finding of Fact that should be denominated a Conclusion of Law shall be deemed to be a Conclusion of Law. Any Conclusion of Law that should be denominated a Finding of Fact shall be deemed to be a Finding of Fact.

III. ORDER

Planned Development approval, a Variance from Height Restrictions, a Wetland/Wetland Buffer Critical Areas Permit, and Multi-family Residential Design Review approval are granted for the subject proposal subject to the following conditions:

PERMITTED USES

1. The proposed use for Purpose Built Student Housing may be conducted on the site provided the units conform to the requirements for multi-family residential dwelling units and contain no more than three bedrooms per unit. The use of the property for four Boarding and Rooming Houses with 576 beds in 164 units, most of which contain four bedrooms, is not permitted.
2. The number of dwelling units on the site may not exceed 176, or the number of units to which the property is vested, whichever is less; provided that the number of units is limited to 164 unless the Applicant obtains a Transportation Concurrency Certificate for the requisite additional trips and complies with all other requirements of the Bellingham Municipal Code arising out of an increase in the number of units.
3. Occupancy of each dwelling unit is limited to one family, as defined in the Bellingham Municipal Code, which, with exceptions for disabled individuals and children with familial status, allows no more than 3 unrelated individuals.
4. Use of the property for the proposed Purpose Built Student Housing shall be consistent with the materials and representations submitted by the Applicant in support of the proposal, including, but not limited to, the following:
 - a) Professional, on-site, 24-hour management,
 - b) Lease agreements that establish a no-tolerance policy for unacceptable behavior that could result in undue disturbance to other residents and neighboring properties,
 - c) Provision of a shuttle service for residents to and from the Park and Ride facility, WWU, downtown, and other locations, to reduce traffic to and from the site, and
 - d) Provision of parking spaces at a ratio of at least 0.75 parking spaces per resident/staff (or the number required in Paragraph No. 9 below, whichever is greater).

SITE PLAN

5. Development on the site shall be generally as shown on **Exhibit A**, attached hereto, except as revisions are required to comply with the requirements of this Order, the Bellingham Municipal Code or a Critical Areas Permit issued with respect to the Geologically Hazardous Areas.
6. Any substantial modifications to the site plan or to the proposed structures will require additional review for compliance with Design standards and may require further review for Planned Development approval. The Director may determine that changes are significant enough to require a new Planned Development process.
7. A final site plan included in a building permit application shall include locations of buildings, driveways with landscaped medians, and parking; access location and design, preservation areas, continuous internal pedestrian connectivity from each building on site to the sidewalk in Consolidation Avenue; location and design of the footpath in the Consolidation Avenue and Puget Street rights-of-way; the location of any open stormwater facility; and the location of all usable and open spaces.
8. Outdoor recreational facilities, such as spas, pools, fire pits, sports courts, and other facilities, shall be shown on the site plan and shall be located and designed so that they are screened from view and noise transmission to neighboring properties. These facilities shall comply with all applicable health and safety regulations. Any proposed fire pit shall be subject to Fire Department review and approval. If location of these facilities result in any significant modification to the site plan additional design review may be required.