



## Public Comment

### Name

George & Fran Cvetkovich

Full name or organization

*Your name is required for identification as a part of the public record.*

### Choose Topic

CityView Project

*Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.*

**More information on this topic can be found at <https://www.cob.org/cityview>**

### Comment or Testimony

Having reviewed the developer's information packet submitted in response to the City's RFI we are still opposed to the City View Development. This is a huge project of multi-function buildings and very much out of scale to the surrounding single-family neighborhoods. We do not have to imagine what the City View buildings will look like as we can now see from our home buildings of similar height that have recently been built on Samish Way. The scale and density of the Samish Way buildings are appropriate to their surroundings. The City View buildings which will be across the street from our home are out of character to the neighborhood. The developers have not adequately addressed the project's negative impacts related to density, noise, and traffic. Nor has there been offered an explanation as to why this island of high, out-of-character density should be permitted. In the 44 years that we have lived in our home we have seen a lot of changes in Bellingham. The City View project promises to produce the biggest negative effect to the reasons we moved to and stayed in the neighborhood. Please do not approve the project.

### Files

*Documents or images related to your comments.*

### Email

GTCvet@comcast.net

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

### Date

5/23/2021



## Public Comment

### Name

John and Susan Keates

Full name or organization

*Your name is required for identification as a part of the public record.*

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### Comment or Testimony

Dear Mayor, Council, and Planning Commission:

We are writing today to express our opposition to the proposed project – City View. The details are listed below.

#### CityView – The Numbers

- Three buildings, with 106 three-bedroom units, upwards of 318 tenants.
- Two buildings with three floors (2 ½ stories), and one building with six floors (5 ½ stories), over 160,000 square feet in total.
- Parking for only 257 vehicles.
- Each bedroom has a bathroom and is rented separately (similar to other apartments primarily for students like Lark on Lincoln St.)

We recently provided feedback for a City land use project at the corner of Dumas and 40th Street. The work completed at that site we described as a disappointment by this household. The CityView project would be much worse than a disappointment, we'd describe it more accurately as a disaster.

We love our neighborhood, because that is the experience we get every day living here – it feels like a classic neighborhood. Single family homes, good neighbors and a very solid livable neighborhood. The proposed CityView project DOES NOT belong in a neighborhood like ours, it belongs on Lincoln Street, Lakeway, or some other main city arterial.

I do not begrudge a land owner from developing property. In this case, if they want to develop the property it should be single family residences, which is exactly what is located east, west, north and south of the project site.

We are 100% in opposition to this proposal as presented. We ask the Bellingham Planning Commission to make the RIGHT decision and please say NO!

Quality of life is what brought us to Bellingham, projects like this DO NOT enhance the quality of life, but rather reward land developers who frankly don't care about the impacts to our wonderful neighborhood.

Frankly, the best option would be for the City to purchase the property for open space and preserve the urban forest.

Sincerely yours,  
John and Susan Keates, Bellingham

#### **Files**

*Documents or images related to your comments.*

#### **Email**

johnkeates@comcast.net

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

**Date**

5/23/2021



## Public Comment

### Name

Donald Case

Full name or organization

*Your name is required for identification as a part of the public record.*

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CityView Project

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### Comment or Testimony

I would like to express my opposition to the CityView Project, the design of which clearly targets apartment-sharing by unrelated individuals (e.g., students) and not the "families" its plan describes. It would damage an area of single family homes, which will be affected by traffic and overflow parking. The plan violates allowed density standards. The developer's pandering pitch about housing a "refugee family" demonstrates what they think of our City Government and citizens. Please require them to meet sensible guidelines and offer the mix of unit sizes that we need--not another collection of ugly, boxy dormitories.

### Files

*Documents or images related to your comments.*

### Email

donaldcase@gmail.com

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

### Date

5/24/2021

## Aven, Heather M.

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**From:** Jim Le Galley <bikelegend58@gmail.com>  
**Sent:** Monday, May 24, 2021 6:31 PM  
**To:** G.Proj.City View; Ron Merlina; thomas\_legalley@yahoo.com; tom\_legalley@yahoo.com  
**Subject:** City View Opposition Comments  
**Attachments:** 20210521\_112607.jpg; 20210521\_112559.jpg; 20210517\_132109.jpg; Resized\_20210518\_120148.jpeg; 20210515\_164454.jpg

Hi,

Jim Le Galley here.

I have lived at 124 44th St. for over 25 yrs and have seen its character decline due to the increasing amount of student apartments in area. That said, those homeowners that have moved out have rental companies or individuals that have purchased property turning them into rentals where they are left to decay. I have called COB police neighborhood compliance to address the simple task of their inability to mow lawns. The careless attitude has resulted in a few homes not painted in over 25 yrs. If City View is allowed to be built, the area will become a student housing ghetto!!! More home owners will move out turning these into low class poorly maintained rentals. At 63, recently retired, I do not want to move as I have lived over 14 places in my working years. If the complex is built I will weather but if forced to move I will move from area/city feeling betrayed from a city that postures neighborhood values.

There are other reasons I oppose the development listed below:

1. No sidewalks/narrow width street on 44th. With increasing traffic from careless students, there will be increasing risk from being hit by not being seen from an immature fast driving college motorist. It's a simple hazard/condition from a community perspective that is not being addressed. If this condition exists and city view is built where I am hit either on my bike or being a pedestrian, I will go after the person that hit me and secondarily to COB for creating/not abating this common sense community safety issue.
2. Byron/44th/Nevada bike sparrow condition. If CityView is allowed built, these streets will no longer be safe to ride and the city designation with bike sparrows will be a joke. I ride about 3K/year in the city and another 1-2k/yr on bike tours. Living on what will be an unsafe busy narrow city street carrying boat loads of driving immature sometimes drunk students causes great concern. Already students speed on this short street as police are more concerned with other things.
3. Financial/pain suffering. For those of us that are forced to move due to intolerable living conditions, COB/CityView should have funds to compensate those who are forced to move. Perhaps there could be a class action lawsuit to settle this injustice.
4. Is the area apartments/single family homes? COB made a poor decision to split area with both homes and student housing. I believe it is COB's failure to be clear that has created so much chaos for all single family owners. We just do not mix...simply put due to our values and levels of maturity. From this, has created conflict for me. 15 yrs ago, I had a later identified student that was trying to break into my home. Students parking in my driveway, urinating in my yard, creating noise disturbing peace from large parties and almost a fist fight with one drunk student. In one case, I called the city about a large party and was rewarded with a broken from window from a pellet gun and pellet gun hole in my vinyl siding. Simply put, home owners and students do not mix well. And to put cityview at top of a hill on narrow guage car lined streets does not make sense. Why is the city allowing this??? I bicycled to Saskatoon, Saskatchewan 2yrs ago to find students housed in 20 floor buildings. There, you did not see neighborhoods trashed like in this town. Simply common sense and respect for those that live there, right? Am I asking too much? I would be happy if CityView land

was developed for single family housing and/or light/heavy industry. Why, after 6pm it would be quiet. But yes, COB's inability to plan and inform homeowners prior to a home sale has led to this conflict. If I knew the land area was to be developed into a CityView 25.25 yrs ago, I never would have purchased. COB has a responsibility to inform homeowners where I know you failed on that count.

I've basically invested 100k into this property at 124 S.44th. I'm older tired of moving. But I will if forced to and will not move back into this city feeling betrayed by COB.

Please consider others when making this decision. I had a discussion with Seth Fleetwood prior to him becoming mayor. He could not believe the scope/impact of this project. To me,, all development needs to be conducted along arterials that are capable of handling motor vehicle traffic. Anything aside from that is not following standard good duty of care planning principals opening up a can of worms as COB would be negligent/liable for financial damages us homeowners would suffer from this horrible unreasonable development.

Sincerely,

Jim Le Galley  
124 S.44th St.  
Bellingham,WA 98229  
360/421-6909







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## Public Comment

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### Comment or Testimony

May 24, 2021

Bellingham City Council

RE: In consideration of Interim Housing Shelter for the Homeless.

Dear Council,

Please enter this letter into tonight's written record.

I am Rebecca Meloy, a 40 year Bellingham resident, sole proprietor, and home owner.

This afternoon I had the opportunity of listening to the 1:00 pm Community and Economic Development meeting presented by Ann Deacon.

I understand it was to 1. Look at existing homeless housing 2. Determine gaps in the planning 3. Present a plan

The three priorities Ann Deacon presented are: 1. Homeless families 2. A "Way Station" for the health challenged homeless to be installed at the Health Department 3. Finance the Light House Mission Base Camp mega infrastructure demolition and construction.

At the meeting Ann said, and I quote, "We cannot over invest in one basket for shelters. Housing is the solution". And, she further advised to not fund our town's very successful tiny homes, non-profit program run by the non profit 'Homes Now' and run by its' homeless residents saying it did not have adequate cooking or hygiene facilities, and that homeless people were living in the security of the facility for too long before finding help, jobs, and permanent housing.

I re-stress her very comment that "We cannot over invest in one basket for shelters. Housing is the solution". I see that the successful, and very affordable interim housing by Homes has precisely been a great part of the transition solution for our homeless. Yet, Ann Deacon pans Homes Now and embraces the outrageously expensive Light House Mission major redevelopment infrastructure at 'F and Holly Streets'.

Too many eggs in one basket is precisely what Anne Deacon is proposing, AND the City of Bellingham is ALREADY currently facilitating the Mission expensive redevelopment infrastructure as orchestrated by the Opportunity Council and the Whatcom County Health Department.

The City has ALREADY been planning the 75,000 sf larger facility to assist the 'Ascent Program' — that is a rigorous, religious centered program for drug addicted men; and, is already planning to move the Mission's Base Camp from Cornwall to the Holly Street religious organizations local in 3 years' time.

I do not believe the City of Bellingham should be financing and investing in an exclusive, religious, non profit building to house addicted men in that location, nor to build an extremely short-term, one night stay facility based on prayer with exclusionary rules.

**Files**

*Documents or images related to your comments.*

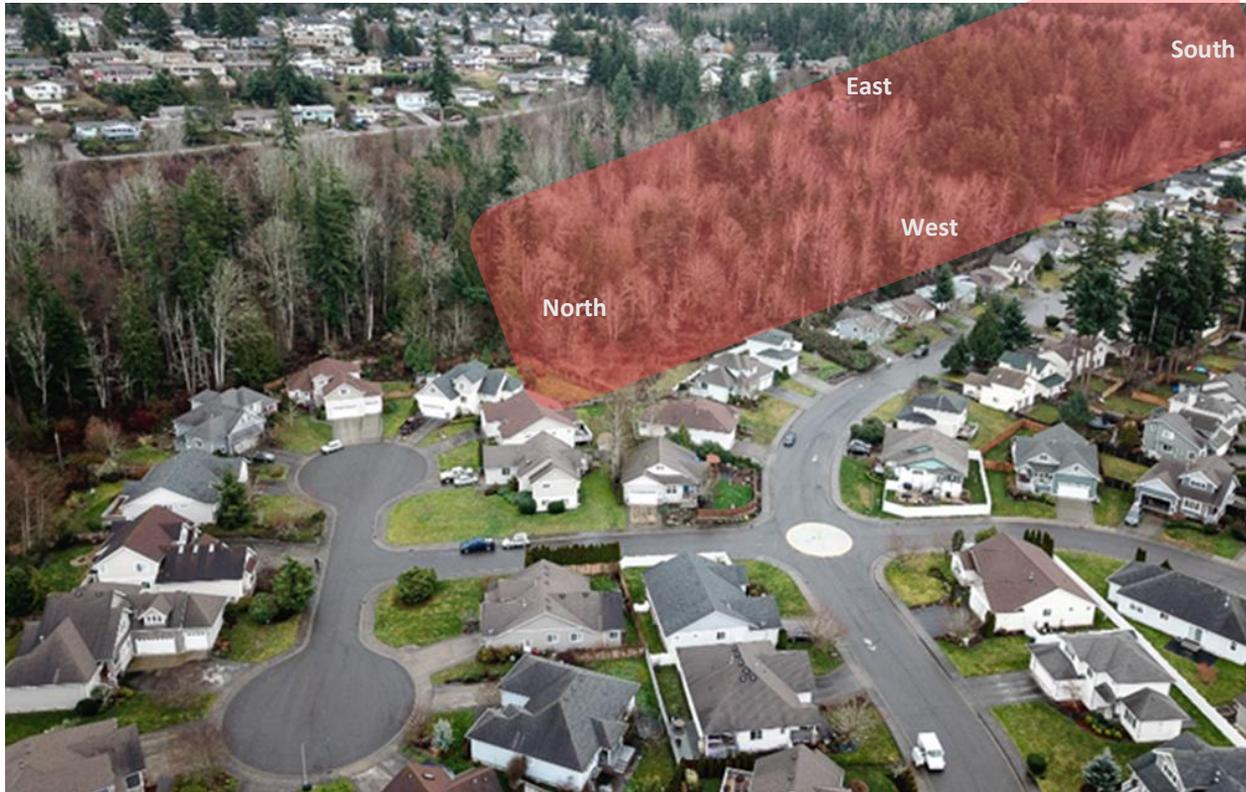
**Email**

rebecca@rebeccameloy.com

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

**Date**

5/25/2021



# Review and Analysis of the CityView RFI Response submitted April 2021

**PUGET NEIGHBORHOOD WORKING GROUP**

May 24, 2021

### Review of Response to RFI dated July 6, 2020

The Puget Neighborhood Working Group presents to the City of Bellingham (City) Planning Commission and the Planning Department our analysis and opinion of the response from the developer of CityView to the RFI dated July, 6 2020. Our efforts the past several years are focused on preserving the characteristics which make our neighborhood a vital, family oriented, and inclusive place.

Since 2019, the Working Group has communicated with the Puget Neighborhood and interested parties about the CityView, and facilitated communication to the various City departments and officials. This document presents the Neighborhood's response to the developer's response to the RFI, posted April 2021.

**Our overall opinion is that the developer's response falls short of what was requested in the RFI.** Significant issues were not fully addressed as we will discuss on the following pages.

On behalf of the hundreds of impacted City residents of the Puget and surrounding neighborhoods, the Work Group asks the Planning Commission to wisely apply the key BMC citations listed by the Planning Department, when reviewing the RFI response.

Puget Neighborhood Working Group Members

- Steve Abell
- Rebecca Bedford
- Don Diebert
- Linda Diebert
- Dick Conoboy
- Kevin Jenkins
- Roni Lenore
- Brian McNitt

### On the Cover

1. Upper Picture: Rendering of CityView Buildings and Grounds as proposed by developer.
2. Lower Picture: Aerial photograph of neighborhood around proposed development; Nevada Street is to the west, Marionberry Ct. to the north, Puget Street to the east, and Consolidation to the south.
3. Shaded Area: This represents the estimated location of the proposed Buildings, Parking and Open Areas.

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**Application Type:** Planned development (PDP2019-0015)/Design review (DR2019-0036)/Critical area permit (CAP2019-0037)/SEPA checklist (SEP2019-0039)

## Residential Use

The RFI stated that, “Although not explicitly stated in the application materials, the proposed units are arranged in a layout consistent with the national trend for purpose built student housing and by its design, the units are likely to be rented by three persons not living in a traditional family unit.”

**Action item:** To fully assess the proposal for compliance and consistency with the code provisions stated above, submit a detailed response how the proposal with its unit layout is anticipated to function. If known, please include the anticipated terms of rental agreements, including duration, occupancy limitations, parking assignments, etc.

### Analysis of RFI Response

The Developer’s response ***does not answer*** whether or not this is purpose-built, student housing, instead skirts the issue. ***This information is critical to assessing traffic impacts, parking needs, noise, and other factors.***

### Neighborhood Comments

- The estimated monthly rate quoted by the developer two years ago, was \$800, per unit (not \$700), or \$2,400 per 3-bedroom dwelling unit. Given inflation, monthly cost will likely be even higher.
- From an earlier Narrative, the statement that this is “low-income” housing has been removed.
- A family will be very unlikely to rent three bedrooms at \$2,400 per month, when many other properties are available for less. This indicates that this project is purpose-built student housing, not low income or affordable housing.
- Even if a few original tenants are families - i.e. mom/dad/kids - as soon as students begin to occupy most units CityView will no longer be attractive to families due to the difference in lifestyle between these two groups.
- Response does not include price for parking which "is controlled by passes," but no information as to monthly charge, nor is the price provided for Storage which is subject to a monthly charge.
- Hundreds of student housing units (public and private) are under construction in Bellingham, which raises the issue, why more student housing instead of family-oriented housing?

## Critical Areas

The RFI states, “Public comments on the proposal express multiple concerns about the geologic stability of the site, drainage issues, wildlife and tree loss, among others.”

### 1. Geohazard Assessment

**Action Item:** Provide an existing conditions topographic site map with the landslide hazard area (already mapped) and the erosion hazards (slopes 30%-40%). Provide the same map overlaid with the current development proposal.

#### Analysis of RFI Response

A Landslide Map shows significant risk behind the homes on Nevada Street. However, the Geotechnical Engineering Report, Page 4, Item 3.3, ***offers no specific “plan” to manage this risk other than, “The design and specific retaining wall systems are not identified at this time.”***

#### Neighborhood Comments

- Neighbors bordering the construction site remain unconvinced that this hazard is properly addressed.
- GeoEngineers states, “It has provided conclusions and recommendations for design of conventional cast-in-place retaining walls and mechanically stabilized earth (MSE) walls”, yet no design has been provided.

### 1. Geotechnical Engineering Plan

**Action Item:** Submit a geotechnical engineering plan for the current development proposal. Use BMC 16.55.440.A—16.55.440.B as a checklist. Demonstrate compliance with the performance standards in BMC 16.55.450.A.1-4 for alterations that will occur in geologically hazardous areas.

#### Analysis of RFI Response

The response is ***incomplete, since it lacks up-to-date geotechnical data.*** The ***report is based on e data from 2012.***

#### Neighborhood Comments

Per review by George F. Sanders, a Licensed Engineering Geologist (WADOL #400):

- “There are still no geotechnical boreholes for this proposed project.
- “Existing shallow test pits are inadequate.
- “There is a serious deficiency in the geotechnical knowledge of this site.”

2. BMPs for timing of the site clearing and grading.

**Action Item:** The project geologist and engineer should provide specific BMPs for timing of the site clearing and grading. In addition, they should recommend measures to mitigate onsite and offsite drainage problems and make recommendations for the management of large volumes of excavated materials (stockpiling, transport, erosion control, etc.).

**Analysis of RFI Response**

How much cut/fill will be involved? This question is ***not addressed in the geotechnical report*** due to lack of data.

**Neighborhood Comments**

- This will be a very big excavation and fill operation, requiring hundreds of truck trips on Consolidation Avenue - the only truck access route. Consolidation Avenue is too narrow for tandem dump truck trips.
- The neighborhood will lose dozens of existing parking spaces along Consolidation Avenue to accommodate this gigantic earthmoving project.

3. Stormwater Site Plan

**Action Item:** The project geologist and project engineer should collaborate to devise site specific BMPs to control surface and groundwater runoff during and after construction. Provide a section in both the Geohazard report and the SSP that address BMC 16.55.440.A.2.i. "An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion." [Note: This section of the BMC is part of the request under the second action item under "Critical Area" above.]

**Analysis of RFI Response**

The response is ***incomplete, since it lacks up-to-date geotechnical data***. The ***report is based on data from 2012***.

**Neighborhood Comments**

- Geotechnical Engineering Report, Page B-2, warns that, "Subsurface Conditions can Change." However, no new test pits which would identify the current status of the subsurface, were done.
- GeoEngineers state their report, "is based on the conditions that existed at the time the study was performed. The findings and the conclusions of this report may be affected by the passage of time..." This is a major concern for immediate neighbors since many of the conclusions are based on data from 2012 (nine years ago).

#### 4. Tree Retention Plan

**Action Item:** Amend the tree retention plan to annotate the specific management strategies for the stand of hardwoods on the north end, the seven Douglas fir trees, and the trees in the zone between the development and the neighboring properties fronting Nevada St. Identify trees that will be girdled and cut specifically as wildlife trees or provide a generic strategy about how wildlife trees will be chosen and created.

##### **Analysis of RFI Response**

The plan was amended. Of note is that ***no trees are recommended to be retained along the Nevada Street homes.***

##### **Neighborhood Comments**

- The construction area will be cleared of all existing trees and probably most of the substrate.
- Homes bordering on Nevada Street and Marionberry Court, due to the removal of trees and vegetation, will lose native habitat.

#### 5. Trail Location

**Action Item:** Make a note on the development plans that the trail location will be reviewed by the city after the three consultants have reviewed and commented on its design and location.

##### **Analysis of RFI Response**

The trail location was reviewed and determined to connect to 46<sup>th</sup> Street, rather than Puget Street.

##### **Neighborhood Comments**

- Members of the Neighborhood remain concerned that if CityView is built as designed, it will result in visitors (and some tenants) to park along 46<sup>th</sup> Street and Puget Street.
- The new trail will create a convenient path for individuals to walk between these streets and the development.
- If this was a standard multi-family residence, per national development standards, less parking would be required, reducing parking on neighborhood streets.

## 6. Tree Replacement Plan

**Action Item:** Revise the Tree Replacement plan to include 130 trees, mostly native conifers, to be planted throughout the “Tree Retention Area”. The proposed replacement trees shown on L1 should be considered as part of the landscaping requirements specified in BMC 20.12.030 but not “replacement trees”.

### **Analysis of RFI Response**

The Tree Replacement plan has been updated to include 130 trees planted throughout the Tree Retention Area. However, planting height is 8 feet or less, **providing little in the way of privacy.**

### **Neighborhood Comments**

- The plan states that trees up to 8 feet will be planted. The plan does not state the minimum height.
- Planting of additional trees is promoted as an answer to providing privacy for Nevada Street and Marionberry Ct. Neighbors. However, the height planned is too short to provide a useful privacy screen.
- Cross-sections in the Landscape Buffer Plan, projects a ten year timeframe until many of the trees are large enough to be an effective privacy screen.

## Design Review

Per the RFI, “pursuant to the Multifamily Residential Design Review Handbook, the following building design standards are not met and the proposal shall be revised to address the action items.”

### A. Neighborhood Scale

**Action item:** The buildings do not conform to the existing scale of the developed neighborhood. The building design shall be revised. This could be accomplished by revising the proposed buildings to include at least three or more distinct 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. Other considerations may include more, smaller buildings that incorporate these same design standards.

### Analysis of RFI Response

*The same design, size and number of buildings proposed in 2020 has been submitted again in 2021, as shown below.*

Figure 1: Rendering Year 2020

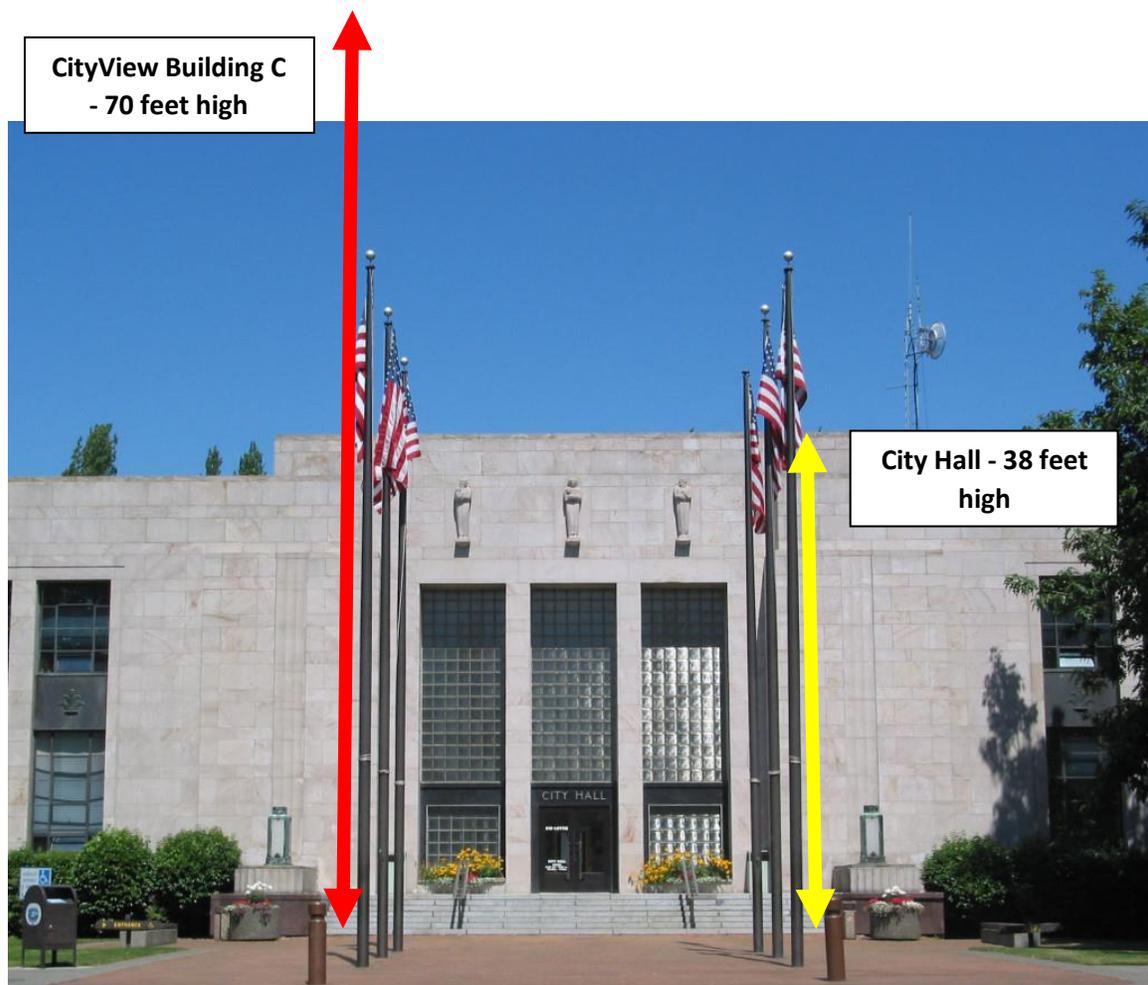


Figure 2: Rendering Year 2021



### Neighborhood Comments

- The Action Item suggested, “Other considerations may include more, smaller buildings that incorporate these same design standards,” was not addressed.
- The size of the buildings remain completely out of scale to the neighboring homes.
  - Buildings A and B are 204 feet wide and 35 feet tall.
  - Building C is 301 feet wide and 70 feet tall.
- Bellingham City Hall is 38 feet high. The picture below compares City Hall with the height of Building C, at 70 feet.
- City Hall is approximately 200 feet wide, similar to Buildings A and B, while Building C approximately 1/3 bigger than City Hall at 301 feet wide.
- These are big buildings, perched high on the hill. Nevada Street is 290 feet at the lower level, while Building C extends up to the 400 foot level, effectively a 110 foot height.
- The revised Data Sheet is incorrect. Adjacent Property Uses immediately to the West are single family homes, and do not include multi-family apartments as claimed.



## B. Neighborhood Compatibility

**Action item:** The building elements listed in the guidelines must be incorporated into 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. Modify the plans to comply with these guidelines.

### Analysis of RFI Response

***The same design, size and number of buildings proposed in 2020 has been submitted again in 2021.*** The RFI Response states the visual appearance has been amended by applying different color and material schemes to the façade.

### Neighborhood Comments

- There is no change to the size and impact of the buildings.
- The set-backs of 160 to 250 feet equate to looking at your neighbor's home located across a cul-de-sac. Due to the size and placement of the three buildings on the hill, they will be an overwhelming sight to the Nevada Street and Marionberry Ct neighbors.

## C. Privacy

**Action item:** 1. Provide additional cross sections (typ.), no less than 6 sections that demonstrate the view from the perspective of the single-family residences along the western edge of the proposal (on Nevada Street and Marionberry Ct.).

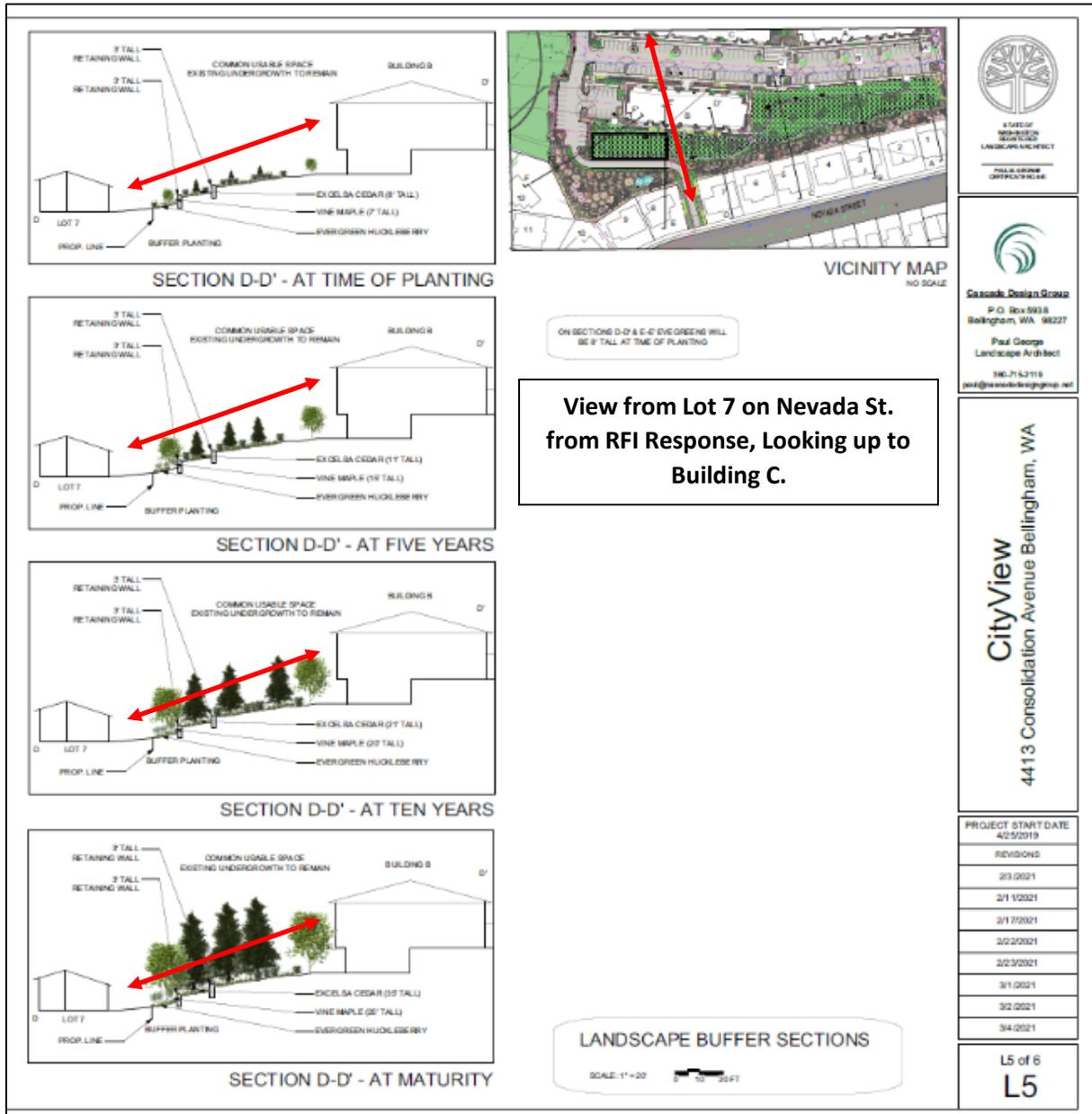
### Analysis of RFI Response

Additional cross sections have been provided. On the next page is a copy of the cross section for Lot 7 (located south of the "emergency drive"). This cross section shows that from this location, ***Building C will be very visible for at least ten years***, and not "screened" until the new plantings reach maturity (20+ years?).

### Neighborhood Comments

- Homes along Nevada Street and Marionberry Ct., will have big, highly visible, buildings to view for years.
- Light from exterior illumination will be visible all night from building and parking lot lighting.
- When interior apartment lights are on, Building C in particular will be "a beacon on the hill," visible from all neighborhoods bordered by Interstate 5.

Illustration from RFI Response – Updated Landscape Buffer Plan



**Action item:** 2. Submit a landscape plan prepared by a landscape architect that demonstrates the single-family residences will be visually screened from the proposal.

### **Analysis of RFI Response**

A landscape plan showing how single-family homes will be visually screened was submitted. However, this *illustration shows vegetation and trees at Maturity, which is perhaps 20+ years out.*

### **Neighborhood Comments**

- Current residents will have to wait years before an effective visual screen grows to maturity.
- The height of the proposed plantings (8 feet or less), is not an effective visual barrier.
- With parking planned for 254 vehicles (and more with visitors), the lack of an effective visual barrier will result in major light pollution from cars entering, parking and leaving the development.

## Planned Development

**Action item:** 1. BMC 20.38.050 (B)(3) Density. Provide a statement clarifying the requested method to determine the proposal's base density.

### Analysis of RFI Response

The Request for Information (July 6, 2020), under Planned Development, requests the developer to clarify his earlier request for a density bonus.

However, the developer's response, stated no density request is necessary. The Puget Neighborhood Workgroup last year, challenged the assumption that the allowable Unit Density is 176 units; in fact this *greatly exceeds the Unit Density* defined of 8.7 units per acre for Area 17 of the Puget Neighborhood.

On February 6, 2020, Phillip Buri, Esq., submitted to the City Planning and Community Development Department a comprehensive review (see Attachment) of the multi-year Hawley Replat process. On behalf of the Puget Neighborhood Working Group, he stated, "They have asked for my help to reveal a flaw in the density calculations for the CityView Proposal site, also known as Tract F to the Hawley Replat.

"This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance." The result is, "Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

***"The question of Unit Density has been a problem with this property, due to the size of the proposed developments, which have been completely out of character with the Comprehensive Plan, Puget Neighborhood plan and surrounding residences. The Puget Neighborhood working group respectfully suggests it is time to start over."***

We have been requesting the following:

CityView - Unit Density Analysis:

1. An explanation of how the 176 count, Unit Density was calculated and the back-up materials which support the calculation and official filing.
2. An explanation of how the 176 count, Unit Density is "Vested", under the timeframe provided for in BMC 21.10.260.

### Neighborhood Comments

- The comprehensive review of the facts (submitted by Phillip Buri, Esq.) is found at [https://www.cob.org/Documents/planning/neighborhoods/city-view/comment-received-february6\\_2020.pdf](https://www.cob.org/Documents/planning/neighborhoods/city-view/comment-received-february6_2020.pdf). This is a PDF download.
- The record shows Tract F never had a Public Hearing, nor was there ever a filing with the County Auditor of any Official Action that specifically defined the Unit Density as 176.
- A Deed filing with the County Auditor, with no background, is where the 176 unit density is shown on a plot map provided by the land owner. This was not a filing of an Action by the City Council.

**Action item:** 2.BMC 20.38.050 (B)(8) Parking. Revise the proposal to increase the proposal's availability of both vehicular and bicycle parking, including but not limited to:

- **Vehicle parking:** parallel parking along the northern frontage of the Consolidation Avenue improvements. Construction of Additional consideration could be to construct parallel parking along the southern frontage of the Consolidation Avenue improvements.
- **Bicycle parking:** Construction of a separate bicycle storage building. Install bike racks in front of all ground floor units that accommodate 4 spaces for bicycles. Provide and/or increase bicycle storage located at or near each common building entrance.

### Analysis of RFI Response

#### Vehicle Parking:

Parking is planned for 257 spaces, per the RFI Response, an increase from earlier proposals. For comparison, Lakeway Center, where ***Whole Foods is located, has approximately 250 parking spaces.***

#### Bicycle Parking:

The RFI Response was amended to provide 160 bicycle parking spaces. The assumption is that, "the project site is located within reasonable distance of public transit," which ***assumes tenants will be willing to constantly climb the steep grades*** of Consolidation Street.

### Neighborhood Comments

#### Vehicle Parking:

- Parking is planned for approximately 257 vehicles, a size typically found in commercial locations.
- Imagine the noise and activity of having upwards of 254 cars entering and leaving a huge parking lot, located right behind your house.
- This indicates that this project is purpose-built student housing, not low income or affordable housing.

#### Bicycle Parking:

- Adding more bicycle parking, is not a guarantee the CityView residents will bike instead of using a vehicle, due to the long, steep hill on Consolidation (and other streets).
- An observation is that traveling up Consolidation or Byron Streets, you do not typically see anyone riding a bike. During the dark, cold, wet days from late fall to early spring even walking up this hill will be very unattractive. This will encourage vehicle ownership.
- On the lower section of 44<sup>th</sup> Street, there are a number of homes rented for student housing. These homes have typically double the number of vehicles compared to the number parked in front of a family home. No one is biking.

**Action item:** 3. BMC 20.38.050 (B)(12) Comprehensive Plan Elements, The Parks, Recreation & Open Space. Amend the trail alignment to provide a safe multimodal connection to the Samish Crest Trail neighborhood connectors at the Byron/47<sup>th</sup> Street intersection via 46<sup>th</sup> Street by either:

- 1) Extending the trail in the Puget Street right of way from its proposed terminus on Puget Street to provide a connection to the existing cul-de-sac bulb in the 46<sup>th</sup> Street right of way or
- 2) Revise the trail's alignment to be entirely within the Consolidation Avenue right of way from Nevada Street to provide a connection to the existing cul-de-sac in the 46<sup>th</sup> Street right of way.

### **Analysis of RFI Response**

The trail location was reviewed and determined to connect to 46<sup>th</sup> Street, rather than Puget Street.

### **Neighborhood Comments**

- Members of the Neighborhood remain concerned that if CityView is built as designed, it will result in visitors (and some tenants) to park along 46<sup>th</sup> Street and Puget Street.
- The new trail will create a convenient path for individuals to walk between these streets and the development.
- If this was a standard multi-family residence, per national development standards, less parking would be required, reducing parking on neighborhood streets.

**Action item:** 4. BMC 20.38.050 (B)(13) Street, Utilities, Access and Dedications. Revise the preliminary engineering plans as follows:

- Demonstrate the 45<sup>th</sup>/Consolidation intersection provides for the reasonable extension of 45<sup>th</sup> Street south to serve those undeveloped platted lots on 45<sup>th</sup> Street.
- Include parallel parking along the northern edge of the site's Consolidation Avenue improvements.
- Include a vertical curb along the southern edge of the site's Consolidation Avenue improvements.
- If parallel parking is to be provided on the side of Consolidation Avenue, please include these revisions as well.

### **Analysis of RFI Response**

The RFI Response was amended to include these requests.

### **Neighborhood Comments**

- If this was a standard multi-family residence, per national development standards, less parking would be required, reducing parking on neighborhood streets.

**SEPA Checklist**

**Action item:** Water-3. C. 3) and 4) .Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site Please have a qualified professional respond to how the drainage courses of the surface flow, underground flow and onsite springs will be affected as a result of this development. Then address proposed measures to reduce or control the impacts. This is also further discussed above under the critical areas section of this document.

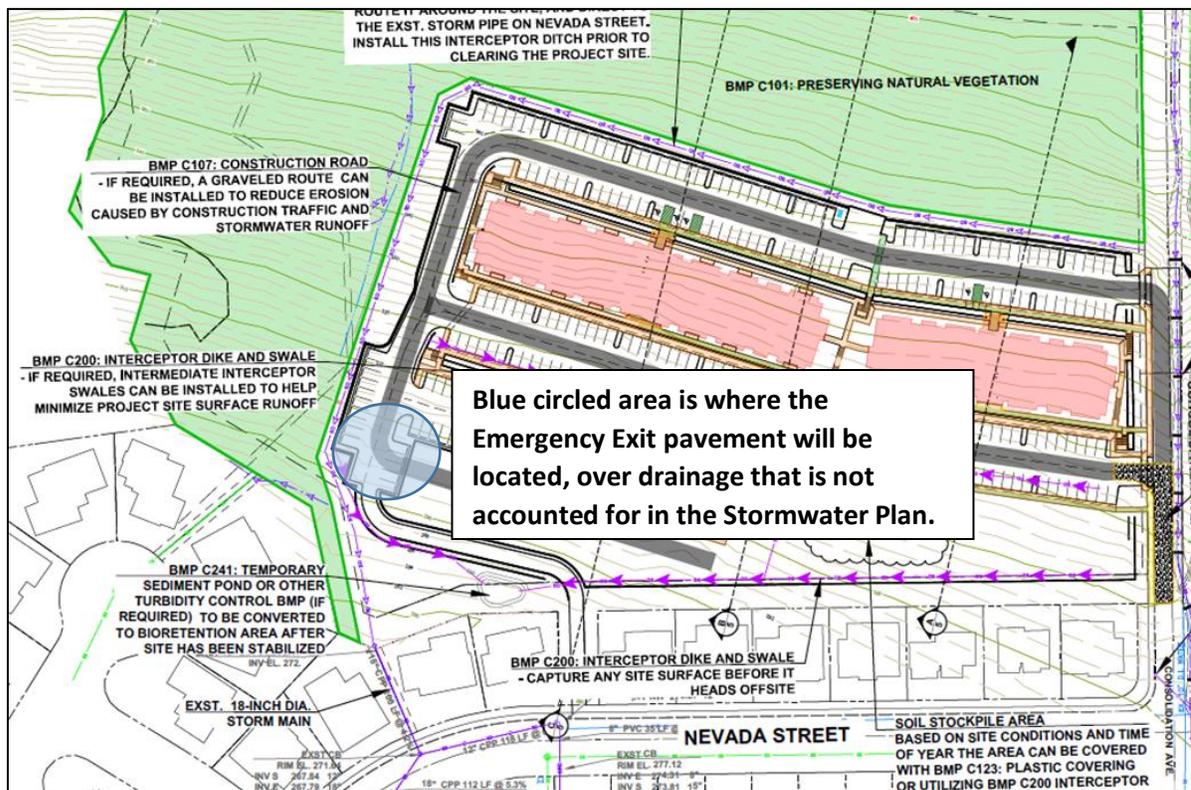
**Analysis of RFI Response**

In response the applicant referred to a Preliminary Stormwater Plan (126 pages) and a 4-page letter from the Cascade Engineering Group dated March 4<sup>th</sup>, 2021.

**Neighborhood Comments**

The revised Critical Area report failed to identify an open drainage ditch located directly below Wetlands B. This was previously identified by a neighbor in a Project Comment submitted a year ago (May 2020).

Figure 4 from the Preliminary Stormwater Report prepared this year by Cascade Engineering Group states that, “Surface runoff from the project site flows west and currently is captured in the Nevada Street conveyance system.”



Drainage: Area of Concern (Figure 4: Cascade Engineering Group)

- The Critical Area Report: Wetland Mitigation Plan, states, “Water appears to disperse into the subsurface below Wetland B – as no downgradient channel was observed.”
- There is an existing surface drain (see Preliminary Grading Plan map, next page) that runs from the northern property line that is not mapped. Given the location, this drain is collecting water from an area that directly below Wetland B.
- From the narrative and Figure 4, it appears the subject water is drained into a storm drain through Marionberry Ct. There is no connection between the surface drainage ditch and the storm drain.
- Water is diverted into an open air drainage ditch that extends through and behind yards on Marionberry Ct. This drainage is not accounted for as seen in the pictures below and on the next page taken during a February, 2021 rainfall event.



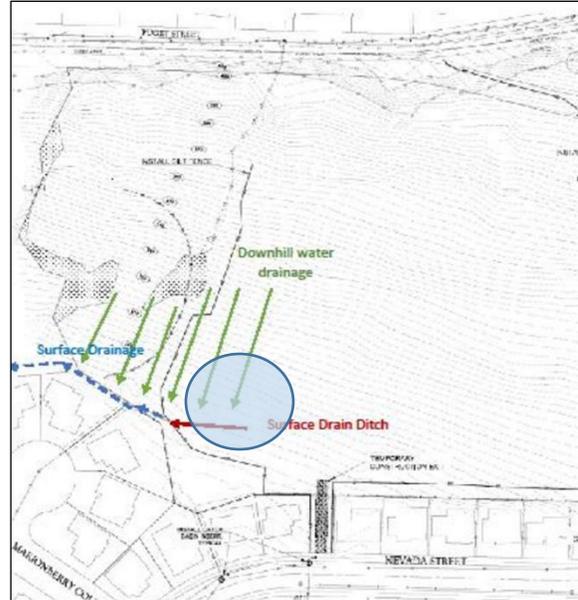
**Screenshot 1: Water emerging from area near Wetlands, both from subsurface (top circle), and flowing right to left from surface drainage.**



**Screenshot 2: Water flowing behind homes on south/southeast area of Marionberry Ct.**



**Screenshot 3: Water from area near Wetlands, flowing right to left as surface drainage, towards Marionberry Ct.**



**Graphic water flowing right to left as surface drainage, towards Marionberry Ct.**

- Additionally, an unnecessary assumption concerning fire access is used to justify encroachment/construction on the wetlands buffer. Due to this claim, the proposed “buffering” plan to mitigate Wetland B impacts, results in construction of an unnecessary, large, impervious roadway designated as an emergency exit.
- The original development planned for a single, huge building which, “Due to the size of the (single) proposed building a secondary fire access road is required for Emergency access. The 2013 University Ridge proposal, with a similar building layout, was approved without an Emergency Access Road.
- This road is not required, which if eliminated along with the small parking area “F”, would appear to better deal with the Wetland mitigation issue.

NOTE: All Screenshots from Video recorded early February, 2021.

**Action item:** Environmental health -7. b. 2) and 3). Please respond to the long-term noise created by this project post- construction. Identify proposed measures to reduce or control noise impacts. What types of levels of noise would be created by or associated with the project on a short-term or long-term basis?

### **Analysis of RFI Response**

The applicant claims that the project “will result in normal occupancy noise in the immediate area” and that the residents are required by their lease to conform to all city codes regarding noise. Normal occupancy noise remains undefined, however, the point is that it is actually the day to day noise coupled with noise associated with recreation venues and social gatherings of over 300 people that is the overriding question.

### **Neighborhood Comments**

Leases notwithstanding, the city codes apply to any project including CityView. For the developer to make a statement about what is included in the leases is irrelevant and begs the question. The point is that the totality of this project is overwhelming compared to the surrounding area. In spite of the developer’s insistence in the project being open to all, the simple fact is that CityView is built with student housing design principles. Student schedules are most certainly not 9-5, as in the world of work, which will inevitably create comings and goings that are antithetical to those of the surrounding neighborhood. Placement of a large picnic recreation direct behind a dozen or more family homes ensures substantial gatherings of CityView residents and attendant noise except during the coldest months of the year. City staff comments to the effect that nuisances are covered and somehow adequately controlled by city ordinance **ignores the reality of the ability of the police to respond to noise complaints** which tend to be at the lowest level of priority given their heavy emergency response call loads.

**Action item:** Land and shoreline use: 8. a. Will the proposal affect current land uses on nearby or adjacent properties? Describe how the proposal will or will not affect the current land uses on nearby or adjacent properties.

### **Analysis of RFI Response**

The developer claims that existing vegetation augmented with a “thick replant screen” on the east side of the development will suffice to buffer problems caused by “physical, visual and noise”.

### **Neighborhood Comments**

It is ludicrous to think that a stand of trees and bushes can buffer sound to any extent consistent with a sufficient mitigating effect. This is even more of a dubious assertion in that plantings take years to grow and often fail within that period. With CityView, once built, proper and constant maintenance or replanting of the landscaping is problematic but the damage to peaceful enjoyment will be permanent and remedies virtually impossible. The respondent concentrates on the short-term noise of the construction period and omits long term noise from 300+ young dormitory residents with vastly differing schedules than the existing family neighborhood. What will exist is constant traffic noise, car doors banging, and emanations from weekend/evening social gatherings. Additionally, what is described as “common usable space of 1 acre +/-” is manifestly mis-placed along the western border of the property, virtually in the backyards of the homes on Nevada and Marionberry Ct. Picnic tables, benches, space for recreation invite gatherings and noise that will be a constant drip, drip of audible assaults on all the homeowners in perpetuity.

**Action Item:** Transportation: 14.b. Is the site or affected geographic area currently served by public transit? If so, general describe. If not, what is the nearest transit stop?

Revise to address consistency with other SEPA questions that the site is served within a reasonable distance to the identified transit station, shopping, restaurants and services.

### **Analysis of RFI Response**

Although the developer claims that the Lincoln St/WWU parking lot is within walking distance, the claims of the developer that this will provide residents with car-less services to local shopping areas does not square with the reality of shopping. To think that residents will abandon cars to take buses or ride a bike to supermarkets only to attempt to walk or bicycle with bags of groceries or other such items, is not realistic. The bus system in Bellingham does not adequately serve the residents now in the sense that many areas throughout the city are not served or poorly served making bus use impractical for residents to ride to places of employment

### **Neighborhood Comments**

There is no supporting evidence to the proffered myth that 3 renters per unit will result in reduced numbers of automobiles and that dormitory occupants will choose not to have cars or walk. These are not family units. Where are the studies on similar apartment dormitory buildings indicating that this assumption is true? Moreover, what about the arrival and departure of overflow guest parking for families of renters, parties, other gatherings? The only available parking spots are then along Consolidation, Marionberry, Nevada, 44th St. or other creative choices elsewhere in the neighborhood. Likewise, the existence of the fire/emergency equipment exit/entrance cut between two of the homes on Nevada St. will invite pedestrian use to access the dormitory complex unless the road is adequately fenced/gated. Even then insouciant or intoxicated guests may well attempt access through the adjacent private properties. Vehicle use from this dormitory complex will differ widely based on the schedules of students whose classes range from early morning to well into the evening. Their activities also comprise trips to and from job locations that do not coincide with the "9-5 schedules" of those around the dormitory buildings. These renters are not families/couples etc. in an average apartment complex but 318 dormitory dwellers. One cannot use the normal traffic generation tables to calculate the comings and goings of students and thereby judge the effects.

**Action item:** Transportation: 14. f. - How many vehicular trips per day would be generated by the completed project or proposal? Use the data from the TIA, include the daily and weekday PM peak hour total trips information from page 14 of the January 2020 TIA. Provide a discussion in an addendum to the TIA that justifies the ITE classification used in the TIA for this proposal. This justification should consider the discussion above regarding typical occupancy of the units and the likelihood of persons living independently of each other and not as an historic, traditional family unit.

### **Analysis of RFI Response**

The RFI response continues to claim that Land Use #221, mid-level rise multi-family housing, is the “best” designation for calculating traffic generation. This assertion may not be true. The developer claims that this project will be like other apartment complex, insisting that those who are attracted to living at CityView will be an eclectic group of students, workers and even small families. Declarations to the effect that the developer will follow existing housing legislation are merely statements of the obvious, that is, what he is already obligated to do under the law.

### **Neighborhood Comments**

As mentioned above: Vehicle use from this dormitory complex will differ widely based on the schedules of students whose classes range from early morning to well into the evening. Their activities also comprise trips to and from job locations that do not coincide with the “9-5 schedules” of those around the dormitory buildings. These renters are not families/couples etc. in an average apartment complex but 318 dormitory dwellers. One cannot use the normal traffic generation tables to calculate the comings and goings of students and thereby judge the effects. What about using data for Land Use #225, off-campus student apartments, to evaluate traffic generation? This should at least be evaluated as part of the discussion.

See also **Trip generation for CityView development:** Appendix A.

**Action item:** Transportation: 14. h. – Proposed measures to reduce or control transportation impacts Provide a basis for demonstrating that bicycle parking for 54 +/- bicycles is an adequate number to effectively reduce or control transportation impacts based on how the site's and geographic topography, proposed occupancy of the proposal and its intended occupants, will affect the overall measures to reduce or control transportation impacts.

- Respond to how the future, anticipated reduction of ridership of transit facilities could affect the transportation impacts resulting from this proposal.
- Additionally, include an analysis of the available pedestrian and bicycle facilities on Consolidation Ave and Nevada St and their sufficiency to safely get a project resident to the transit center, shopping, restaurants and services specified in the checklist.

### **Analysis of RFI Response**

Developer has claimed that he has increased the number of bicycle storage spaces which is true. He also concedes but ignores the “future anticipated reduction of ridership” **anticipating** that access to the Lincoln parking site will continue to make use of busses there a viable option. There is no evidence to support that “anticipation” as there is little in the way of analysis of pedestrian and bicycle facilities. The developer also includes the creation of the “multi-modal” path to 46<sup>th</sup> Street as a safe connection to Samish Crest trails but how this connection will actually be use is problematic.

### **Neighborhood Comments**

Increased storage space for bicycles does not equal **increased use** of bicycles as alternate transportation. Furthermore, possession of a bicycle may merely be for recreational use only and not as a commuting choice. Manifestly the developer provides **NO ANALYSIS OF THE NUMBER OF BICYCLES THAT MIGHT ACUALLY BE USED FOR COMMUTING.**

The developer ignores the fact that Nevada St as a connector to the north towards the Whole Foods shopping area is a poor pedestrian and bicycle route due to its considerable narrowness and relatively uncontrolled parking on both sides of the roadway.

Consolidation to the east as a bicycle route presents issues with the uphill climb from the Lakeway/WWU parking area not to mention the slippery conditions of the roadway under inclement weather conditions of rain and snow.

The path to 46th St. is up a steep hill that is not amenable to bicycles as steps and/or switchbacks may be necessary. The lauded connection to other trail systems is problematic. Much of the trail system on Samish Crest is undeveloped and existing paths are merely social paths created by years of walking and trail biking. Many of these paths are on or traverse private property which is likely to be developed in the next decade. Use of this so-called connector trail along the Consolidation ROW also provides the real option for residents and guests of the CityView complex **to park on the already overloaded street parking areas** of the 46<sup>th</sup>, 47<sup>th</sup> and Byron cul-de-sac.

## Appendix A: Trip generation for CityView development

**From:** Steve Abell <[steve@ea-sa.net](mailto:steve@ea-sa.net)>

**Subject:** Trip generation for CityView development

**Date:** April 30, 2021 at 4:22:59 PM PDT

**To:** Chris Comeau <[ccomeau@cob.org](mailto:ccomeau@cob.org)>

**Cc:** Kathy Bell <[kbell@cob.org](mailto:kbell@cob.org)>

Hello Chris,

In the documentation recently provided by Morgan Bartlett for his CityView proposal, the trip generation may be incorrect, or at least could be made more realistic. I'm hoping you can help me understand why data from the ITE Trip Generation Manual (10th ed.) for trip generation for mid-rise multifamily housing is used for CityView. I see in a memo from Transpo Group to Bartlett dated March 3, 2021 that Land Use Code 221 is deemed the "most applicable land use to the proposed development". It appears to me that Land Use Code 225, Off-campus student apartments, might be more applicable and should be evaluated.

It seems clear from the Bartlett proposal documents that his City View development is aimed at student residents even though he claims there will be no preference given to any prospective tenant group. All 106 units include three bedrooms each with private bath, and will be rentable by the unit or by separate bedrooms. This is the same arrangement as The Lark Apartments on Lincoln Street - they are even advertised as student residences.

Land use codes shown in BMC 19.06.040(A) do not include Code 225. I don't have access to the ITE manual but I'm pretty sure you do or you could get it from Transpo Group. Would it be possible for you to add a row to the table in 19.06.040(A) that would show the data for Code 225? I have no idea whether it would show differences in trip generation relative to Code 221, but in the interest of finding the most applicable land use I believe Code 225 should be evaluated for this development. I also think that each bedroom might be counted as a separate student apartment for the calculation of new peak hour trips and impact fees but I won't go there for now.

It's also my opinion, not having seen the data for Code 225, that neither 221 nor 225 may be the best choice. If there is little difference between trip generation and impact fees between 221 and 225 then it doesn't much matter which is used. If, however, there is a significant difference, then a hybrid of 221 and 225 may represent the best compromise. I think you would agree that 318 bedrooms full of college students presents a dramatic departure, traffic- and trip generation-wise, from 106 units of multifamily housing. Somewhere in between those two extremes may lie the best representative data to use for City View. I'm hoping you can help find it.

Sincerely,

Steve Abell

Member of the Puget Neighborhood Working Group

## Appendix B: Failure to Account for Open Surface Drainage

*Copy of Comment to the City from 2020.*

Donald Diebert  
4414 Marionberry Ct.  
Bellingham, WA 98229  
360-778-1531  
[dondiebert@outlook.com](mailto:dondiebert@outlook.com)  
May 5, 2020

Kathy Bell  
Senior Planner  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

Re: Planned development (PDP2019-0015)/Design review (DR2019-0036)/Height variance (VAR2019-0009)/Critical area permit (CAP2019-0037/SEPA checklist (SEP2019-0039)  
Project location: 4413 Consolidation Avenue/ Area 17

Dear Ms. Bell:

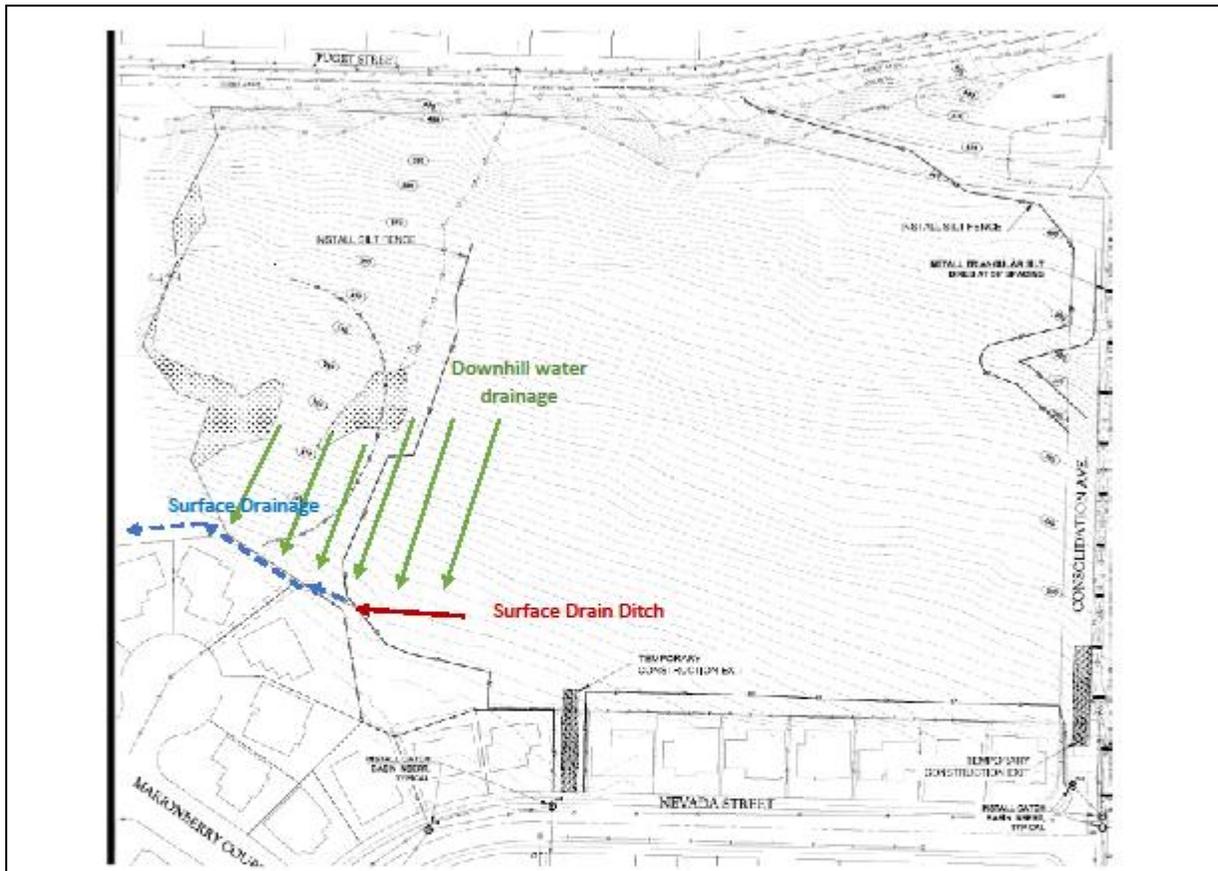
The Preliminary Grading Plan and Critical Area Report: Wetland Mitigation Plan, both fail to include an important drainage ditch located directly below Wetlands B. Additionally, an unnecessary assumption concerning fire access is used to justify encroachment/construction on the wetlands buffer.

### **FAILURE TO ACCOUNT FOR OPEN SURFACE DRAINAGE**

The Critical Area Report: Wetland Mitigation Plan (page 2, 3.1 Watershed), states that water drains, “onto the property through a culvert under Puget Street and forms a narrow drainage feature (one to two feet wide) and small wetland (Wetland B). The drainage flows westward downslope into and through Wetland B. Water appears to disperse into the subsurface below Wetland B – as no downgradient channel was observed.”

However, there is an existing surface drain (see Preliminary Grading Plan map, next page) that runs from the northern property line, extending south approximately 100 feet. Given the location, this drain is collecting water from an area that directly below Wetland B.

Much of the water is actually diverted into an open air drainage ditch that extends through and behind yards on Marionberry Ct. This creates an intermittent stream depending on the amount of run-off collected up the hill. Below is the Preliminary Grading Plan – temporary barriers, with the surface drainage outlined. This drainage is apparently not accounted for, which should be part of the Wetlands B evaluation.

Preliminary Grading Plan with Surface Drainage Ditch Identified**RESTRICTED EMERGENCY ACCESS ROAD NOT REQUIRED**

The original development planned for a single, huge building which, “Due to the size of the proposed building a secondary fire access road is required for Emergency access. Use of this lane will be restricted to emergency vehicles only, with no Residential vehicle use. This restricted access, paved fire lane will be installed off of Nevada Street.”

Due to this claim, the proposed “buffering” plan to mitigate Wetland B impacts, results in construction of an unnecessary, large, impervious roadway designated as an emergency exit. Due to an “emergency use only” designation, this is presented as a preferred alternative to maintaining an open, natural environment, which maintains the wetland area and critical drainage of the property.

The revised proposal eliminates the single, huge building with three much smaller buildings. The 2013 University Ridge proposal, with a similar building layout, was approved without an Emergency Access Road. Therefore, this road is not required, which if eliminated along with the small parking area “F”, would appear to better deal with the Wetland mitigation issue.

**Aven, Heather M.**

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**From:** alan schwartz <alschwartzart@gmail.com>  
**Sent:** Wednesday, May 26, 2021 10:31 PM  
**To:** G.Proj.City View  
**Subject:** City View Comment

This comment is in regard to the proposed City View project.

I strongly oppose this project as I would be one of many who's life would be negatively impacted by this if it were allowed to be built. This is a quiet neighborhood of family's and this type of apartment building has no place in an area such as this. Sure, there are apartments 5 blocks down the street towards I5. And those are appropriate for that area. But there is nothing close to a large scale building around here. If you lived here you would know, this is a neighborhood of families with character and charm and should be preserved as such.

The amount of noise, traffic, light pollution, unsafe roads, and overall increased activity would be nothing short of devastating to every family and person who lives around here. The environmental impact would also be great as it is one of the last stand of forest and should be very carefully assessed.

I sincerely hope the city of Bellingham recognizes where and where not to place a dorm or apartment building. For so many obvious reasons this is simply not the place for this massive project.

Thank you for giving this your full attention and for recognizing how it would have such a huge negative impact on the lives of so many. Please don't allow this neighborhood to be destroyed.

Sincerely,  
Alan Schwartz  
4410 Consolidation Ave.



## Public Comment

### Name

Fraser Baker

Full name or organization

*Your name is required for identification as a part of the public record.*

### Choose Topic

CityView Project

*Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.*

**More information on this topic can be found at <https://www.cob.org/cityview>**

### Comment or Testimony

I am very negative on the City View Development for several reasons.

- This is a residential single family neighborhood and should remain as such. Rather than apartments, I recommend building more single family homes or duplexes consistent with the area.
- It is questionable that apartments that can rent out a single bedroom are really not family apartments but designed to house individuals that likely come more cars.
  
- The limited parking for residents and guests will increase the overflow of cars parked in front of existing residential homes.
- Nevada at Lakeway will become congested with bikes and automobiles. It is already almost impossible to get onto Lakeway at certain times of the day.
  
- Home values on Nevada will be affected negatively due to congestion and noise, specifically those that back on to the apartment site. The environment of young families and retirees will be severely affected.
  
- Consideration should be given to have these 'City View apartments be built on Lincoln Street south of Fred Meyers which has much better street ,freeway, bus and shopping access.
- 

### Files

*Documents or images related to your comments.*

**Email**

Bakerfm@msn.com

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

**Date**

5/27/2021



## Public Comment

### Name

Behnoosh Armani

Full name or organization

*Your name is required for identification as a part of the public record.*

### Choose Topic

CityView Project

*Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.*

**More information on this topic can be found at <https://www.cob.org/cityview>**

### Comment or Testimony

For a city of more than 90 thousand population size, 15 minutes or 5 people to make comments is not sufficient. It seems that the Council is censoring the public because they don't want to hear from us. The Council must allow their constituents to express their views and objections. Please withdraw the 15 minutes time limit as of the next scheduled meeting.

### Files

*Documents or images related to your comments.*

### Email

shassam99@gmail.com

*Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.*

### Date

5/27/2021