

TO: All Permit Review Authorities

ENVIRONMENTAL RECORD REPORT

The environmental review included analysis of the Proposal, known as CityView located at 4413 Consolidation Avenue, and the documents and resources listed below.

I. ENVIRONMENTAL INFORMATION CONSIDERED:

The following materials, including site plans, can be found at <http://www.cob.org/notices>

Exhibit A: Environmental SEPA checklist, dated February 26, 2020 and revised March 12, 2021, and the following supplemental documents and reports:

- Ex A.1 - Critical Areas Report: Wetlands & Habitat Conservation Areas for the CityView Project (Miller Environmental Services, 6/12/19)
- Ex A.2 - Critical Areas Mitigation Plan: CityView Apartments Project (Miller Environmental Services, 1/8/20)
- Ex A.3 - Geotechnical Engineering Report (GeoEngineers, 3/8/21)
- Ex A.4 - Preliminary Stormwater Site Plan (Cascade Engineering Group, P.S.,Inc., Revised 3/21)
- Ex A.5 - Tree Retention Plan: CityView (Tree Guys, Inc., Revised 1/25/21)
- Ex A.6 - Tree Retention Plan Map (Cascade Design Group, Revised 3/4/21)
- Ex A.7 - Updated CityView Landscape Buffer Plan & Cross Sections (Landscape Buffer Plan) (Cascade Design Group, 3/4/21)
- Ex A.8 - Updated Landscape Plan, Conservation Easement, & Lighting Plan (Landscape Plan) (Revised 3/4/21)
- Ex A.9 - CityView Apartments Grading Plans (Cascade Engineering Group, P.S., Inc., (3/4/21)
- Ex A.10- Updated CityView Preliminary Engineering Plan (Cascade Design Group, 3/4/21)
- Ex A.11- Project engineer letter response to city's RFI (Cascade Design Group, 3/4/21)
- Ex A.12 - Parking Demand Analysis (Nunes/Ueno, undated; submitted to the City on September 30, 2021)
- Ex A.13- Transportation Impact Analysis (transpogroup, January 2020), as revised by Memorandum prepared by transpogroup, March 2, 2021.

Exhibit B: Notice of Incomplete Application, August 10, 2019.

Exhibit C: Notice of Complete Application, March 9, 2020

Exhibit D: Notice of Application, April 24, 2020

Exhibit E: Public Comment

Exhibit F: Request for information, July 6, 2020

Exhibit G: Applicant's March 12, 2021 Response to Public Comment

Exhibit H: Bellingham Planning Commission recommendations

Exhibit I: Request for information, June 24, 2021

Exhibit J: Revised site plan, submitted on September 30, 2021

Multifamily residential design handbook
Bellingham comprehensive plan
Bellingham municipal code

II. PROPOSAL

A new residential multi-family project on a vacant 11-acre parcel generally located north of Consolidation Avenue between Puget and Nevada Streets in the Puget Neighborhood. The submitted proposal consists of 106, 3-bed units in 3 separate buildings. Two of the buildings will be 2 ½ stories (and contain 20 units in each building) and one building will be 5 ½ stories (and contain 66 units). The proposal includes a total of 257 vehicle parking spaces and 160 bicycle parking spaces. Onsite usable open space is located in the southwest corner of the site, near the Consolidation Avenue entrance. Consolidation Avenue will be constructed from Nevada Street to a distance necessary to access the proposal's two driveways.

Approximately 50% of the site will be cleared for the development and the remainder of the site is proposed to be retained in its current forested condition. The proposal does not include impacts to the onsite wetlands; however, it does propose to impact the buffer of one onsite wetland. Mitigation for this impact is proposed onsite.

Land use applications submitted for the CityView proposal include planned development, design review, environmental checklist (SEPA) and critical areas.

The subject site has a site area of 485,524 square feet, which yields a total density of 97 units under current zoning. The Proposal includes a request for an 10% density bonus for 9 additional units, which brings the total unit count to 106 density units. This environmental review for the Proposal is based on the 106-unit density. The Proposal, based on this density, will be appropriately conditioned through this environmental review and/or land use review to ensure compatibility with existing and projected land uses and plans.

III. BACKGROUND

The subject site consists of a lot, legally described as Tract F, Cedar Ridge Division 2, that was part of a larger development known as the Cedar Ridge preliminary plat (aka Hawley's Replat). The Cedar Ridge preliminary plat is zoned Residential-Multi, Planned with an overall density requirement of 5,000 square feet per unit.

The preliminary plat included approval of 123 units, consisting of 64 single family lots, 5 multifamily lots and two stormwater tracts. NOTE: Two of the multifamily tracts required additional public review. The residential lots were established through the final plat process as follows:

- Division 1: 7 single-family lots
- Division 2: 47 single-family lots, one duplex lot (Lot 12), one triplex lot (Tract D), one four-plex lot (Tract E), 50-unit lot (Tract C), a **176-unit lot (Tract F – Project Site)** and two stormwater tracts (Tracts A and B).

The following is the developed status of the lots created by the fling of the final plats for Divisions 1 and 2:

- Single family lots:
 - Division 1 – Fully developed.
 - Division 2 – Fully developed.
- Multifamily lots:
 - Tract A: Stormwater dedicated to the city
 - Tract B: Stormwater dedicated to the city
 - Tract C: Received approval of a Consolidated Permit and Cluster Short Subdivision to develop 37 townhouse units.

- Tract D and Lot 12: In September 2018, these lots were consolidated and received approval of a 5-lot plat alteration and construction of these units is completed.
- Tract E: Received approval of a plat alteration to allow the subdivision of this tract into 3 single-family lots. Final plat was approved for the plat alteration and the units are under construction.
- Tract F: In 2013, the hearing examiner approved a consolidated permit for a 146-unit student housing proposal known as University Ridge. **This land use decision expired in 2018.**

Applications for the Proposal were submitted to the city on July 19, 2019. The city reviewed the land use applications and associated materials, determining them to be incomplete and requested additional information on August 10, 2019. **Exhibit B** The applicant submitted a response to the notice of incomplete application on February 26, 2020. The city determined this information sufficient to deem the applications completed on March 9, 2020. **Exhibit C**

On April 24, 2020, the city issued a Notice of Application establishing a public comment period to receive comment on the Proposal. **Exhibit D** The city received over 200 comments in response to this notice. **Exhibit E** In response to the public comment received and further review of the application materials, the city issued a Request for Information on July 6, 2020. **Exhibit F** The applicant responded to the July 6, 2020 Request for Information on March 12, 2021. **Exhibit G**

On June 3, 2021, the Bellingham Planning Commission held a meeting to review the application materials and written public comments. After the public meeting, the commission made recommendations to the Planning director, **Exhibit H**. A more detailed discussion is below under "Public Comment".

In response to the Planning Commission's recommendation, the city issued a Request for Information on June 24, 2021. **Exhibit I** The applicant provided a response to this request on September 30, 2021, which included a revised site plan. **Exhibit J**

IV. PUBLIC COMMENT

The city received substantial public comment concerning the Proposal in response to the Notice of Application and Planning Commission meeting. The July 6, 2020 RFI (**Exhibit F**) prepared by city staff requested the applicant respond to the public comment. The city staff provided a list of general topics of the substantial planning issues and matters of public interest that were raised in the public comments. The applicant provided a response to the public comment in the March 12, 2021 Response. **Exhibit G**

Pursuant to BMC 21.10.110 (E)(2), the Planning and Community Development director and Planning Commission chair requested a public meeting before the Planning Commission. The public comments were submitted to the Bellingham Planning Commission for their consideration of the written record, which included the applications, all materials submitted to support the applications, and public comments received in response to the application materials at the June 3, 2021 public meeting. The Bellingham Planning Commission's role was to identify and recommend to the Planning Director any substantial planning issues and matters of public interest associated with the proposal that the City should consider during its environmental and land use permit reviews of the proposal, which included the following:

- Drainage (surface flow and ground water)
- Stormwater management
- Critical Areas/Impacts to onsite wetlands and associated buffer(s)
- Geologically hazardous areas

- Clearing
- Wildlife/loss of habitat
- Noise
- Land use/Density/Impacts from proposed use
- Housing/Social behaviors
- Aesthetics/Scale/Privacy
- Recreation/Maintain neighborhood trail
- Transportation/Parking/Pedestrian Safety

On June 3, 2021, after consideration of public record established for the Proposal, including public comments at the meeting, the Bellingham Planning Commission recommended the director consider the following during environmental review:

1. Drainage and Stormwater Runoff – 1) Ensure that cumulative impacts are considered; 2) ensure the adequacy of the scope of review; and 3) ensure the adequacy of any technical responses to the proposed design of the system meets or exceeds all adopted standards.
2. Critical Areas and Geological Hazards - Consider both slope stability and seismic activity and implement appropriate measurements to address them.
3. Traffic and Pedestrian Safety – 1) Assess consistency with the City’s climate goals and policies as it relates to transportation; 2) assess the demands and limits of multi-modal accessibility to the site and the plausibility of multi-modal use; 3) ensure adequacy of street infrastructure; 4) clarify why one traffic standard is chosen over another; 5) ensure that fair-share contributions are provided; and 6) consider parking demand based on anticipated demographics.
4. Project Scale – Consider the concerns raised related to: 1) the adequacy of the transition and separation between the proposed project and the adjacent uses; 2) the adequacy and applicability of the multifamily design guidelines when applied to this circumstance – specific to the intent to provide a better transition between uses when they are dissimilar; and 3) acknowledging the contextual use patterns – can the scale and transitional impacts in the neighborhood be adequately mitigated to an acceptable level.
5. Parking – 1) Assess the adequacy of the provided off-street parking to accommodate likely demand and use and if parking is determined inadequate for the intended use, consider appropriate ways mitigation measures; and 2) consider requiring the project to enhance and encourage multi-modal use through incentives or other appropriate methods.
6. Comprehensive Plan Consistency – 1) Assess the comprehensive plan consistency with attention specifically directed to the friction between needing to separate because of dissimilar scale and the desire to build integral neighborhoods that are connected.
7. Social Behaviors (noise, garbage, parking) – 1) Assess the adequacy of solid waste and recycling facilities; 2) assess the rules related to discouraging or prohibiting disposal off-site; 3) consider strategies that can be implemented on-site to minimize some of the adverse effects; and 4) evaluate use terms for the open-space so that it minimizes off-site disruption.
8. Housing Affordability – Encourage alternative floor plans to accommodate a range of current and future uses.

Density was raised as a public concern, specifically as to whether the proposed density of 106 units is permissible under the site’s current zoning. The determination whether the proposed density is permissible under current zoning will be included in the permit decision for the

CityView proposal, not the SEPA threshold determination. Density is one measure of a proposal's intensity and inherently incorporated into each SEPA element of the checklist.

V. PERMITS/APPROVALS REQUIRED

- Final SEPA Determination (SEP2019-0039)
- Planned Development Permit (PDP2019-0015)
- Design Review Approval (DR2019-0036)
- Critical Area Permit (CAP2019-0037)
- Building Permits
- Public Facilities Contract and other Public Works Approvals
- Washington State Dept. of Ecology NPDES Permit
- Washington Dept. of Natural Resources FPA Permit

The proposal is required to obtain approval of three land use permits; planned development, multifamily design review and critical areas. These permits are consolidated and reviewed through an administrative Type II application process in accordance with BMC 21.10.110. At the conclusion of this process, a decision on a "Consolidated Permit" is issued.

Prior to a consolidated permit decision, a SEPA environmental threshold determination is required by the responsible SEPA official. WAC 197-11-330 gives the SEPA official authority to determine if the proposal is likely to have a probable significant adverse environmental impact based on required and requested information and it gives authority to consider mitigation measures the applicant will implement. Further, BMC 16.20.190 gives authority to attach conditions to a permit when the conditions are based on policies in BMC 16.20.200, including the Bellingham Comprehensive Plan and Bellingham Municipal Code. A primary goal of SEPA is to identify potential environmental impacts and develop measures to reduce or eliminate those impacts.

The SEPA Official has reviewed the Proposal and the environmental record, has considered the Planning Commission recommendations and public comment and has determined that, with implementation of the mitigation measures listed herein (Section 2), the Proposal is not likely to have probable significant adverse environmental impacts. The SEPA official has made a threshold determination of a Mitigated Determination of Nonsignificance (MDNS).

Relationship to other Review Processes: The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable impacts to all elements of the environment. Issuance of a SEPA Threshold Determination does not constitute an approval or denial of a proposal. Subsequent review processes retain the ability to approve, approve with conditions or deny an application based on adopted code.

Associated land use conditions as well as other referenced mitigation measures (SEPA), zoning requirements, and needed agreements will be included in the consolidated permit and decision to regulate the use of the land and to ensure that adequate provisions are taken to minimize possible development impacts to the site and adjacent areas.

VI. RESPONSIBLE OFFICIAL'S AMENDMENTS TO CHECKLIST

The Applicant's environmental checklist (**Exhibit A**) and specific exhibits (**Exhibits A.1-A.13**) are referenced above and incorporated herein and have been determined to be adequate for a SEPA review.

In response to the public comment received by the city and as discussed above, the following provides an analysis of the public comment and staff analysis as it relates to each element of the environment defined under SEPA.

ENVIRONMENTAL ELEMENTS

1. Earth

The environmental checklist description regarding earth is adequate to conduct SEPA review. Public concerns were raised that the subject site has unstable slopes and soils and erosion or landslides will occur as a result of clearing and grading for site construction.

The steepest slopes on the site are designated as "landslide hazards" (>40%). These slopes are located on the uphill (eastern) portion of the site where no clearing or grading will occur. Slopes designated as "erosion hazards" (30%-40%) are scattered mostly uphill and east of the proposed grading as shown in the "Geotechnical Engineering Report: CityView Project" (GeoEngineers, Inc., 3/8/21) (Geotechnical Engineering Report) (**Exhibit A.3**). Very limited grading will occur in areas designated erosion hazard such as grading for construction of the public trail.

Licensed geotechnical engineers reviewed the proposal and provided conclusions and recommendations in the Geotechnical Engineering Report. The geotechnical analysis included review of surface and groundwater conditions, erosion and landslide hazards, and seismic hazards.

The Geotechnical Engineering Report provides evidence that the development is located on the most suitable portion of the site. The development is located on a stable substrate and avoids the steep slopes on the east side adjacent to Puget Street. The development's location minimizes the cut and fill slopes necessary to construct the site. Further, the project engineer designed measures for construction-phase drainage controls (see "Water" section below for more detail).

The geotechnical engineers concluded that the site is suitable for the proposed construction with incorporation of the recommendations provided in the Geotechnical Report.

Required mitigating condition:

The applicant shall arrange for the project geotechnical consultant to 1) review the project plans and specifications to confirm that the recommendations made in the Geotechnical Engineering Report have been implemented and 2) evaluate site conditions during construction to ensure consistency with the report and its conclusions and recommendations.

2. Air

The environmental checklist description concerning air is adequate. Emissions from construction equipment and vehicles will occur during construction. After construction,

emissions from the completed development proposal will generally increase from pre-existing levels.

The project will encourage tenants not to use vehicles and instead use alternative forms of transportation such as biking, walking, and public transit, thereby reducing vehicle emissions into the air.

No significant adverse impacts to air from the project have been identified and no mitigation measures are necessary.

1. Water

The environmental checklist description regarding water is adequate to conduct SEPA review. Public concerns were raised that construction of the site will impact the existing surface and groundwater flows and cause increased water runoff to the adjacent downslope properties that already experience drainage problems. Based on these concerns, the city requested a geotechnical engineering report for SEPA review. In addition, the city asked the applicant to provide specific best management practices (BMPs) and recommended measures to mitigate onsite and offsite drainage problems. The applicant replied with reports from a licensed geologist and a professional engineer.

The Geotechnical Engineering Report (**Exhibit A.3**) provides details about groundwater hydrology (section 2.2.2) and includes drainage considerations for retaining walls and building foundations (section 4.5).

The Preliminary Stormwater Site Plan (Cascade Engineering Group, P.S., Inc, Revised 3/21) (SSP) (**Exhibit A.4**) prepared for the Proposal modeled the stormwater flows to demonstrate that the Proposal will not increase post development runoff to adjacent properties. The subsurface groundwater and surface flows will be collected during construction and post construction in a series of stormwater drains constructed through and around the perimeter of the site. The engineer anticipates that with BMPs the majority of the hillside runoff will be intercepted before it reaches the downhill properties, specifically along Nevada Street.

The SSP is a preliminary plan; a Stormwater Pollution Prevention Plan (SWPPP) is required for site construction permitting, in accordance with BMC 15.42. After construction permits are issued, the contractor and their Certified Erosion and Sediment Control Lead (CESCL) are required to monitor the site to ensure the BMPs are functioning properly.

The report sufficiently demonstrates that hydrology to the adjacent and onsite wetlands would not change as a result of the Proposal. Onsite wetlands will not be disturbed. Wetland buffer averaging is proposed resulting in a buffer area greater than required by code. The mitigation plan for buffer averaging provides enhanced habitat, screening between the wetlands and development, and it demonstrates compliance with BMC 16.55.

Required mitigating conditions:

a. Clearing and grading shall be restricted to the dry season, defined in BMC 15.42 (Stormwater Management) and BMC 16.55 (Critical Areas) as May 1st—September 30th, to avoid erosion, sedimentation, equipment track-out, and to protect neighboring properties from possible increased drainage problems. Limited exceptions may be made in writing by the city for extended dry periods outside the dry season.

b. Clearing and grading for site development shall be phased to avoid drainage and erosion problems, reduce construction traffic impacts on the neighborhood, and to

maintain the forested areas until ready for development. An engineered clearing and grading plan shall be submitted concurrently with all construction applications associated with the subject site.

Clearing and grading shall be reviewed for each construction activity, such as installing stormwater and erosion control BMPs for the site, geotechnical analysis, buildings and parking areas, retaining walls, stormwater facilities and public infrastructure, and is not permitted without an issued building permit and/or public facilities construction agreement or as otherwise authorized by the Bellingham Municipal Code

The city shall have the authority to limit the clearing and grading for each phase of development to ensure:

- The proposed clearing and grading limits are the minimum necessary to complete the construction activity in an efficient manner and
- A qualified professional demonstrates the impacts from the proposed clearing and grading limits are minimized to the maximum extent feasible.

The common usable space and landscape buffer, along the western property boundary, generally, shall be in the last phase to maintain a visual and functional buffer between the development and the adjacent properties except that the temporary construction exit and construction-phase stormwater BMPs can be installed. Exceptions to this may be permitted if demonstrated this area is needed to support or construct other proposed development activity on the site.

c. The SWPPP shall identify and utilize existing conveyances and natural drainage patterns, to the maximum extent feasible, that consist of overland flow, swales, and depressions that are not otherwise regulated under BMC 16.55 in order to avoid constructing an artificial drainage system. Engineered conveyances shall be properly stabilized to minimize erosion and downslope impacts.

d. Engineering calculations shall be made and included with the SWPPP for the design of such BMPs as temporary erosion sediment ponds, conveyances, diversions, and waterways, as well as calculations for runoff and stormwater detention design (if applicable). Said engineering calculations must bear the signature and stamp of an engineer licensed in the state of Washington.

No additional mitigation beyond the city code requirements, and the above condition, is necessary for this Proposal.

2. Plants

The environmental checklist description of plants is adequate to conduct SEPA review. Public concerns were raised about the amount of vegetation clearing that is proposed.

An ISA-certified arborist conducted a tree survey and tree risk assessment and provided results in "Tree Retention Plan: CityView" (Patrick Sullivan, Tree Guys, Inc., 1/25/21) (Tree Retention Plan) (**Exhibit A.5**). The site is forested with a mix of conifers and deciduous trees. Many trees exhibit poor structure, due to a response from past logging, making them a higher risk for failure. The arborist identified trees that may pose a hazard to the new buildings and to existing development along the western perimeter of the property.

Approximately 5.5 acres or just under 50% of the site, will be retained in its natural

forested state. This area combined with the adjacent city-owned 15-acre open space tract will establish a protected 20.5-acre urban forest including steep slopes and wetlands. To ensure the 5.5-acre forested area is protected in perpetuity and to allow the city to require restoration from potential damages, it should be protected by a recorded conservation easement granted to the city.

City staff (including a city ISA-certified arborist), the project arborist and other project consultants conducted a site visit to review the findings of the Tree Retention Plan. Staff concur with the arborist's recommendation in the Tree Retention Plan about tree removal and replacements within the retained area to minimize hazard risk and to encourage a more stable forest structure. Consensus was also reached about the trees along the western perimeter, concluding that they would become significantly at risk of failing due to the adjacent clearing and grading for development and therefore should be removed and the area replanted.

Replanting entails replacement of hazard trees at a ratio greater than 2:1 (replacement tree:hazard tree). In addition to tree replacements, the CityView Landscape Buffer Plan and Cross Sections (Landscape Buffer Plan) and the CityView Landscape Plan, Conservation Easement, and Lighting Plan (Landscape Plan) (**Exhibits A.7 and A.8**) were designed to provide a dense buffer of native vegetation for the area between the development and the adjacent properties. The advantage of native vegetation in this setting is that it requires less maintenance and will provide more wildlife habitat while providing an effective buffer between existing and new development.

The CityView Landscape Buffer Plan & Cross Sections (Landscape Buffer Plan) (Cascade Design Group, 3/4/21) (**Exhibit A.7**) also shows the planted trees over time to represent their height at maturity to demonstrate how a privacy buffer is being created between existing single-family development and the new multi-family buildings. To ensure the health and survival of the trees and other buffer landscaping intended to grow to maturity, five years of maintenance and monitoring of the landscaped open space area, consistent with best available science, is warranted.

The naturally vegetated areas to the north and east of the development footprint will be retained; a conservation easement for these areas would ensure protection in perpetuity and enable the city to enforce the terms of the easement.

The Puget Neighborhood Plan speaks to preserving the steep hillsides that provide a scenic backdrop and contributes to community character. The plan also acknowledges the neighborhood's position in the Whatcom Creek watershed and the need to control runoff to protect the creek. The recommendations provided in the geotechnical and arborist reports indicate impacts from the Proposal can be minimized and mitigated. The highest and steepest part of the site will remain forested allowing development in the more suitable area of the site.

Required mitigating condition:

- a. Prior to any site disturbance, a conservation easement shall be granted to the city for the retained forested area north and east of the development footprint as depicted on the Tree Retention Plan Map (**Exhibit A.6**). A conservation easement protects the area in perpetuity and allows the city to enforce the terms of the conservation easement including, but not limited to, tree management.
- b. Prior to any site disturbance, the applicant shall provide a financial surety on a form provided by the city, for all costs associated with installation, five years of maintenance, and five years of monitoring of the replacement trees and the Landscape Buffer Plan

(Exhibit A.7). The financial surety shall be based on a line-item cost estimate from a mitigation contractor for all costs and shall be approved by the city prior to submitting the surety document. The party initially providing the surety shall remain responsible for maintaining it through the duration of the mitigation maintenance and monitoring period required unless the city approves, in writing, the transfer of responsibility for maintaining the surety to another party.

c. All replacement trees specified in the Tree Retention Plan (**Exhibit A.5**) and all plants specified in the Landscape Buffer Plan (**Exhibit A.7**) for the buffer area between the development and the existing single-family homes on Nevada Street and Marionberry Court shall be maintained and monitored for five consecutive years to ensure health and survival. The monitoring period shall commence the year after the first full growing season after all the trees and plants are installed.

3. Animals

The environmental checklist description regarding animals is adequate to conduct SEPA review. Public comment raised concerns over the loss of wildlife habitat resulting from the Proposal. In addition to the animals listed on the checklist, public comments indicate bobcats and cougars have been observed in the general vicinity of the Proposal.

Some habitat loss will occur due to site development. However, a wildlife corridor will remain. The corridor is comprised of the city-owned 15-acre forested property to the north, the 5.5-acre retained forest on the project site, and undeveloped forested properties on the south side of Consolidation Ave.

The site does not contain any wildlife species on the State's Priority Species and Habitats List, but it does contain habitat that is on the list. Forested areas with snags (dead standing trees) and downed wood are present, and this habitat is known to be used by pileated woodpecker and the big brown bat. These habitat features will remain within the retained forested area on the site and protected in perpetuity through a conservation easement.

The addition of the variety of native plant species included in the Landscape Plan will provide habitat that is not present on the site currently. Species using the site are likely to continue to be those that tolerate urban development.

No additional mitigation beyond city code requirements is necessary for this Proposal.

4. Energy and natural resources

The environmental checklist description with regard to energy (electric and natural gas) is adequate. The Proposal includes 13 electric vehicle charging stations which does not meet the code requirement of 25 charging stations (<https://up.codes/viewer/washington/wa-building-code-2018/chapter/4/special-detailed-requirements-based-on-occupancy-and-use#429>). Compliance with this requirement will be determined with the required building permit for the Proposal. Based on the information submitted in support of the application, it appears this code requirement can be met and therefore, no mitigation is proposed to ensure compliance.

It should be noted that the Bellingham City Council is currently reviewing new rules requiring electrification, increased efficiency and solar readiness for large multi-family buildings. At the time of writing of this report a draft ordinance had been released, however public debate over the requirements is ongoing. Because of this debate and timing of the SEPA review, the Responsible Official has determined that requiring

implementation of these new standards through mitigation is not warranted. Land use approvals do not vest projects to building codes. If the Council approves the draft regulations prior to submittal of building permits for the proposal, it is likely the project will be subject to these new regulations.

No significant adverse energy impacts are anticipated, and no mitigation measures are necessary.

7. Environmental health

The environmental checklist description regarding environmental health is adequate to conduct SEPA review. Public concerns were raised that the Proposal would increase noise. Project noise can be categorized as short and long-term; short associated with construction and long associated with operational functions.

Short-term noise associated with construction is anticipated but should not be above what would be typical of a multi-family development within the city. The surrounding neighborhood is well developed and the construction noise could impact neighbors if conducted beyond typical work-day timeframes. Construction timeframes should be limited to reduce the short-term noise impacts associated with construction.

The public concerns regarding long-term operational noise did not include, and the city could not find, any data to support a finding that the proposal will increase noise beyond that which is typical and anticipated of a residential development of this size. Multi-family use and its associated noise have long been considered appropriate in this area based on the longevity of the adopted zoning and no mitigation is necessary for long-term noise generated by the proposed use.

Required mitigating measure:

To reduce the potential impacts associated with short-term construction noise, exterior construction activities shall be limited to between the hours of 7:30 am and 6:00 pm, seven days a week. Interior construction activities are allowed between the hours of 7:30 am and 10:00 pm.

8. Land and shoreline use

The environmental checklist description regarding land and shoreline use is adequate to conduct SEPA review. The vacant parcel is located in Area 17 of the Puget neighborhood and zoned Residential-Multi Planned with a 5,000 square-foot per unit overall density. The project site has been zoned this way for several decades indicating that multi-family development has been anticipated and planned for in this area. Abutting properties have residential land use classifications.

The proposal will not displace any persons and it is anticipated that approximately 318 persons would reside within the Proposal. These numbers do not take into consideration a vacancy rate, that is typical for multifamily uses, to accurately define an actual count of persons that are residing within the Proposal at any given time.

The property has not been used as working farmlands or forest lands and is not within shoreline jurisdiction of any shoreline of the state. Portions of the property have been designated critical areas due to the presence of on and off-site wetlands and geologic hazardous areas. Landslide hazard areas are present along the eastern property boundary and several areas of the interior of the site qualify as erosion hazard areas, both of which are described and shown in the Geotechnical Engineering Report (**Exhibit A.3**).

No mitigation is necessary to mitigate the proposed land use in addition to the authority given by code to appropriately condition land use decisions to ensure compliance with the municipal code.

9. Housing

The environmental checklist description regarding housing is adequate to conduct SEPA review. The Proposal will not eliminate any housing units and proposes to create 106, 3-bedroom units. The SEPA checklist prepared by the applicant states the units will be for middle-income housing. The City of Bellingham does not have any land use controls in place to require affordable housing for the Proposal.

The cost of housing is a variable of the market demands and is not regulated through zoning. Unbundled parking is proposed as a means to influence the affordability of the units by separating the cost of rent from the cost of parking. This method has been studied and determined to be an effective way to reduce monthly rent costs.

School impact fees will be assessed when building permits are issued so that adequate public-school facilities are available to serve the new development. No significant adverse impacts concerning housing are anticipated and no mitigation measures are necessary.

10. Aesthetics

The environmental checklist description regarding aesthetics is adequate to conduct SEPA review. The Proposal requires design review approval pursuant to Chapter 20.25 BMC. The overall design of the buildings and site will be conditioned appropriately to comply with the multifamily residential design standards in the multifamily residential design handbook (Handbook).

The proposal is located in a well-established neighborhood with a mix of residential uses at varying scales from single family to multi-story apartment buildings. Specific to this proposal, the adjacent properties are developed with single-family uses generally with a scale consisting of 1- to 2-stories, with a two-car attached garage, associated driveways for additional parking, and located on lots ranging from 5,000-11,000 square feet.

Public comment raised concerns regarding the relationship of the Proposal's scale, compatibility and privacy issues to that of the existing neighborhood. The Handbook addresses how new development should respond to a neighborhood's existing scale, be compatible with its character and ensure privacy.

Scale. The proposal includes two smaller, 2 ½ story buildings adjacent to the single-family residences located on Nevada Street and Marionberry Court and places a taller, 5 ½ story building in the center of the site, away from adjacent residences on Puget Street and N 46th Street. The smaller, 2-3 story buildings provide an acceptable scale in relation to the single-family residences and provide an appropriate transition from the single-family forms to the larger 5 ½ story building. The building designs lack the necessary modules that are scalable to the single-family housing forms and should be revised to address this design standard. Design alternatives to achieve an adequate scale should include at least 3 distinct building modules with each module establishing its own design chroma including but not limited to a base, roof form, window pattern, siding materials, color scheme, entry configuration, balcony treatments, etc.

Compatibility. The Handbook requires new development to reflect some of the architectural character of surrounding buildings when locating in a neighborhood where the existing context is well defined. The current building design lacks compatibility with

the surrounding neighborhood. Design alternatives to achieve compatibility include the incorporation of the modules noted above to form distinct modules that establish human scale and consistency with the established scale of the neighborhood. The building's fenestration should relate to each of these building elements for each module.

Privacy. Development should consider how it will impact adjacent uses and how it will be provided within the project. The application materials address how the proposed hard and softscapes in the transition area between the single-family residences on Nevada Street and Marionberry Ct. The site's improvements (buildings, common usable areas, parking lots, etc.) will provide a solid, visual evergreen buffer that screens these residences from the proposal, which offers privacy by visual obstruction.

The current overall design of the project does not adequately address the city's design standards concerning new development in well-established neighborhoods, with the exception that the site design adequately addresses privacy. No additional mitigation through this environmental review is necessary to address the scale or compatibility standards. The director has the authority to impose conditions through the design review process.

11. Light and glare

The environmental checklist description of light and glare is adequate to conduct SEPA review. The project will be required to meet the lighting design standard in the Handbook, therefore no significant adverse impacts concerning lighting are anticipated and no mitigation measures are necessary.

12. Recreation

The environmental checklist description regarding recreation is adequate to conduct SEPA review. Public comment raised concerns regarding Comprehensive Plan consistency and pedestrian safety. The Parks, Recreation, and Open Space Plan (PRO Plan) chapter of the Comprehensive Plan identifies a proposed multimodal trail corridor running east-west, connecting Nevada St. to the intersection of Puget St. and Consolidation Ave. A trail terminus at Consolidation Ave. and Puget St. as generally shown in the PRO Plan would deposit trail users at a narrow, curved street that lacks both pedestrian and bicycle facilities. Staff worked with the applicant to identify an alternative trail alignment that provides equivalent connectivity to that shown in the PRO Plan, while ensuring the safety of trail users and suitable multimodal trail terminus locations.

A proposed public trail is identified in the CityView Grading Plans (**Exhibit A.9**). It shows a trail from the end of the new segment of Consolidation Ave. connecting to the end of the 46th St. right-of-way. The trail corridor will allow users to safely access existing Samish Neighborhood connector trails off Byron Ave./47th St. and Racine St. The trail proposal fulfills the intent of the PRO Plan to provide a continuous trail network and safe connection to the Samish Crest Open Space Trail network to the south.

Final trail alignment, grades, and design will be reviewed and approved in accordance with the City's Design Standards for Park and Trail Development, specifically section 02505.01. A perpetual public trail easement, meeting the requirements of Park and Trail Development standard 00000.10, will be dedicated and recorded as part of development of the property. The conservation easement will include a public access easement for that portion of the trail located in the retained forested area.

Park impact fees will be assessed when building permits are issued. These fees are intended to help offset new development demands on parks and recreational facilities pursuant to Chapter 19.04 BMC.

No significant adverse impacts concerning recreation are anticipated and no mitigation measures are necessary.

13. Historical and cultural resources

The environmental checklist description concerning historical and cultural resources is adequate to conduct SEPA review. There is no documentation or evidence to support that the site or surrounding properties contain known landmarks, features or other evidence of Native American or historic use or occupation.

Therefore, it is believed that no historical or cultural resources will be displaced by the Proposal. However, a complete mapping of these resources does not exist and therefore, the proposal should be conditioned appropriately to identify the procedures for when or should a historic or cultural resource be discovered on the site during construction.

Required mitigating conditions:

- a. Should archaeological resources (e.g., shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity shall stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (State Archaeologist Rob Whitlam, 360-586-3080) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
- b. Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055).
- c. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find shall be secured and protected from further disturbance. The finding of human skeletal remains shall be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical examiner/coroner shall assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they shall report that finding to the DAHP who shall then take jurisdiction over the remains. The DAHP shall notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist shall determine whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP shall then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.”

14. Transportation

The environmental checklist description regarding transportation is adequate to conduct SEPA review. Public comment raised concerns regarding insufficient parking and increased traffic for the intended use.

Parking

The Proposal will be served directly by Consolidation Avenue which connects to a series of residential streets with eventual access to Lakeway Drive and Lincoln Street, two of the city's main arterials. These arterials provide access to services such as shopping, restaurants, recreation, and a park-and-ride owned by Western Washington University (known as the Lincoln Creek Transportation Center).

The Proposal is served with public transit in close proximity as referenced in the Parking Demand Analysis (Nunes-Ueno, 2021) (**Exhibit A.12**).

The proposal includes 257 parking stalls for the proposed 106 units. Of the 257 parking spaces, 249 parking spaces are provided on site and 8 parking spaces are proposed with the Consolidation Avenue improvements abutting the site. Parking is mitigated uniformly throughout the city on multifamily zoned property through implementation of the provisions of the Bellingham Municipal Code, which requires 2 parking spaces for each 3-bedroom dwelling unit. A total of 212 parking spaces are required to comply with code. The proposal includes an excess of 45 parking spaces.

Public comment related to transportation included concerns mostly related to increased traffic and parking for a purpose-built student housing development, suggesting the site is under parked and therefore, there will be spillover of parking from the development into the neighborhood. In response to these public comments, the city requested the applicant study the actual parking demand of the site based on full occupancy of the Proposal with a student population.

The applicant submitted a Parking Demand Analysis, to address these public concerns. The study contains a parking demand analysis based upon the site's unique location factors, including design and land use, street network connectivity, bike and pedestrian connections and transit availability. The study finds that based on the unique location factors and national data:

- A college student is generally less likely to own a car or if a car is owned, less likely to use it as a daily commuter to school.
- The Millennial age group uses transportation systems differently than other Americans, relying less on the car and more on transit and biking.
- The geographic location of the site is suitable to support walking and biking to access transit and services.
- A transportation demand management program can significantly reduce the parking demand for residents of the Proposal.

The applicant's revised narrative, dated September 30, 2021, states the mitigation measures of the Parking Demand Analysis will be implemented as part of the Proposal even though the proposal is not limited to student occupancy. The study's relevancy is not just limited to student housing. Employing the mitigation measures should reduce the overall impacts from any residential development given similar location factors. The proposed analysis, conclusions and mitigation measures are typical methods employed to reduce the auto-dependence of residents, thereby reducing parking demands. The city has required similar mitigation measures for other student and non-student housing developments.

The city supports the implementation of these mitigation measures, and as supported by the Parking Demand Analysis, concludes that the Proposal with these mitigation measure will result in fewer impacts on the surrounding neighborhood.

Transportation

The city uses the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) to calculate vehicle trips for transportation concurrency, transportation impact fees, and transportation mitigation needs. The applicable land use description from the ITE for the proposal is Mid-rise Multifamily (221). Pursuant to Chapter 13.70 BMC, a traffic impact analysis (TIA) was required and submitted (**Exhibit A.13**). The city determined the submitted TIA, as revised, compliant with code and adequate to conduct SEPA review.

The City issued a Temporary Certificate of Multimodal Transportation Concurrency on May 29, 2019 for 136 units. (NOTE: Subsequent to the issuance of the certificate, the proposal was revised by reducing the number of proposed units to 106. The certificate CON2019-0017 was subsequently amended to reflect this reduced unit count and re-issued on November 9, 2021.) The purpose of the multimodal transportation concurrency management program is to ensure that adequate multimodal transportation capacity in the form of person trips is available prior to or concurrent with final approval of development permits. A person trip is based on the total person trips calculated for each travel mode within a transportation concurrency service area.

The Person Trip Generation Rate for the proposed land use is 0.64 trips/units, which is a total of 67.84 person trips. It was determined that the overall transportation network has sufficient capacity to support the 67.84 person trips without additional mitigation.

Land Use(s) and Trip Generation

[Call Transportation Planner for assistance (360) 778-7946]

 Land Use Description	ITE Land Use Code	Person Trip Generation Rate ¹	Residential Units	Commercial or Industrial Gross Square Feet	Total New Person Trips
<i>¹Note: Table 19.06.040 (A) Bellingham Multimodal TIF Rate Schedule for 2019</i>					
Proposed Land Uses					
Mid-rise Multifamily	221	.64/unit	106		67.84
				Subtotal Net New Person Trips =	67.84

The total person trip count is used to calculate a proposal’s transportation impact fees (TIF), which are determined by the established fee rate/unit as adopted by ordinance and payable prior to building permit issuance. The estimated TIF for the proposal, based on a 2022 fee rate, is \$110,309.00.

The City requires TIAs to study transportation impacts at the busiest demand period of the day on the citywide transportation system, which is the P.M. peak hour. The TIA determined the 106 apartment units are expected to generate approximately 47 pm peak hour vehicle trips as follows:

Multifamily Housing - Mid-Rise (LU #221)	Size	Rate ¹	Project Trips		
			In	Out	Total
<u>Daily</u>					
Total Trips	106 units	5.44	288	288	576
<u>Weekday PM Peak hour</u>					
Total Trips	106 units	0.44	29	18	47

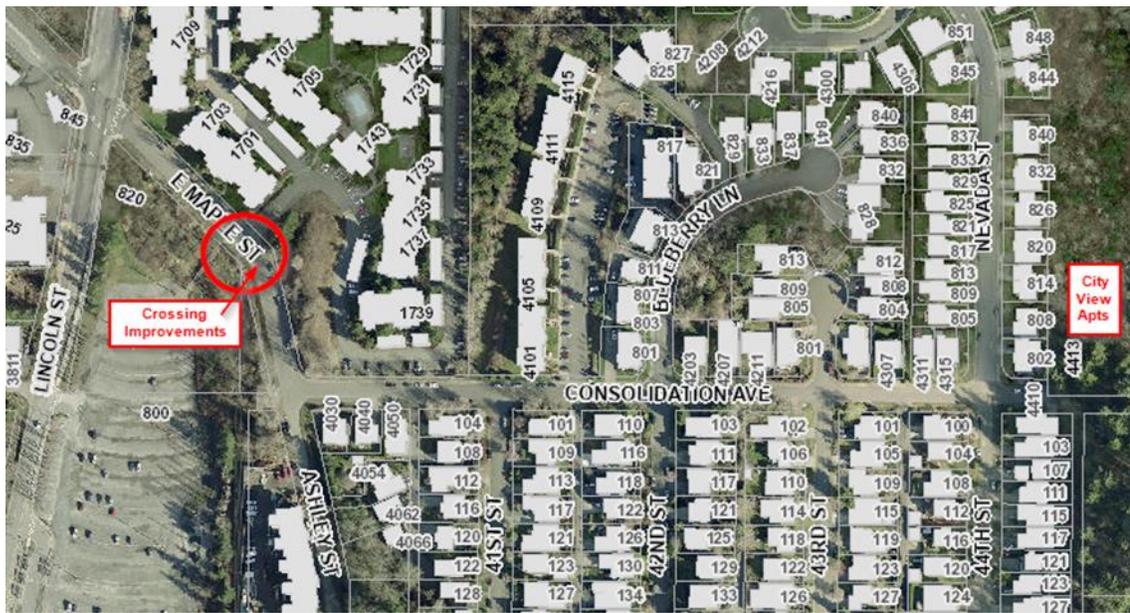
1. Trips rates from ITE *Trip Generation*, 10th Edition.

The 2020 TIA documents that the Lincoln/E. Maple intersection meets traffic signal warrants and that the CityView development is required to pay a proportionate share of the cost for a traffic signal estimated to cost \$400,000. The vehicle traffic generated by the CityView development is expected to contribute 1.4% to the overall traffic impact at this intersection, which equates to a \$5,600 contribution toward the cost of the signal. In November 2021, the city received a \$480,000 State grant for this traffic signal and ADA upgrades at the intersection with construction is anticipated in 2023-2024.

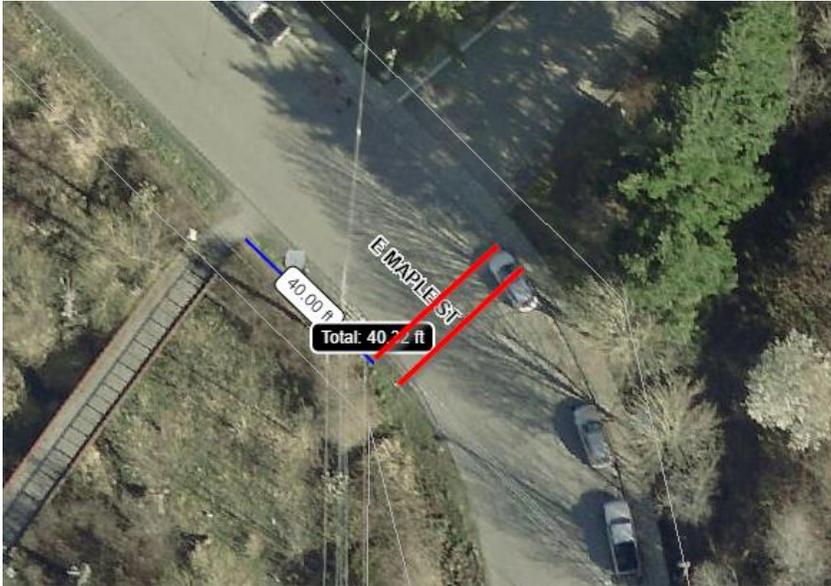
The applicant submitted a Parking Demand Analysis (**Exhibit A.13**) Table 9 (Page 35) of the Parking Demand Analysis suggested that other forms of off-site transportation mitigation could be considered, most of which are based on providing amenities, conveniences, and programmatic benefits to residents of CityView. Recommended

Mitigation Element No. 1 of the Parking Demand Analysis proposes mitigation to the transportation network that includes a pedestrian crossing from the sidewalk on the north side of E Maple Street to the bridge that provides access to the WWU Lincoln Creek Transportation Center.

This mitigation in part, relies on existing infrastructure which includes a continuous sidewalk along the north side of Consolidation Avenue between the CityView site and the east side of the Ashley-E. Maple Street corridor (see below) and an existing bridge on the south side of E Maple Street that crosses Lincoln Creek.



This mitigation requires additional infrastructure improvements to provide a safe crossing across E Maple Street in a location that maximizes sight distance. The north abutment of the WWU pedestrian bridge is on the unimproved gravel shoulder of the south side of E. Maple Street and there is no marked crosswalk or ADA landing accommodation. The proposed location of the crossing should be moved further east as shown below to provide better sight distance considerations on the road curve and accommodate the direction of pedestrian travel between the pedestrian bridge and the CityView site.



A safe crossing at this location requires the construction of ADA compliant sidewalk and landings of each side of E Maple Street and warrants the installation of a flashing crosswalk to eliminate the risk of collision from left-turning vehicles into the apartment driveway with people walking and biking to the pedestrian bridge. These improvements also, in part satisfy and are consistent with the identified pedestrian improvements recommended in the Bellingham Pedestrian Master Plan. Full sidewalk improvements along the south side of E Maple/Ashley Streets are not necessary to mitigate for impacts resulting from the development and instead should continue to be the responsibility of the abutting property owner, Western Washington University.

As recommended in the Parking Demand Analysis, the CityView developer should provide mitigation to enhance the pedestrian accessibility to the transit center by funding and constructing a new ADA-compliant user-activated flashing crosswalk at the northeast corner of the apartment driveway and new curb, gutter, and sidewalk on the south side of E. Maple Street with an ADA landing at the pedestrian bridge. In the future, this sidewalk could be completed by either WWU or the City. Work on the south side of E. Maple will require compliance with the Critical Areas Ordinance (CAO), BMC 16.55 due to the presence of Lincoln Creek and an associated wetland. Initial review by the city indicate that this construction is feasible and can be accomplished according to the CAO.

The city has reviewed the public comments regarding transportation and parking impacts to the area in the vicinity of the project and believes that the proposed mitigation measures discussed above should reduce potential impacts associated from the development on the transportation system, parking, and pedestrian safety in the vicinity of the project.

Required mitigating conditions:

- a. All 15 mitigation elements and the Potential Enhancements listed in the Parking Demand Analysis (**Exhibit A.12**) shall be implemented by the development, which includes any modifications necessary to fulfill these elements, except as modified below:
 - i. Mitigation Element No. 1 shall be amended to relocate the crossing at the northeast corner of the existing driveway curb cut for the apartments on E Maple Street and be fulfilled by constructing an ADA-compliant user-activated flashing crosswalk at the northeast corner of the apartment driveway and 40 feet (approx) of new curb, gutter, and sidewalk on the south side of E. Maple Street with an ADA landing at the pedestrian bridge.
 - ii. Mitigation Elements 2, 3, 4 and 15 shall be amended to prohibit imposing a separate financial fee payment for the use of any on-site bicycle facilities.
 - iii. Mitigation Element No. 4 shall be amended to require the distribution of the bicycle storage to be proportionately distributed within each building and throughout the site.
 - iv. Mitigation Element No. 5 shall be amended to require at least one unit, preferably located in Buildings A or C and in close proximity to the building's main pedestrian entrance, to be designated and signed for an on-site manager. An information sign shall be provided on each common building entrance that states the location of the manager's unit/office and hours.
 - v. Mitigation Element No. 14 shall be amended to remove the requirement for the property owner to provide a financial subsidy for residents to receive discounted bike maintenance and gear; although it is recommended. The city will not require the potential enhancement for No. 14.
 - vi. Mitigation Elements Nos. 7, 11 and 12 shall be implemented by an onsite manager.
 - vii. The property owner shall provide an annual report to PCDD to assess the effectiveness of the above required mitigation measures. This report shall analyze the parking and transportation habits (parking lot peak utilization, % own vehicles/bikes, % use vehicles/bicycles/transit, cost of unbundled parking, % students (WWU, WCC, BTC), etc.) of the development's tenants. The report shall be prepared by a qualified third party for three (3) years following occupancy of the final building and be submitted by January 1 of each calendar year. The report shall include reference to the required mitigation incorporated herein. The city may use the report data to require additional mitigation measures to be implemented if the measures are found to be inadequately mitigating the impact.
- b. Prior to building permit issuance, the developer shall mitigate its proportionate share of impacts to the Lincoln St./Maple St. intersection through a financial payment of 1.4-percent of the cost of providing a fully signalized intersection at the Lincoln St./Maple St. intersection, as determined by the city.
- c. Prior to issuance of any Certificate of Occupancy, an agreement shall be prepared by the applicant and submitted to the city for review that includes all required mitigation strategies identified above. Upon city acceptance, this agreement shall be recorded against the property at the Whatcom County Auditor's office as an obligation to implement the mitigation measures in perpetuity.

15. Public services

The environmental checklist description concerning public services is adequate. No increases in public services beyond those anticipated by the City's Comprehensive Plan are expected.

No adverse impacts to public services have been identified as a result of the project and no mitigation measures are needed.

16. Utilities

Water, sewer, and stormwater public utilities are located near the project site and are adequate to serve the proposal. Public utilities will be extended to serve the proposal. Further gas, electric, and telephone and communication utility services from the respective private companies will be required to be constructed to serve this undeveloped lot. These utility extensions should be accomplished within the proposed/existing right of way or on areas already proposed to be disturbed for the project.

No adverse impacts to utilities have been identified as a result of the project and no mitigation measures are needed.

IMPACTS DURING CONSTRUCTION PHASE OF DEVELOPMENT

In addition to above and in response to the public comment, the proposal must address and provide mitigation for potential cumulative impacts created during the construction phase of the project. These impacts can be appropriately identified in a construction management plan that is submitted for City review and approval prior to any site work. This plan must identify, at a minimum, the sequence and timing of construction, construction worker parking, on site material and construction staging, on and offsite staging, haul routes and temporary use of and closures of rights of way and/or pedestrian routes.

Required mitigating condition:

Prior to issuance of any permit authorizing site disturbance, the applicant shall submit a construction management plan for review and approval by the city to mitigate for impacts associated with the construction phase of the Proposal. This plan shall be in addition to any plans, permits or approvals already required per city standards or codes for construction activities. The Planning and Community Development and Public Works Department Directors, or designees, shall have the ability to condition the plan, which shall include at a minimum:

- a. Construction schedule, including estimated start date, anticipated duration, and the phased clearing and grading plan.
- b. Construction worker parking, including where construction worker parking will be located and how it will be managed, the proposed number of construction workers anticipated, any nearby parking lots to be used by construction workers coming to the site, methods proposed to encourage/require carpooling, and transit and non-motorized transport. Construction workers shall not use on-street parking abutting the residential single-family neighborhood in the vicinity of the project.
- c. Proposed right-of-way or trail corridor temporary use, including duration, material management, staging, haul routes, crane locations, street and sidewalk or trail closures.

Section 2

REQUIRED MITIGATION MEASURES

FILE NO. SEP2019-0039

MDNS Date: February 9, 2022

The Proposal will not have a probable significant adverse environmental impact on the environment. Pursuant to WAC 197-11-350(3), the Proposal has been clarified, changed and conditioned to include necessary mitigation measures to avoid, minimize, and compensate for probable significant impacts. An environmental impact statement (EIS) is not required under WAC 197-11-330 for the Proposal, which can be mitigated. The following measures are intended to mitigate those impacts identified during SEPA review.

1. To mitigate for impacts on the transportation system, parking, and pedestrian safety and to reduce auto-dependency, the following mitigating measures are required:
 - a. All 15 mitigation elements and the Potential Enhancements listed in the Parking Demand Analysis (**Exhibit A.12**) shall be implemented by the development, which includes any modifications necessary to fulfill these elements, except as modified below:
 - i. Mitigation Element No. 1 shall be amended to relocate the crossing at the northeast corner of the existing driveway curb cut for the apartments on E Maple Street and be fulfilled by constructing an ADA-compliant user-activated flashing crosswalk at the northeast corner of the apartment driveway and 40 feet (approx) of new curb, gutter, and sidewalk on the south side of E. Maple Street with an ADA landing at the pedestrian bridge.
 - ii. Mitigation Elements 2, 3, 4 and 15 shall be amended to prohibit imposing a separate financial fee payment for the use of any on-site bicycle facilities.
 - iii. Mitigation Element No. 4 shall be amended to require the distribution of the bicycle storage to be proportionately distributed within each building and throughout the site.
 - iv. Mitigation Element No. 5 shall be amended to require at least one unit, preferably located in Buildings A or C and in close proximity to the building's main pedestrian entrance, to be designated and signed for an on-site manager. An information sign shall be provided on each common building entrance that states the location of the manager's unit/office and hours.
 - v. Mitigation Element No. 14 shall be amended to remove the requirement for the property owner to provide a financial subsidy for residents to receive discounted bike maintenance and gear; although it is recommended. The city will not require the potential enhancement for No. 14.
 - vi. Mitigation Elements Nos. 7, 11 and 12 shall be implemented by an onsite manager.
 - vii. The property owner shall provide an annual report to PCDD to assess the effectiveness of the above required mitigation measures. This report shall analyze the parking and transportation habits (parking lot peak utilization, % own vehicles/bikes, % use vehicles/bicycles/transit, cost of unbundled parking, % students (WWU, WCC, BTC), etc.) of the development's tenants. The report shall be prepared by a qualified third party for three (3) years following occupancy of the final building and be submitted by January 1 of each calendar year. The report shall include reference to the required mitigation incorporated herein. The city may use the report data to require additional mitigation measures to be implemented if found the measures to be inadequately mitigating the impact.
 - b. Prior to building permit issuance, the developer shall mitigate its proportionate share of impacts to the Lincoln St./Maple St. intersection through a financial payment of 1.4-

percent of the cost providing a fully signalized intersection at the Lincoln St./Maple St. intersection, as determined by the city.

- c. Prior to issuance of any Certificate of Occupancy, an agreement shall be prepared by the applicant and submitted to the city for review that includes all required mitigation strategies identified above. Upon city acceptance, this agreement shall be recorded against the property at the Whatcom County Auditor's office as an obligation to implement the mitigation measures in perpetuity.
2. To mitigate for potential cumulative impacts created during the construction phase of the project, the following mitigation measures are required:
 - a. Prior to issuance of any permit authorizing site disturbance, the applicant shall submit a construction management plan for review and approval by the city to mitigate for impacts associated with the construction phase of the Proposal. This plan shall be in addition to any plans, permits or approvals already required per city standards or codes for construction activities. The Planning and Community Development and Public Works Department Directors, or designees, shall have the ability to condition the plan, which shall include at a minimum:
 - i. Construction schedule, including estimated start date, anticipated duration, and the phased clearing and grading plan.
 - ii. Construction worker parking, including where construction worker parking will be located and how it will be managed, the proposed number of construction workers anticipated, any nearby parking lots to be used by construction workers coming to the site, methods proposed to encourage/require carpooling, and transit and non-motorized transport. Construction workers shall not use on-street parking abutting the residential single-family neighborhood in the vicinity of the project.
 - iii. Proposed right-of-way or trail corridor temporary use, including duration, material management, staging, haul routes, crane locations, street and sidewalk or trail closures.
 3. To mitigate for impacts associated with an inadvertent discovery, the following mitigation measures are required and shall be placed on all plan sets:
 - a. Should archaeological resources (e.g., shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity shall stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (State Archaeologist Rob Whitlam, 360-586-3080) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
 - b. Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055).
 - c. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find shall be secured and protected from further disturbance. The finding of human skeletal remains shall be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical

examiner/coroner shall assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they shall report that finding to the DAHP who shall then take jurisdiction over the remains. The DAHP shall notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist shall determine whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP shall then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.”

4. To mitigate for impacts to slope stability, the following mitigation measures are required:
 - a. The applicant shall arrange for the project geotechnical consultant to 1) review the project plans and specifications to confirm that the recommendations made in Exhibit A.3 have been implemented and 2) evaluate site conditions during construction to ensure consistency with the report and its conclusions and recommendations.

5. To mitigate for impacts to drainage from extensive grading and earth moving activities, the following mitigation measures are required:

- a. Clearing and grading shall be restricted to the dry season, defined in BMC 15.42 (Stormwater Management) and BMC 16.55 (Critical Areas) as May 1st—September 30th, to avoid erosion, sedimentation, equipment track-out, and to protect neighboring properties from increased drainage problems. Limited exceptions may be made in writing by the city for extended dry periods outside the dry season.

- b. Clearing and grading for site development shall be phased to avoid drainage and erosion problems, reduce construction traffic impacts on the neighborhood, and to maintain the forested areas until ready for development. An engineered clearing and grading plan shall be submitted concurrently with all construction applications associated with the subject site.

Clearing and grading shall be reviewed for each construction activity, such as installing stormwater and erosion control BMPs for the site, geotechnical analysis, buildings and parking areas, retaining walls, stormwater facilities and public infrastructure, and is not permitted without an issued building permit and/or public facilities construction agreement or as otherwise authorized by the Bellingham Municipal Code.

The city shall have the authority to limit the clearing and grading for each phase of development to ensure:

- The proposed clearing and grading limits are the minimum necessary to complete the construction activity in an efficient manner and
- A qualified professional demonstrates the impacts from the proposed clearing and grading limits are minimized to the maximum extent feasible.

The common usable space and landscape buffer, along the western property boundary, generally, shall be in the last phase to maintain a visual and functional buffer between the development and the adjacent properties except that the temporary construction exit and construction-phase stormwater BMPs can be installed. Exceptions to this may be permitted if demonstrated this area is needed to support or construct other proposed development activity on the site.

- c. The SWPPP shall identify and utilize existing conveyances and natural drainage patterns, to the maximum extent feasible, that consist of overland flow, swales, and depressions that

are not otherwise regulated under BMC 16.55 in order to avoid constructing an artificial drainage system. Engineered conveyances shall be properly stabilized to minimize erosion and downslope impacts.

d. Engineering calculations shall be made and included with the SWPPP for the design of such BMPs as temporary erosion sediment ponds, conveyances, diversions, and waterways, as well as calculations for runoff and stormwater detention design (if applicable). Said engineering calculations must bear the signature and stamp of an engineer licensed in the state of Washington.

6. To mitigate for impacts from loss of 5.5 acres of forested hillside and to ensure the developer's intent to preserve 5.6 acres of forest, the following mitigation measures are required:

a. Prior to any site disturbance, a conservation easement shall be granted to the city for the retained forested area north and east of the development footprint as depicted on the Tree Retention Plan Map (**Exhibit A.6**). A conservation easement protects the area in perpetuity and allows the city to enforce the terms of the conservation easement including, but not limited to, tree management.

b. Prior to any site disturbance, the applicant shall provide a financial surety on a form provided by the city, for all costs associated with installation, five years of maintenance, and five years of monitoring of the replacement trees and the Landscape Buffer Plan (**Exhibit A.7**). The financial surety shall be based on a line-item cost estimate from a mitigation contractor for all costs and shall be approved by the city prior to submitting the surety document. The party initially providing the surety shall remain responsible for maintaining it through the duration of the mitigation maintenance and monitoring period required unless the city approves, in writing, the transfer of responsibility for maintaining the surety to another party.

c. All replacement trees specified in the Tree Retention Plan (**Exhibit A.5**) and all plants specified in the Landscape Buffer Plan (**Exhibit A.7**) for the buffer area between the development and the existing single-family homes on Nevada Street and Marionberry Court shall be maintained and monitored for five consecutive years to ensure health and survival. The monitoring period shall commence the year after the first full growing season after all the trees and plants are installed.

7. To reduce the potential impacts associated with short-term construction noise, exterior construction activities shall be limited to between the hours of 7:30 am and 6:00 pm, seven days a week. Interior construction activities are allowed between the hours of 7:30 am and 10:00 pm.

Prepared by Kim Weil, Environmental Planner II; Steve Sundin, Senior Planner; Chris Comeau, AICP, Transportation Planner; Kathy Bell, Senior Planner; Jessica Bennett, Project Engineer; Laine Potter, Parks Design and Development Manager; and Kurt Nabbefeld, Development Services Manager, SEPA Responsible Official

Date SEPA report prepared: February 8, 2022