Dear Ms. Bell:

I represent the Puget Neighborhood Working Group. 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. Unfortunately, both the name of the site and its location have had as many variations as the calculations. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

INTRODUCTION

This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance. On November 15, 1993, Jepson and Associates produced a set of project plans for Exxel Development Company. (Exhibit H). On page 7 of the plans, an undeveloped portion of the site, labeled "Area B", noted a designation of 176 units. Neither the plans nor any accompanying documents explain where this number came from. It is the first mention of a density allocation, which reappears sporadically in plat maps that have never received public review, let alone approval.

The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham - Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive
investigation into the source of this mystery number. We ask that the City reject the phantom density for good and require CityView’s proponent to provide an accurate density calculation.

Our review of the public record leads to three conclusions:

1. **THE CITY HAS NEVER CALCULATED OR APPROVED THE UNIT DENSITY FOR TRACT F.** Review of the public process and official actions involving the overall Hawley Replat starting in 1994, shows that assignment of a Unit Density to the current Tract F was never explicitly identified in the Bellingham City Council Agenda Bills or Resolutions. A review of public documents reveals that no Unit Density designation is explicitly defined by official action and filed for the subject property.

2. **THE CONFUSING PLAT MAPS MERELY REPEAT AN ERRONEOUS ASSUMPTION.** Since Unit Density was never explicitly defined for the current Tract F, the fallback has been to cite notations printed on the various plans (Plat Maps) as reporting Unit Density. Unfortunately, the notations on the Plat Maps are confusing, lack definition, or omitted from official filings. For example, the original Project Lot Layout includes a printed notation for “Area ‘B’ Future Development (176 Units)”. However, Area “B” is not defined as to size, physical location or boundaries. Regardless of the size or configuration of the remaining undeveloped portion of the Hawley Replat, the developer puts the “176 Units” label on it.

3. **THE APPROPRIATE DENSITY CALCULATION ACCOUNTS FOR CURRENT CONDITIONS.** Since the original project plan was submitted, and resulting process, reviews and filings have occurred, additional issues have arisen. For example, the original proposal did not include multi-unit residential development in what is now Tract F. Other actions, such as the Wetlands/Open Space dedication, resulted in post hoc agreements that conflict with earlier actions. These all have impacts on Puget Neighborhood and the appropriate density for any development on Tract F.

The City has yet to conduct the required public process to determine the appropriate Unit Density for Tract F. Until this is completed, any review of the CityView proposal is premature.
Map 1 shows the original Hawley Replat boundaries (blue line) and the current Tract F boundaries (purple line).
1. UNIT DENSITY – NEVER DEFINED FOR TRACT F.

The City's public records establish that the process required by the original Council Resolution for the Hawley Replat – Preliminary Plat (Exhibit C, page 8, Future Phases), never occurred for the subject area, Tract F.

Throughout the process, none of the City Council Agenda Bills included notice of a Unit Density designation for the portion of the Hawley Replat that would eventually be designated Tract F. All other portions of the Hawley Replat included an explicit Unit Density designation in the text of the Agenda Bills and resulting City Council Resolutions.

A. Planning Commission and Planning Department Report

The Agenda Bill (11302, April 25, 1994), Attachment A, presents the findings of the Planning Commission including Staff Analysis (Planning Department).

1) In the Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property, contains the most severe slopes on the property and will require additional review prior to development." (emphasis added)

2) Under Applicable Comprehensive Plan Goals and Policies (Exhibit A, page 5, Vision for Bellingham Goals, paragraph 1) the report states, "Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character." (emphasis added)

3) Future Phases of Development (Exhibit A, page 7) states, "Because of the environmental constraints, development of future phases east of phase 1 will require additional staff and public review." (emphasis added). From the same report (Exhibit A, page 9), "However, due to environmental constraints, it will be extremely difficult to achieve maximum density on the property." (emphasis added)

The City recognized from the earliest stage that before Phase 2 is permitted for development, additional review would be required to assure the goals of the Comprehensive plan are realized. Careful determination of an appropriate Unity Density would be critical on a property that has significant environmental constraints.

Map 2 shows the original Hawley Replat boundaries (blue line) and the Phase 1 boundaries (western part of property) and Phase 2 (orange line).
MAP 2: BOUNDARIES – PHASE 1 AND PHASE 2

Phase 1
(16.55 acres)

Phase 2
(30.16 acres)
B. City Council Agenda Bills and Resolutions

From 1994 through 2002, starting with the Preliminary Plat and ending with the Final Plat, the City Council reviewed and approved various developments within the Hawley Replat. The City Council never reviewed or approved a Unit Density for Tract F.

1) City Council Resolution (No. 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4) that the Hawley’s Replat Plat Area included Phase 1 – 16.55 acres, consisting of 123 units; Phase 2 – 30.16 acres, with no Unit Density.

2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, “A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [emphasis added] located in Area 17 of the Puget Neighborhood” (Exhibit E, page 1, paragraph 1). No Unit Density was included for Tract F.

3) City Council Resolution No. 2002-24, continues by reference the requirements of the Preliminary Plat Resolution 19-94, “attached hereto as Attachment 2, and made part hereof by reference as though set forth fully herein.” (Exhibit E, page 7, Future Phases), that additional public review is required before development.

In 2013, the Hearing Examiner (Exhibit G, page 3, sentence 2) restates that, "The tract labeled Future Development is the subject property. The plat conditions provide that additional public review would be required prior to development of the reserve tract.” (emphasis added)
2. PLAT MAPS – CONFUSION AND OMISSIONS

The various Plat Maps included with the Agenda Bills and Resolutions created the confusion over the allowed densities, incorporating notations that are inaccurate, lack definition, or omitted crucial information from filed documents.

A. Original Project Plan

The original Proposed Lot Layout (dated 11/15/93) for the Hawley Tract (see Exhibit H) has numerous notations that are undefined as to size, physical location or boundary.

1) The initial Proposed Lot Layout (Exhibit H, pages 2 and 6) for the Hawley Tract (46.71 acres), included two notations; “Area “B” Future Development (176 Units)”, and “Area “D” Future Development (50 Units)”, for a total of 226 units. No definition is provided for Area “B” or Area “D” as to size, location or boundaries.

2) The Agenda Bill (11302, April 25, 1994), Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), shows 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, “located in the eastern region of the Hawley Property.” The Proposed Lot Layout does not include a notation identifying Phase 1 or 2; no Plat Map attached to Agenda Bills or Resolutions includes these designations.

3) The printed notation for Area “B”, in the lower right corner, on the Proposed Lot Layout (Exhibit H, page 6), is likely the source of the assumption that the Unit Density for Phase 2 and eventually the smaller Tract F, is 176 units.

Map 3 on the next page shows the original Hawley Replat boundaries (blue line), with the Area “D” and Area “B” notations from the Original Project Layout.
MAP 3: AREA "B" AND AREA "D" NOTATIONS FROM PROPOSED LOT LAYOUT

Hawley Tract
(46.71 acres)

Area "D"
Future Development
(50 units)

Area "B"
Future Development
(176 units)
2. PLAT MAPS – CONFUSION AND OMISSIONS (continued)

B. Unit Density Reconciliation – Original Project Plan with Preliminary Plat Approval (1994)

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

1) The Original Project Plan (Attachment A, page 11) identified only 64 single family lots, leaving 100 lots (164 less 64 identified on the Plat Map) that were not identified as to location on the Hawley Plat.

2) This statement appears to preclude future development that is high-density since the plan being presented was for single family lots with a minimum of 5,000 square feet.

The following (Table 1) reconciles the Original Project Plan with the Preliminary Plat Approval (1994). As shown on Table 1, the Original Project Plan (Plat Map) printed Unit Density notations for Area “B” and Area “D” (226 units), match the total Unit Density presented to the City Council by the Planning Department (226 units).

### Table 1: Original Project Plan Unit Density Reconciliation with City Council Resolution

<table>
<thead>
<tr>
<th>Original Project Plan</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area “B” Unit Density (notation on Plat Map)</td>
<td>176</td>
</tr>
<tr>
<td>Area “D” Unit Density (notation on Plat Map)</td>
<td>50</td>
</tr>
<tr>
<td><strong>Total - Proposed Unit Density</strong></td>
<td><strong>226</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Council Resolution No. 19-94, April 25, 1994 (Preliminary Plat Approval)</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council Meeting - Planning Department Presentation</td>
<td></td>
</tr>
<tr>
<td>Total Single Family Lots Planned (City Council Minutes)</td>
<td>164</td>
</tr>
<tr>
<td>Less: Single Detached included in Phase 1 (see below)</td>
<td>(64)</td>
</tr>
<tr>
<td><strong>Subtotal - Single Family Lots (not identified in Phase 1)</strong></td>
<td><strong>100</strong></td>
</tr>
<tr>
<td><strong>Agenda Bill 11302 - Phase 1</strong></td>
<td></td>
</tr>
<tr>
<td>Single Detached (units)</td>
<td>64</td>
</tr>
<tr>
<td>Duplex (2 units), Triplex (3 units), Fourplex (4 units)</td>
<td>9</td>
</tr>
<tr>
<td>Multiple (units)</td>
<td>50</td>
</tr>
<tr>
<td><strong>Subtotal - Phase 1 Units</strong></td>
<td><strong>123</strong></td>
</tr>
<tr>
<td><strong>Agenda Bill 11302 – Dedications</strong></td>
<td></td>
</tr>
<tr>
<td>Lots 5, 6, 7 dedicated to Rain Garden</td>
<td>3</td>
</tr>
<tr>
<td><strong>Subtotal - Dedications</strong></td>
<td><strong>3</strong></td>
</tr>
<tr>
<td><strong>Total - Proposed Allocation of Unit Density</strong></td>
<td><strong>226</strong></td>
</tr>
</tbody>
</table>
Area "B" included more than just the eastern portion (Phase 2) of the Hawley Tract; it included all the Single Detached lots on each side of Nevada Street. Map 4 below shows how Area "B" was misunderstood.

2. PLAT MAPS – CONFUSION AND OMISSIONS; (continued)

1) As noted earlier, the Original Project Plan, shows a notation for Area "B" in the lower, right portion of the Plat Map. No information is provided for Area "B" as to size, location or boundaries. As similar is found located left, center for Area "D", also without information as to size, location or boundaries.

2) The eastern portion of the Hawley Replat identified as “Phase 2” by the Planning Department, was apparently misunderstood to represent the boundary of Area “B”, located to the east of the orange line.

3) City Council Resolution 19-94, when reconciled with the Original Project Plan, shows Area “B” would include all Single Detached units shown by the red line.
3. DENSITY SHOULD ACCOUNT FOR CURRENT CONDITIONS.

Since the initial plan was submitted, and the resulting process, reviews and filings have occurred, additional issues have arisen.

A. Single Family Lot Designation Issue

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

1) This statement appears to preclude future development that is high-density since the plan was for single family lots with a minimum of 5,000 square feet.

2) The original Proposed Lot Layout (Exhibit H), did not include multi-unit development in what is now Tract F, consistent with the statement in the Public Hearing.

3) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), has a printed notation, "Tract F - Multi Site," which conflicts with the earlier statements that single family lots were planned.

B. Final Plat – Cedar Ridge Division 2 (formerly Hawley Replat)

The final Plat filing for Cedar Ridge Division 2 (revised title for the Hawley Replat) introduced additional confusion and issues.

1) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), consists of one map, and an entry in the lower right-hand corner for "Tract F – Future Multi Site". This was the first time the notation "Tract F" appears on any document for the Hawley Replat.

2) No definition is included on the Plat Map (Attachment 1) for Tract F as to size, location or boundaries.

3) None of the City Council Agenda Bills or Resolutions ever included an explicit reference to Tract F.

4) Attachment 1 does not show a Unit Density. This is consistent with the text of the Resolution which states that, "Whereas, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1).

5) The Hearing Examiner Report (see Exhibit G, page 3, item 7) states, "The Final Plat Resolution shows a site plan identifying the
subject property as Tract F, Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution." (emphasis added). Nothing in text of the ordinance or the plat map assigns a Unit Density to Tract F.

C. Discrepancies between Resolution 2002-24 and the Plat Filing

The Cedar Ridge Division 2 Plat was filed with the Whatcom County Auditor on July 23, 2002. This filing was done on behalf of Peoples Bank, Irving H. Hawley Jr. and Joan Hawley. The attached Plat Map shows a Tract F, with a notation of 11.16 Acres, Future Units – 176 units (Exhibit F, page 5).

1) The Hearing Examiner Report (Exhibit G, page 3, item 7) states, “The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution.” However, the text of Resolution 2002-24 did not include an explicit Unit Density to Tract F.

2) The Filing of the Plat Map was a separate action performed by the property owners and their representatives after Council approval of Resolution 2002-24. Unlike other Resolutions previously identified, there is apparently no record of Resolution 2002-24 having been formerly filed with the Whatcom County Auditor that included a Unit Density designation for Tract F.

D. Wetlands Dedication – Unit Density Reduction Issue

The agreement recorded in the Conversation Easement (Exhibit D, page 1), states that allowable Unit Density is reduced by 100 units. This raises numerous issues:

1) The net results of the reduction in Unit Density is unknown; the remaining units are defined as to size, physical location or boundaries.

2) The reduction of Unit Density due to the Wetlands Dedication is never referenced in future Agenda Bills or Resolutions.

3) It appears that no reduction of Unit Density has been applied to any portion of the Hawley Replat, in spite that it is part of the Wetlands Dedication that was required to gain approval of the Preliminary Plat Plan.
CONCLUSION

For 25 years, what is now the Hawley Replat Tract F has been a conundrum for all involved, the property owner, developers and especially the neighborhood. The phantom Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. This is truly an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn't work.

The Hawley Replat was a multi-year process that in the case of Tract F, is still a major issue for the community. 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, using the City's own Infill Toolkit to bring all parties together, to move forward with development that fits and expands housing in the City of Bellingham.

Sincerely,

BURI FUNSTON MUMFORD & FURLONG, PLLC

Philip Buri

EXHIBIT LIST

A. Bellingham City Council Agenda Bill No. 11302, April 25, 1994
B. Bellingham City Council Meeting Minutes, April 25, 1994
C. Bellingham City Council Resolution No. 19-94, April 25, 1994
D. Conservation Easement and Deed, December, 1994
E. Bellingham City Council Resolution No. 2002-24, July, 15, 2002
F. Cedar Ridge – Division #2 Plat Filing No. 202703650, July 23, 2002
G. Findings of Facts, Conclusions of Law and Order, City of Bellingham Hearing Examiner, HE-13-PL-007, October 23, 2013
H. Proposed Lot Layout, November 15, 1993
Consideration of preliminary plat approval for the Hawley’s Replat, located along the extension of Nevada Street north of Consolidation Street and south of Edwards Street. The Hawley’s Replat consists of 64 single family lots, 1 duplex lot, 1 triplex lot, 1 four-plex lot, and a 50 unit multi-family tract (123 total units).

The Planning Commission considered this application on March 17, 1994 and unanimously approved the proposal subject to a minor plat re-design and open space dedication.

RECOMMENDED ACTION
Recommend approval of the Hawley’s Replat Preliminary Plat subject to the Technical Review Committee and Planning Commission conditions/requirements. Direct staff to prepare a resolution for review in committee.

COUNCIL ACTION
CITY OF BELLINGHAM
PLANNING COMMISSION
FINDINGS OF FACT AND CONCLUSIONS
MARCH 17, 1994
Re: HAWLEY’S REPLAT - PLANNED RESIDENTIAL SUBDIVISION

OVERVIEW

SUMMARY
A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract.

LOCATION
The subject property is the old Hawley’s Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.

MAJOR ISSUES
Nevada Street extension, future development on up hill property.

STAFF RECOMMENDATION
Approve Phase 1 with conditions.

PLANNING COMMISSION RECOMMENDATION
Approval with conditions

Background/Prior Hearings

Historical Use of the Property:
Since 1920 this site has been used for rural farming activity. For many years the Hawley’s Poultry Farm operated from the site. As early as 1920, the western half of the site (relatively flat) was cleared for farming activity.

Neighborhood Meeting:
The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.

Documents Considered
Staff Report, Public Testimony

Exhibit A - BCC Agenda Bill No. 11302, April 25, 1994
Public Hearing

TESTIMONY

Please see the attached draft minutes from the March 17, 1994 Public Hearing.

STAFF/TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Approve the design of phase 1 subject to the conditions listed in Appendix A.

Based upon the application, record and public hearing held March 17, 1994, the Planning Commission makes the following:

FINDINGS OF FACT

1. Applicant/Initiator
   
   Exxell Development
   (Kevin DeVries, Contact)
   335 Telegraph Road
   Bellingham, WA 98226

   Ron Jepson and Associates
   Engineer
   222 Grand Avenue, Suite C
   Bellingham, WA 98225

2. Proposal

   Exxell Development owns 46.71 acres located north of Consolidation, south of Edwards Street, east of Moore Street, and west of Pacific Street.

   There are 123 units proposed in Phase 1 consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract. The project will extend Nevada Street between Consolidation and Edward Streets.

   Future phases of development will require additional review by staff, the Planning Commission, and Council.

3. Site Description

   LEGAL DESCRIPTION
   See attached

   COMPREHENSIVE PLAN DESIGNATION
   PUGET NEIGHBORHOOD Area 11

   This is a largely undeveloped area which includes wet areas, hillsides and areas which are relatively flat. The area is an ideal multiple housing area,
being convenient to town, parks, and commercial areas. As this area develops, warrants for a traffic light at Lakeway and Nevada should be analyzed. Higher densities should be allowed on the level, dry areas, while the wet areas and steep areas should remain open. Water lines for development within this area must be carefully designed to provide adequate fire flow.

General Use Type: Residential - Multi.
Use Qualifier: Planned.
Density: 5,000 square feet per unit overall density.
Special Conditions: Clearing, view, no access to Lakeway via Nevada or Puget Streets from that area south of Edwards Street, water distribution system design.

Prerequisite Considerations: Whatcom Street to Nevada Street and Nevada Street from Whatcom to Lakeway should be improved prior to development north of Edwards Street.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

* Residential Multiple Planned designation should accommodate a variety of residential uses in a manner which will allow property to be developed as a coordinated unit according to an approved detailed plan in order to achieve flexibility to solve site specific problems, minimize impact on surrounding properties, and maximize utilization of the land.

* Steep hillside areas and stream corridors or low wet areas are recommended as a general theme for open space patterns in future development.

* To preserve the visual integrity of the wooded hillsides which provide the backdrop for the City and many of the neighborhoods and to preserve the bluffs and slopes that reinforce the edge between water and City. Also to preserve the natural integrity of these areas by retaining vegetation, minimizing disruption of soils and slopes, maintaining drainage patterns, and encouraging wildlife habitats.

* Provide a functional, convenient, safe and pleasant bicycling and pedestrian transportation network in the City.
Visions For Bellingham Goals:

- Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.

- Bellingham continues to retain its natural, green setting by protecting unique natural features and public open spaces, creating greenbelts and preserving wooded hillsides in and around the City. New development is encouraged to incorporate existing mature vegetation and additional trees and native vegetation.

SURROUNDING USES AND DESIGNATIONS

North: Single family development and zoning (8,500 square feet minimum lot size).

South: New single family development (Briarwood Subdivision a planned subdivision, Futurespec Development). Planned Residential zoning (5,000 square feet per unit).

East: Future Hawley’s Plat Phase 2. Forested hillside. Toledo Hill single family development and zoning.

West: Lakeway Mobile Estates. The Moore Street right-of-way unimproved, identified in the Comprehensive Plan as a buffer between the mobile home park and the single family zone to the east. Maple Park apartments. Residential multiple zoning.

4. Existing Site Conditions

Acreage: Phase 1: 16.55 Acres
Entire Property: 46.71 Acres

Number of Lots: Phase 1 - 123 units: 63 Single Family
1 Duplex Lot
1 Triplex Lot
1 Four-plex Lot
50 unit MF Tract

Minimum Lot Size: 5,000 Square Feet
(Largest SF Lot - 8,689 Square Feet)
Plat Density:

5,000 square feet per unit overall density required.

Phase 1 - 123 units on 16.55 acres = 7.4 units per acre.

Phase 1 Single Family - 64 lots on 12.37 acres = 5.1 units per acre.

Topography:

The entire property has a natural slope from east to west up to 30%. Phase 1 is gently sloped and is located in the lowest and flattest portion of the site. Phase 2, located in the eastern region of the Hawley property, contains the most severe slopes on the property and will require additional review prior to development.

Hydrology:

The Hawley site is located in the Lincoln Creek watershed. This watershed is 803 acres in size and drains the northwestern portion of Samish Hill. All surface water runoff collects in Lincoln Creek and empties into Whatcom Creek at its terminus.

The local geology consists of bedrock, primarily sandstone, overlain by glacial material. The springs and hillside seeps found here produce numerous intermittent streams in the area. This is the source of water, in addition to direct precipitation, that feeds the wetlands on the Hawley farm.

Infrastructure:

Streets:

Nevada Street abutting proposed Lots 31-37 is 3/4 City standard with sidewalk, curb, gutter, and street lights on western side. Nevada Street south of Consolidation Avenue is improved to minimum City standards. Nevada Street north of the proposed development has approximately 16 feet of paved surface with open ditches.
6. **Staff Analysis**

**Land Use:**

Area 11 of the Puget Neighborhood is zoned for multi-family development at 5,000 square feet per unit (8.7 units per acre). The entire site (Phase 1 and 2) is comprised of 46.71 acres and current zoning would allow a maximum of 406 units. However, due to environmental constraints, it will be extremely difficult to achieve maximum density on this property.

Phase 1 consists of 123 units in a mix of single family and multi-family housing types. This meets the intent of the Residential Multiple Planned Land Use Designation.

**Streets:**

**Nevada Street Dedication:**

The Nevada Street right-of-way connecting Consolidation and Edwards Street was dedicated as a plat condition of the Briarwood Subdivision (see attached). However, this dedication was platted over a regulated wetland. The plat design under consideration will vacate the former right-of-way and dedicate a new Nevada Street right-of-way west of the original dedication. The new alignment will reduce the impacts to regulated wetlands. A City of Bellingham Wetland Permit and Army Corps of Engineer's permit must be issued for impacts/fill to regulated wetlands. (See attached Memo from Chris Spens, Senior Environmental Planner.)

**Nevada Street Connection:**

It has been the position of the City that the Nevada Street connection is an important circulation element in this area. This link will allow an alternative route to I-5 without using Lakeway Drive. For additional background, please see attached memo from Tom Rosenberg, City Engineer.
Plat Vacation:

Once approved and filed with the Whatcom County Auditor’s office, this subdivision will vacate portions of the Cedar Addition to Whatcom Plat and streets/alleys located within the plat. (The Nevada Street right-of-way was dedicated by the property owners with the understanding that this plat would be vacated and the owner would not have to compensate the city for vacated rights-of-way.)

Parks/Open Space:

The subdivision ordinance requires applicants to dedicate 100 square feet per lot within the plat boundary for parks and open space. In lieu of park dedication, a $300.00 per lot payment into the Park Acquisition Fund is allowed.

If dedication of open space occurs within the Hawley Replat boundary, the preferred location would be within Phase 2 along the wooded hillside. Staff would support dedication for the entire property at this time. Said dedication should occur within the boundary of future Phase 2 and should incorporate the forested hillside areas and identified wetland areas.

If dedication of open space for the entire property is not feasible at this time, staff would prefer payment into the park acquisition fund in lieu of dedication for Phase 1.

In addition, staff may propose an open space dedication upland as mitigation for wetland fill. Please see attached memo from Chris Spens.

Wetlands:

A wetland determination indicated there are 13.1 acres of wetlands on this site. Wetlands such as these that are located higher up in the drainage are very important for flood control downstream because they store water so effectively and then "meter" it out slowly. Wetlands of this size can be very valuable if a physical connection to other wetlands or open space is retained.

As more vegetation is removed from the watershed, particularly trees, drainage patterns are altered and there is a greater volume of runoff which can overwhelm downstream capacity. Greater runoff volumes can also have a damaging effect on the wetlands if the water level fluctuation is dramatic.
Future Phases of Development:

Because of environmental constraints, development of future phases east of Phase 1 will require additional staff and public review.

6. ADDITIONAL FINDINGS AND SPECIFIC SITE FACTS

1) The proposed layout of Lots 1-4 would require partial fill of a forested wetland.

2) The extension of Nevada Street would allow multi-dimensional circulation in this area.

3) Open space/parks dedication is preferred over payment in lieu of land dedication.

Based upon the above findings, the Commission makes the following:

CONCLUSION

1) The plat should be modified to redesignate or eliminate proposed Lots 1-4.

2) Nevada Street should be connected between Edwards and Consolidation Streets.

3) Open space/parks dedication for all phases of development should occur in the area designated within the boundary of future Phase 2.

4) Additional open space should be dedicated as mitigation for wetland fill.
From the above Conclusion, the Commission comes to the following:

RECOMMENDATION

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation, Appendix A.

ADOPTED this 14th day of April, 19__

Chairperson

ATTEST: [Signature]
Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney
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RECORD OF PROCEEDING OF CITY COUNCIL
CITY OF BELLINGHAM, WASHINGTON

BELLINGHAM SENIOR ACTIVITY CENTER
Monday, April 25, 1994, 07:00 PM
Book: 40, Page: 1

REGULAR MEETING

Called To Order: The meeting was called to order by Council President Arne Hanna with a salute to the flag.

Roll Call:
Present:
- First Ward Councilmember Don Gischer
- Second Ward Councilmember Gene Knutson
- Third Ward Councilmember Arne Hanna
- Fourth Ward Councilmember Bob Hall
- Fifth Ward Councilmember Pat Rowe
- Sixth Ward Councilmember Bruce Ayers
- Councilmember At Large Louise Bjornson

Excused:

ANNOUNCEMENT(S)


15-MINUTE PUBLIC COMMENT PERIOD

1. Cory Kemp, 2706 W. Connecticut, addressed the Hemline project in the Squalicum Parkway area and presented a handout from the Planning Commission dated August 1981 regarding the zoning definition of planned industrial for this site. She also requests that this area be given consideration for the placement of a park.

With no further comment, the public comment period was closed.

PRESENTATION

AB1301 1. BUILDING INDUSTRY ASSOCIATION (ART CASTLE)

Mr. Castle, Director of the Building Industry Association conveyed that he is relocating to Kitsap County in one week and he introduced his successor, Valerie Smith. Mr. Smith has ten-years of experience in working with non-profit and trade associations in Denver before she and her family moved here a couple of years ago. She has been the Activities and Events Director who was largely responsible for the success of this year's House Show. Mr. Smith spoke briefly and said that she looks forward to working with the community and learning about the issues before the Building Industry Association. Councilmember Ayers expressed his gratitude to Mr. Castle for bringing the organization into a leadership role in the community, and for his positive approach to the issues, and added that he would be missed. Councilmember Rowe praised Mr. Castle's energy level and also stated that he would be missed. Councilmember Hall gave a fond farewell to Mr. Castle and thanked him for the inspiration he provided. Councilmember
Council Minutes for April 25, 1994 City of Bellingham, WA

Knutson led in a final farewell to Mr. Castle via a round of applause from all.

PRESENTATION(S)

PUBLIC HEARING(S)

AB11302 1. CONSIDERATION OF PRELIMINARY PLAT APPROVAL OF 123-UNIT SUBDIVISION, COMMONLY
KNOWN AS THE HAWLEY'S REPLAT, LOCATED ALONG EXTENSION OF NEVADA STREET, BETWEEN
CONSOLIDATION AND EDWARDS STREET.

Rob Nye, Planning Department, made the staff presentation. The plat consists of a 123-unit planned residential subdivision located along Nevada Street between Edwards Street and Consolidation Ave. The development of approximately 17 acres is planned with approximately 15 acres dedicated for park and open space. There are 164 single family lots planned, all of which satisfy the 5,000 square foot density requirements. In addition, one duplex, one triplex, one four-plex, and a 50-unit multi-family tract are planned which will require planned residential review by staff since they are presented for approval. The project includes full standard improvements of Nevada Street within the property (28-foot full standard street with curbs, gutters, street lights, and street trees on both sides), and realignment of the existing Nevada Street right-of-way (slightly west of the current designation, which is part of the Briarwood Subdivision). The realignment of Nevada Street is suggested in order to mitigate minimal impacts to wetlands that are in the area. In addition, vacation of the Cedar addition is proposed, which is located in the northern most part of this property. The Planning Commission recommended approval of this application subject to minor changes such as pursuing an open space dedication in the future Phase II area, and renumbering a small block of lots on the eastern side of Nevada Street. One of the issues facing this subdivision deals with the extension of Nevada Street between Consolidation and Edwards Streets at the neighbors do not want to see that as a thorough street and some thought it would remain a dead-end street. Another issue is the drainage and wetland impacts of the subdivision.

Ron Jeppson, the engineering consultant for the applicant, Excell Development, stated that this project had been before the City for approval for 2 years. Of concern is the traffic considerations at the 1-5/Samish overlap area. The Briarwood development had obtained approval for their development with the condition that they obtain a right-of-way to connect the development to the north with Nevada St; as it was platted at that time. Mr. Hawley, then-owner, dedicated a 60-foot strip to the alignment which was approved by the Public Works Department; connecting the existing-platted Nevada with Consolidation on the south. Briarwood was constructed under those terms. The traffic impacts ordinance was then adopted which opened up the opportunity for developed areas that created traffic impacts to be assessed an impact fee for each lot being developed at the time of building permit issuance. A detailed wetlands analysis was performed and the alignment that was previously dedicated for Nevada went through wetlands more than was necessary. They asked the City to modify the alignment which is a current condition of this plat. There were approximately 11 acres of wetlands identified in this project and during discussions with Planning Staff, it was determined that the upland area between the wetland area identified and Puget Street, could be preserved. Mr. Hawley agreed that he would add the wooded area from Puget Street to the wetland already designated, making a total of 15 acres dedicated for park and open space. The proposed alignment of Nevada Street, which connects the existing 44th Street in Briarwood, is an alignment which circumvents the wetland area. The Hawley residence is a larger parcel connected to this development. The neighborhood meetings held to date revealed an issue relating to the Nevada Street connection and may be a misunderstanding that Nevada Street is desired by the City to connect Lakeside Drive with Consolidation. The plan for connecting Nevada was decided by Public Works at the time of the Briarwood Subdivision approval. The drainage issues will be handled with the wetland dedication and retention requirements.

The public hearing was opened.

1. Mr. Hawley, owner of the property and partner in the development of the property, stated that his family has waited for many years before selling the property until an acceptable plan came forth that they could be involved in and be proud of. He stated that this development is such a plan and he asks for Council approval of this development.

Councilmember Hamas asked for the dollar figure of the transportation impact fee imposed for each lot. Clerk William, Public Works, answered that each lot would be assessed $270 for the Samish/2-5 intersection improvements.

2. Mike McInerney, P.O. Box 1026, East Sound Washington, the Vice President of Future Spec Homes, relayed that he is currently developing 30 homes on 44th and 45th Streets and that they have developed 10 homes in the Briarwood Subdivision. He suggests not continuing Nevada and stopping it before it comes into Briarwood if the street is only going to serve 10-12 units on the east side of Nevada Street. The traffic impacts on the neighborhoods would be a detriment to the community.

3. Brian Johnson, 1020 Puget, expressed concern over the proposed traffic at Puget and Lakeside and potential problems with the children traveling to school and using the crosswalks due to limited sighting distance where Edwards meets Puget. It appears to be
an accident potential and a hazard for the children. The local access only signs in Pacific View are not helping and the average speed is 40 mph in that area with some speeds close to 50 mph when they reach Edwards and Puget.

Clark Williams, Public Works, responded that there is a one block length (about 2 blocks south of Lakeway Drive) that connects Nevada Street with Puget Street, but this length is not a public street, it is a private access road. If this became a cut-through route for motorists, the City would investigate the traffic as this is not a City street.

4. Shawn Dooley, 805 Nevada, understood that Nevada would be a through street, but with green space and the wildlife corridor preserved, Briarwood residents are concerned with the clearing from recent developments (such as Maritime Heights). They believe this to be “bad planning and development” and ask that City staff enforce the regulations to the letter of the law with monitoring of the development. He does state a concern for the record, that residents of Nevada Street and Briarwood were told at neighborhood meetings that the connection from Lakeway through Nevada to 44th will not connect with the Samish/I-5 overpass at Elwood.

5. Cindy Plueser, 804 Salmon Berry Lane, stated that when she went to the Planning Department she was not shown a planned map, but was shown a large section map and was told it would be difficult for the development to proceed. She is not opposed to development, but she bought her property with the understanding that it would remain quiet so that she could enjoy the wildlife. There are other alternatives to the through street of Nevada such as routing half of the Hawley development traffic south on Nevada to Consolidation and the other half through Lakeway.

6. Joyce Fuchswalter, 1028 Nevada, talked to the Planning Dept before she bought her property at Nevada and was told that at that time there were no plans to make Nevada a through street. She presented a petition of 23 signatures of Nevada Street residents who are opposed to Nevada becoming a through street. She expressed frustration that the development and traffic access routes seem to be not a proposal, but a done deal.

7. Barry Windling, 1061 Nevada, spoke in opposition to the connection of Nevada Street and asked that future speed studies be performed. The many different zoning uses surrounding the area will cause great traffic increases.

A discussion then ensued between Councilmembers and staff regarding traffic patterns and access routes of the current and future development in that area. Councilmember Knutson asked when the decision was made to make Nevada a through street. Jack Garner, Public Works responded that the decision was made when the Briarwood development was approved, in approximately late-1983.

8. Nancy Wupper, 821 Nevada, expressed concerns over the traffic patterns and stated that people are going to be zig-zagging all over to get to Lakeway.

Chris Spenn, Planning Department, reiterated that there would be no connections with the Yew/Samish connector and urged Council to consider the possible aspects of road access in that area. Access is accessible and open, but traffic pressure and offers more options to residents. This naturally slows the traffic because more options are available to commuters. A through road gives traffic alternatives regardless of destination and for fire and police access it also offers more options. In response to wetlands, the project started out with 13.2 acres of wetlands. They will need to fill slightly less than an acre, and the City has maintained every square foot of wetland acreage either in the form of absolute wetlands or newly gained uplands upslope of this large system. The shape of the system is designed to minimize tree clearing on the property to link up wet meadow, scrub shrubs, and forested wetlands and their necessary counterparts, forested uplands. The parcel was 46 acres and the park dedication is approximately 1/3 of the property plus rights of way to be dedicated, so the public benefit of this project is great. The development is proposed on a downside slope of the wetland, which is good because the disturbances would drain away from the wetland. The wetland configuration is solid with a net acreage of what was onsite plus the required 50-foot buffer which has been averaged and re-located to gain a greater, more harmonious system.

Councilmember Knutson emphasized that the traffic situation is not going to get away and that he personally sold a house to get away from traffic which has now edged to his new home. There are adjustments that need to be made on all sides, and that this is a city-wide problem.

9. Cindy Plueser, 804 Salmon Berry Lane, asked if all the barriers in town could be taken down tomorrow so that everyone could adjust appropriately. She states that if he has to adjust, then everyone else should also.

10. Ron Jaycox, clarified that the Comprehensive Plan during the Briarwood Subdivision approval process indicated that the area south of existing Nevada should exit south. That was because the Byron Consolidation Parkway was under consideration, with Byron going over the freeway (near Denny’s) and Consolidation being the main thoroughfare so that traffic in this area would exit to the major thoroughfare. In 1983, it was obvious that Consolidation had moved south and was now the San Juan Boulevard alignment so Nevada Street because the required street to go through. The Hawley’s dedicated that right-of-way to allow the
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Briarwood Subdivision to occur. The owners stating that they did not know of Nevada being made a through street, could have looked at the drawing showing the alignment as it was one of the exhibits for Briarwood which showed Nevada to be a through street.

11. Lloyd Austin, 1338 Lakeside, has adjoining property to the development for sale and states that for any questions about wetlands, talk to him about it as he remembers he used to row his boat where Lakeway Estates is now. It has been filled in, and he does not see any bad results in Bellingham because of it.

With no further comments forthcoming, the Public Hearing was closed.

AYERS MOVED/HALL SECONDED approval of the preliminary plat subject to the Technical Review Committee and Planning Commission conditions and requirements. Staff is directed to prepare a resolution for review in committee. MOTION CARRIED 7-0.

AB1301 2. UTILITY SERVICE ZONE #219

CB 11936 AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSION, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF AN AREA LOCATED EAST OF DEEMER ROAD AND SOUTH OF E. BAKERVIEW ROAD, TO THE CITY’S UTILITY SERVICE ZONE AS EXTENSION NO. 219, PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

Geoff Smythe, Public Works, made the staff presentation. There are 29.4 acres involved in the application with 7 pieces of land desiring to come into the City system. The development is adjacent to city limits and is contiguous to other areas with utility service zones and is within the urban service boundary. There are no proposed developments for the land involved, only existing structures and the City has imposed several stipulations which are included in the ordinance language. The resident applicants have indicated concerns over some of the stipulations.

The public hearing was opened.

1. Donny Smith, 585 E. Bakerview, an applicant, stated that he does not want to be responsible for future LID’s to improve the streets due to increased traffic caused by the retail development. The City has planned to upgrade the Deemer and Bakerview Roads: this cost would be too great for the sewer service zone applicants to bear. He does not think it is fair for the City to make the neighbors compensate for the lack of road investment on the part of the County, or for an immense traffic situation caused by the retail development. When he discussed this with the Planning Commission, they did not respond and he appeals to Council to give the neighbors a break.

2. Larry Clark, 545 E. Bakerview, the owner of Bakerview Nursery, also stated his opposition to the stipulation for future LID commitment to improve the streets.

A discussion ensued between the applicants and Councilmembers regarding the stipulations of the ordinance and the implication of future LID assessments. Jack Garner, Public Works, responded that the stipulations are applied because the property is outside city limits and are not under City control for subdivision, building permits, rezoning, etc. The stipulations are applied as if the property were in the City to provide some City control over land use, subdivision, permit, transportation impact fees, drainage controls, etc. If a short plat or subdivision were applied for in the City, the adjacent roads must be improved. If the subject land parcels were subdivided, these stipulations ensure the improvements. It is difficult to impose an LID to an area outside the City limits, so they use the terminology “agreement”. If the improvements are approved in the future, it would come before the Council to decide the method and degree of assessment and participation.

3. Hank Weak, 620 E. Bakerview, has owned his 5 acre property since 1983 and supports the utility service zone. He stated that when future property development occurs, it would be right to pay the proper fees and costs, but he would want clear instructions at the time. He asks that Council act on this service zone extension.

4. Lloyd Austin, 1338 Lakeside, states his theory of assessing LID’s city-wide rather than to individual neighborhoods as the city as a whole uses all street. He does not feel that this idea should extend to neighborhoods close to the Canadian border. However, he also asks how much capacity our current sewer is set up for.

Jack Garner responded that the City has a 20 year growth cycle for sewers and 50 year cycle for water.

With no further comments forthcoming, the public hearing was closed.
KNUTSON MOVED GISCHER SECONDED the approval of the service zone extension. MOTION CARRIED. 7-0.

A five-minute break was taken at this point in the meeting.

REPORTS OF COMMITTEES

REPORTS OF COMMITTEES:

FINANCE AND PERSONNEL
MEMBERS: DON GISCHER, CHAIR; BOB HALL; PAT ROWE
Monday, Apr 25, 1994, 1:00 PM - 2:20 PM, Library Lecture Room, 210 Central

AB11304 1. BID #32-94: LOADER/BACKHOE

On April 7, 1994, bids were opened to purchase two new loader/backhoes for the Sewer and Water Departments. Three bids were evaluated and Committee recommends the low bid from Western Power & Equipment Co. of Everett.

This bid was approved as part of the consent agenda.

AB11305 2. Bid #33-94: FIRE STATION #5 REMODEL

This project is funded from the Real Estate Excise Tax (REET) fund. Five bids were received and evaluated. Committee recommends awarding the bid to Eberal General, Inc.

This bid was approved as part of the consent agenda.

AB11306 3. Bid #34-94: ENGINEERING OFFICE PANELS

Bids were opened on April 14, 1994 for wood office panels for the Public Works Engineering Division Office. The Committee recommends awarding the bid to Regal Office Supply of Lynden, Washington.

This bid was approved as part of the consent agenda.

AB11307 4. RECREATION PROGRAM FUNDING: APPROPRIATIONS FOR SPECIAL POPULATION PROGRAM AND ARCO JESSE OWENS GAMES

CB 11957 AN ORDINANCE RELATING TO THE 1994 BUDGET AND APPROPRIATING $15,000.00 IN ADDITIONAL FUNDS IN THE GENERAL FUND FOR THE PURPOSE OF PROVIDING FOR A $5,000.00 GRANT FOR THE DEVELOPMENTAL DISABILITY PROGRAM AND $10,000 FOR THE ARCO JESSE OWENS GAMES, FROM UNANTICIPATED REVENUE.

This ordinance is a "pass-through" ordinance with Arco providing $10,000 for the Jesse Owens Games and a State grant providing $5,000 for programs for developmental disability programs.

GISCHER MOVED BJORNSON SECONDED that Council Bill 11957 be read a first time. MOTION CARRIED. Upon motion, said bill was read a second time. MOTION CARRIED 7-0.

PLANNING AND COMMUNITY DEVELOPMENT
MEMBERS: PAT ROWE, CHAIR; LOUISE BJORNSON; BRUCE AVERS; DON GISCHER
Monday, Apr 25, 1994, 1:20 PM - 1:45 PM, Library Lecture Room, 210 Central

AB11308 1. CONSIDERATION OF FINAL PLAT APPROVAL FOR DIVISIONS 1 AND 2 OF THE MT. BAKER FOREST RESIDENTIAL SUBDIVISION

RES #16-94 A RESOLUTION GRANTING FINAL PLAT APPROVAL TO MT. BAKER FOREST RESIDENTIAL DIVISION 1 (WYCKLIEF PARK) AND DIVISION 2 (TANGLEWOOD). WYCKLIEF PARK, DIVISION 1, CONTAINS 51 SINGLE FAMILY CLUSTER LOTS. TANGLEWOOD, DIVISION 2, CONTAINS 21 SINGLE FAMILY CLUSTER LOTS. MT BAKER FOREST RESIDENTIAL IS GENERALLY LOCATED NORTH OF BARCLAY BOULEVARD AND WEST OF THE TWEED.
TWENTY AND BRENT WOOD SUBDIVISIONS.

Councilmember Rowe reported that this final plat approval was requested by the applicant prior to completion subject to bonding. Committee recommended 5-1 to approve the subdivision. The bonding consists of 150%. Councilmember Grocher expressed concerns over granting final approval prior to completion due to the risk to the City. Other councilmembers also mentioned concern over the approval prior to completion and it was suggested to add this as a topic for discussion at the Committee of the Whole.

ROWE MOVED/AIERS SECONDED approval of final plat approval. MOTION CARRIED. 5-2 (Grocher, Hall opposed).

COMMITTEE OF THE WHOLE
ALL COUNCIL MEMBERS; ARNE HANNA, CHAIR
Monday, April 25, 1994, 1:45 PM - 4:30 PM, Library Lecture Room, 210 Central

AB11309 1. PRESENTATION: URBAN RESIDENTIAL VACANT LAND SUPPLY

Councilmember Hanna reported that a presentation was given at the committee meeting by Roger Almukat, Bill Heuchler, Daryl McClelland, Joe Burton, and Bill Geyer who discussed the land supply. This was informational only, no action was required. The staff will be forwarding with a presentation on land management.

AB11310 2. CONSIDERATION OF PARKING PLAN AND DISTRICT FOR FAIRHAVEN

Councilmember Hanna reported that council made recommendations regarding the plan and that staff will be bringing a resolution forth at the next meeting for approval regarding the parking plan in Fairhaven. Councilmember Ayers reported that they voted to approve the recommendations of the Planning Commission.

AB11311 3. CONSIDERATION OF PROPOSALS PREVIOUSLY PRESENTED AT PUBLIC HEARINGS HELD MARCH 28TH AND APRIL 18TH ON POSSIBLE SURPLUS ACTION AND DISPOSITION OF A NUMBER OF CITY-OWNED PROPERTIES INVOLVED IN A COMPLEX RESPONSE TO THE REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF THE WASHINGTON GROCERY BUILDING

Councilmember Hanna reported that New Whatcom Improvement Company removed the 40 acre Lake Padden parcel from their proposal. In addition, Council talked with Catholic Community Services and Critical Ventures regarding their respective proposals.

Councilmember Ayers reported that the committee action was to send all the proposals to the Real Estate Appraisal Committee for financial considerations (return on investment) and suitable downtown use and to provide recommendations back to Council within 2 weeks.

BJORNSON MOVED/IQNUTSON SECONDED the removal of the 40-acre Lake Padden parcel from the New Whatcom Improvement Company proposal. MOTION CARRIED. 7-0.

Councilmember Hanna recognized the following citizens to speak:

Reg Williams, 2636 Franklin, questioned why issues are always referred to staff for recommendations when staff does not always have the complete background and information. He suggests that if staff is to make recommendations, that they be given access to parties involved in the proposals. Further, the city charter specifically prohibits the sale of the Lake Padden parcel, yet the idea was entertained by staff as a part of the New Whatcom proposal.

Steve Brisbane, New Whatcom Improvement Co., addressed the issue regarding the proposal process and stated that he did come up with the exchange idea and that the charter stipulates how properties are to be disposed and sold. There is a special provision for disposition to take in consideration deals which are unique or can't be presented for sealed bids. In fact, you can not put out an RFP requesting an exchange process for property that is owned by someone else.

Bruce Dicomb clarified that city staff has not entered into any negotiations with any parties who have made proposals but there have been discussions with all the proponents to get clarification on the terms and conditions of their proposals. Councilmember Ayers reiterated that point also and stated that they have been working on the development of each of the proposals for preparation to Council.

Mr. Williams stated that he was more interested in an opinion from the City Attorney regarding an interpretation of the charter. He also congratulated Mr. Brisbane for coming up with an offer that included an arts center. His main concern was for the Lake Padden
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parcell in that he did not feel it was in the best interest of the City to dispose of that property.

CONSENT AGENDA

All matters listed under CONSENT AGENDA are considered to be routine to the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

AB11304 1. BID #32-94: LOADER/BACKHOE
AB11305 2. BID #33-94: FIRE STATION #8 REMODEL
AB11306 3. BID #34-94: ENGINEERING OFFICE PANELS

GISHER MOVED/BIORNSON SECONDLED the approval of all items listed on the consent agenda. MOTION CARRIED 7-0.

MAYOR'S REPORT

CONSENT AGENDA

FINAL CONSIDERATION OF ORDINANCES

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting was thereupon adjourned at approximately 9:55 PM. ARNE HANNA, COUNCIL PRESIDENT

ATTEST: Deputy City Clerk
APPROVED:

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RESOLUTION NO. 19-94

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY’S REPLAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exzell Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the city of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City’s Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 289

Exhibit C - BCC Resolution No. 19-94, April 25, 1994
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 24th day of May, 1994.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney
GENERAL NOTES:

PLAT AREA: PHASE 1 - 16.55 AC. - PHASE 2 - 30.16 AC
LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)
123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS PER ACRE
ALLOWABLE DENSITY 8.7 UNITS PER ACRE

ZONING RM - 5000

SEWAGE DISPOSAL CITY OF BELLINGHAM
WATER SUPPLY CITY OF BELLINGHAM

DEVELOPER CYPRUS PARTNERS
C/O EXXEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM, WA. 98226
PH. # 734-2872

ENGINEER/SURVEYOR RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA. 98225
PH. # 733-5760
Hawley's Replat Conditions:

**General:**

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040. Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

**Circulation Access:**

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.
4. All cul-de-sacs within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac rights-of-way shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase 1.

**Signage and Pavement Markings:**

1. All street signs and pavement markings shall comply with Public Works Department standards.

**Lot Access:**

1. All corner lots shall access from the cul-de-sac street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

**Water Quality Treatment:**

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

**Transportation Impact Fees:**

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

**Surface Water:**

1. A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master Plan. The following elements must be addressed:
   a) A permanent water quality facility shall be provided.
   b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

Sanitary Sewer:

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

Water:

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

Fire:

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetlands:

1. Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,

City of Ballinaas
CITY ATTORNEY
210 Lottie Street
Ballinaas, Washington
98225
Telephone (206) 676-6903
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

**Parks:**

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

**Future Phases:**

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.
EXHIBIT C - LEGAL DESCRIPTION

PARCEL A:
THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE
SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK
26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET
ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH
HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL
OF VACATED BLOCKS 27, 28, 31 AND 32, INCLUDING VACATED STREETS AND
ALLEYS, ALL IN "CEDAR ADDITION TO NEW WHATCOM," NOW A PART OF THE
CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER
THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE
AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S
FILE NO. 1610691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:
A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38
NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:
ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC
STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT
FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:
A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH,
RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:
COMMENCING AT A STAKE 403.84 FEET EAST OF THE NORTHWEST CORNER OF
SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER
OF SAID LOT 1; THENCE SOUTH 433.04 FEET; THENCE WEST 543.50 FEET;
THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 311.04
FEET TO THE POINT OF BEGINNING; CONTAINING 8.06 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION
(CONTINUED)

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF
W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOTH,
BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS
FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID
GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET,
WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY
AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
CONSERVATION EASEMENT

GRANTORS, IRVING AND JOAN HAWLEY, do hereby covenant, grant and convey to and for the benefit of the CITY OF BELLINGHAM, GRANTEE, in perpetuity, a conservation easement on portions of their property legally described in Exhibit A, Township 38 North, Range 3 East, West one-half of Section 32, Whatcom County Washington, as follows:

1. In accordance with the provisions of Plat Resolution No. 19-94 which is associated with the "HAWLEY REPLAT" this Conservation Easement and subsequent dedications in fee, shall fulfill all conditions pertaining to Parks obligation, Wetland preservation and Open Space allocations.

2. This easement area and dedication in fee shall occasion a reduction in over unit density, as provided for by zoning of 100 dwelling units. The allowable density as computed by utilizing gross acreage shall therefore be reduced by 100 units by this grant and dedication.

3. This tract, which is now a natural part of the overall site drainage will also be incorporated into the projects mitigation and drainage controls in order to perpetuate the natural hydrologic functions.

These covenants and easements shall run with the land and be binding on successors and assigns.

Executed this 27 day of December, 1994.

GRANTORS
Irving Hawley
Joan Hawley

STATE OF CALIFORNIA
COUNTY OF SNOHOMISH

I certify that I know or have satisfactory evidence that Irving Hawley and Joan Hawley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED December 27, 1994

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, MY COMMISSION EXPIRES /pb exx11223
EXHIBIT A

DECEMBER 1, 1994

CLIENT: EXCEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 38, RECORDS OF THE WHATCOM COUNTY AUDITOR; THENCE SOUTH 1° 53' 41" WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19" EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET; THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET; THENCE SOUTH 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE SOUTH 1° 55' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04" EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 88.49 FEET; THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET; THENCE NORTH 62° 33' 50" WEST, 94.16 FEET; THENCE SOUTH 66° 12' 35" WEST, 39.88 FEET; THENCE NORTH 67° 59' 28" WEST, 87.62 FEET; THENCE SOUTH 54° 24' 26" WEST, 58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET; THENCE NORTH 70° 56' 02" WEST, 58.09 FEET; THENCE SOUTH 63° 51' 48" WEST, 82.09 FEET; THENCE NORTH 5° 31' 21" WEST, 158.72 FEET; THENCE NORTH 56° 29' 06" WEST, 366.08 FEET; THENCE SOUTH 65° 56' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01' 18" WEST WITH A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE EASTERNLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)

/pb
exxel201
91039
Statutory Warranty Deed

THE GRANTORS

IRVING H. HAMLEY, JR., and JOAN F. HAMLEY, HUSBAND AND WIFE

for and in consideration of

One Dollar ($1.00) and Other Valuable Consideration

in hand paid, conveys and warrants to

CITY OF BELLINGHAM, A MUNICIPAL CORPORATION

the following described real estate, situated in the County of WHATCOM, State of Washington,

SEE ATTACHED

Dated Dec 7, 1994

[Signature]

[Notary Public]

State of Washington

COUNTY OF

On this day personally appeared before me

________________________

Notary Public in and for the State of Washington, residing at

________________________

[Address]

STATE OF WASHINGTON

COUNTY OF

On this day of , 19

before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

________________________

Notary Public in and for the State of Washington, residing at

________________________

[Address]
LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 33, RECORDS OF THE WHATCOM COUNTY AUDITOR; THENCE SOUTH 1° 53’ 41” WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06’ 19” EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06’ 19” EAST, 10.00 FEET; THENCE NORTH 1° 53’ 41” EAST, 59.93 FEET; THENCE SOUTH 88° 03’ 06” EAST, 128.00 FEET; THENCE NORTH 1° 53’ 41” EAST, 239.90 FEET; THENCE SOUTH 88° 03’ 06” EAST, 112.00 FEET; THENCE NORTH 1° 53’ 41” EAST, 40.00 FEET; THENCE SOUTH 88° 03’ 06” EAST, 296.76 FEET; THENCE SOUTH 1° 55’ 01” WEST, 323.09 FEET; THENCE SOUTH 59° 45’ 04” EAST, 162.23 FEET; THENCE SOUTH 88° 03’ 06” EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE SOUTH 1° 55’ 01” WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39’ 56” EAST, 20.00 FEET; THENCE SOUTH 1° 33’ 12” WEST, 88.49 FEET; THENCE SOUTH 78° 09’ 03” WEST, 29.31 FEET; THENCE NORTH 62° 33’ 50” WEST, 94.16 FEET; THENCE SOUTH 86° 12’ 35” WEST, 39.88 FEET; THENCE NORTH 67° 59’ 28” WEST, 87.62 FEET; THENCE SOUTH 54° 24’ 26” WEST, 58.75 FEET; THENCE SOUTH 16° 32’ 08” WEST, 32.15 FEET; THENCE NORTH 70° 56’ 02” WEST, 58.09 FEET; THENCE SOUTH 63° 51’ 48” WEST, 82.09 FEET; THENCE NORTH 5° 31’ 21” WEST, 156.72 FEET; THENCE NORTH 56° 29’ 06” WEST, 366.08 FEET; THENCE SOUTH 85° 58’ 57” WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01’ 18” WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12’ 22” AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13’ 40” WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE EASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52’ 39” AN ARC DISTANCE OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53’ 41” EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sonoma

On 12/7/94 before me, Cindi L. Buell, Notary Public

personally appeared Irving H. Hawley, Jr. and Joan F. Hawley

□ personally known to me OR □ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindi L. Buell, Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

□ Individual
□ Corporate Officer

□ Partner(s) □ Limited
□ General

□ Attorney-in-Fact
□ Trustee(s)
□ Guardian/Conservator
□ Other:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES):

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

VOL: 425 Page: 539
File No: 9412300089

SIGNER(S) OTHER THAN NAMED ABOVE
RESOLUTION

WHEREAS, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1); and

WHEREAS, said plat received City Council approval on May 10, 1994, by Resolution No. 19-94; and

WHEREAS, on December 30, 1994, the wetland/open space tract was dedicated to the City of Bellingham; and

WHEREAS, on May 7, 1996, Division 1, consisting of 7 single family lots, was recorded at the Whatcom County Auditor’s Office (960507105); and

WHEREAS, on June 6, 1998 the Edwards Short, consisting of 9 single family lots, was recorded at the Whatcom County Auditor’s Office; and

WHEREAS, on May 6, 2002, the City Council approved first and second reading of an ordinance for the vacation of the undeveloped portions of Nevada, Lopez, and alley rights of way associated with said plat; and

WHEREAS, the public improvement requirements associated with Division 2 have been installed or bonded for at time of approval; and,
WHEREAS, the Council has reviewed Division 2 of this plat and finds that the public use and interest will be served and that Division 2 of this plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 19-94 (Attachment 2),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

Cedar Ridge, Division 2, consisting of 48 single-family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 19-96, attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as attached.

PASSED by the Council this 15th day of JULY, 2002.

Council President

APPROVED by me this 22nd day of July, 2002.

Mayor

ATTEST: Finance Director

Office of the City Attorney
RESOLUTION NO. 19-96

ATTACHMENT 2

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY'S REPLAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exxall Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City's Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

council President

APPROVED by me this 10th day of May, 1994.

Mayor

ATTEST: Finance Director

APPROVED AS TO FORM:

Office of the City Attorney
GENERAL NOTES:

PLAT AREA: PHASE 1 - 16.55 AC. - PHASE 2 - 30.16 AC
LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)
123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS PER ACRE
ALLOWABLE DENSITY 8.7 UNITS PER ACRE
ZONING RM - 5000
SEWAGE DISPOSAL CITY OF BELLINGHAM
WATER SUPPLY CITY OF BELLINGHAM
DEVELOPER CYPRUS PARTNERS
C/O EXXEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM, WA 98226
PH. # 734-2872

ENGINEER/SURVEYOR
RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA 98225
PH. # 733-5760
EXHIBIT "E"

Hawley’s Replat Conditions:

General:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040.
   Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.
   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.
   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

Circulation Access:

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28’ with concrete curbs, gutters, 5’ foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 676-6903

Exhibit E - BCC Resolution No. 2002-24, July 15, 2002
4. All cul-de-sacs within the plat shall be constructed to 24’ with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac rights-of-way shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28’ street adjacent to Phase 1.

Signage and Pavement Markings:
1. All street signs and pavement markings shall comply with Public Works Department standards.

Lot Access:
1. All corner lots shall access from the cul-de-sac street.
2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

Water Quality Treatment:
1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

Transportation Impact Fees:
1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

Surface Water:
1. A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master Plan. The following elements must be addressed:
   a) A permanent water quality facility shall be provided.
   b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.
An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

There shall be provisions for positive lot drainage for all lots within the subdivision.

Sanitary Sewer:

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

Water:

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

Fire:

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetlands:

1. Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

 Parks:

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

 Future Phases:

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 676-6903
EXHIBIT C - LEGAL DESCRIPTION

PARCEL A:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL OF VACATED BLOCKS 27, 28, 31 AND 32, INCLUDING VACATED STREETS AND ALLEYS, ALL IN "CEDER ADDITION TO NEW WHATCOM," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 403.84 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 433.04 FEET; THENCE WEST 943.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 313.04 FEET TO THE POINT OF BEGINNING; CONTAINING 8.06 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORMUTH, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET, WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
PLAT

NAME OF PLAT:  Cedar Ridge - Division #2

DECLARANTS:  Peoples Bank
              Irving H. Hawley JR
              Joan Hawley

SURVEYOR:  Ronald T. Jepson  & Assoc.

SECTION: 32  TOWNSHIP: 38  RANGE: 3E
Exhibit F - Plat Filing Whatcom County No. 202703650, July 23, 2002
Hearing Examiner Report

Exhibit G

Summary and Decision

Hearing Examiner No.
Planning No.
Incident No.
Filing Date
City Contact
Hearing Date
Description
Decision Date
Decision Summary

HE-13-PL-007

02/08/2013

Kathy Bell
09/11/2013

Planned Development / Variance request of Ambling University Development re 4413 Consolidation Avenue (aka University Ridge)

10/23/2013

Approved subject to conditions. Boarding and Rooming Houses not allowed.

THE HEARING EXAMINER OF THE CITY OF BELLINGHAM

WHATCOM COUNTY, WASHINGTON

IN RE:

AMBLING UNIVERSITY DEVELOPMENT, APPLICANT
4413 Consolidation Avenue

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND ORDER


Hearing Date:

This matter came before the Bellingham Hearing Examiner for hearing on the 11th day of September 2013 on the application of Ambling University Development Group, LLC for Planned Development approval, height variance, Design Review approval, and a Critical Areas Permit for property located at 4413 Consolidation Avenue in Bellingham to construct and operate purpose-built student housing known as University Ridge consisting of four multi-residential buildings, a clubhouse and parking.

Testimony was received from Kathy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; Charles Perry, Applicant's representative; Glen Peterson, Applicant's architect; Brad Swanson, Applicant's legal counsel; Ron Jepson, Applicant's engineer; Joseph Carpenter, 4215 Adams Avenue; Don Diebert, 4414 Marionberry Court; Gaythia Weis, 1713 Edwards Court; Steve Abell, 1021 34th Street; Rod Dean, 848 Nevada; Madeleine Baines, 4417 Marionberry Court; Beth Fryback, 200 Milton Street; Ajit...
Exhibit G

Rupaal, 805 Queen Street; Patty Bover, 4420 Marionberry Court; Jim Le Galley, 124 S. 44th Street; Dave Irvie, 1101 Nevada Street; Sandy Brown 1220 Toledo Street; Gene Marx, 810 Salmonberry Lane; Terri Marshall, 1125 Nevada Street; John Brown, 233 Terrace Place; Steve James, 1324 Whatcom Street; Anita Lee, 605 Nevada Street; Kathy Taylor, 814 Nevada Street; Sherry Schafer, 128 S. 44th Street; Rebecca Belford, 813 Nevada Street; Erwin Lloyd, 1005 Kelley Ridge Court; Susan Bayer, 825 Queen Street; Jim Bachman, 134 43rd Street; Bill Langley, 4424 Marionberry Court; Jacob Deschenes, 804 Salmonberry Lane; Dan McKinney, Transpo Group; Alan Danforth, 1109 Nevada Street; and Robert Wong, 208 Milton Street.

In addition to the Bellingham Municipal Code and Comprehensive Plan, the following documents were considered as part of the record: See Exhibit List.

The record was held open for public comment until September 23, 2013 and for responses from City staff and the Applicant until September 30, 2013. Materials relating to prior proceedings for the subject property (Plat of Cedar Ridge, Division 2) were requested on September 11, 2013 and received by the Hearing Examiner on October 11, 2013, at which time the record in this matter was closed.

I. FINDINGS OF FACT

PROPERTY LOCATION, DESCRIPTION & HISTORY

1. Ron Jeppson, on behalf of Ambling University Development Group, LLC, applied for Planned Development approval, a Variance from height restrictions, a Critical Areas Permit, and Design Review for a proposed 184 unit, purpose-built student housing development with 576 beds in four multi-unit buildings and a clubhouse on property located at 4413 Consolidation Avenue.

2. The subject property is legally described as Tract F, Cedar Ridge Division 2. It is located in Area 17 of the Puget Neighborhood. This area is designated Residential Multi, Planned, 5,000 square feet per unit overall density. Special conditions include clearing and view.

3. The property is owned by the Irving H. Jr & Joan Hawley Trust.

4. The property is located north of Consolidation Avenue, west of Puget Street, east of Nevada Street and south of Marionberry Court. It abuts Area 13 of the Puget Neighborhood on the eastern boundary. Area 13 is designated Residential Single, Detached, 10,000 square feet minimum detached lot size, and is developed with single-family residences across Puget Street from the subject property. To the south, across Consolidation Avenue are Areas 3 and 4 of the Samish Neighborhood. Area 3 is designated Residential Multi, Planned, 5,000 square feet per unit. Area 4 is designated Residential Single, Detached, cluster detached, 12,000 square feet minimum detached lot size, one lot/12,000 square feet overall cluster density. The properties across Consolidation Avenue from the subject site are either undeveloped or developed with single-family residences. The properties to the west of the subject site are located within the same area as the proposal, Area 17 of the Puget Neighborhood, and are developed with single-family residences. The property to the north was dedicated to the City for open space purposes as part of the subdivision approval for the Hawley Re-Plat, also known as Cedar Ridge Plat, which included the site of the proposal. This open space area is approximately 15 acres and contains a Category I wetland and buffer. This area will not be developed. It was intended to satisfy the required open space for the Cedar Ridge Plat.

5. The subject site is approximately 11.16 acres, or 485,444 square feet, in size. The property is currently undeveloped and contains a mixed deciduous and coniferous forest canopy with an understory of shrubs and ground cover. The typical slope of the site is 20 – 22%, sloping down from east to west. The eastern portion of the site contains slopes in excess of 40% and is a geologically hazardous area, regulated by the City's Critical Areas Ordinance, BMC 16.55 (CAO). A 100-foot wetland buffer for the Category I wetland located on the City-owned open space property to the north, and along the northern property line of the property, extends onto the subject site.

6. The Hawley Replat, or Cedar Ridge Plat received Preliminary Plat approval in May 1994 in Bellingham Resolution No. 19-94. The plat included 48.71 acres and provided for a total of 123 units, including 64 single-family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50-unit multi-family tract. It also contained a 15 acre open space parcel that was dedicated to the...
City and a tract that was labeled Future Development. The tract labeled Future Development is the subject property. The plat conditions provided that additional public review would be required prior to development of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat contained the seven single-family residences abutting Nevada Street north of Consolidation Avenue and immediately to the west of the subject property. Final Plat approval for Division 1 was granted in April 1998 in Resolution 98-28.

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

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

9. The maximum density for the entire 49.71 acre parcel included in the Cedar Ridge Plat under the Residential Multi-Planned, 5,000 square feet per unit designation was 406 units. If density was not clustered on the subject site by the Cedar Ridge Plat the subject property would be able to accommodate 97 units at 5,000 square feet per unit zoning.

PROCESS

10. The City conducted a pre-application conference for the proposal on December 11, 2012. A pre-application neighborhood meeting was conducted at Carl Cozier Elementary School on January 3, 2013.

11. On January 17, 2013 the Applicant submitted an application for a Variance from height restrictions. This application was put on hold by the Applicant on March 8, 2013.

12. On April 29, 2013 the Applicant submitted applications for the planned development, multi-family design review, a critical areas permit and a SEPA checklist. The variance application was amended and incorporated into the application submittal.

13. A Notice of Complete Application was issued on May 24, 2013. On May 28, 2013 the City issued a Request for Information. On June 18, 2013 the Applicant submitted a response to the Request for Information.

14. On June 10, 2013 the City issued a Notice of Application and Pending Action for the proposal, with a comment period ending June 25, 2013. The site was posted by the Applicant on June 14, 2013.

15. On August 8, 2013 the City issued a threshold Determination of Non-significance (DNS) pursuant to the State Environmental Policy Act (SEPA) for the proposal, with a public comment period ending August 23, 2013. The DNS is Exhibit G to the Staff Report.


17. The applications for Planned approval, Multi-family Design Review and a Critical Areas Permit are Type II processes pursuant to BMC 21.10. The application for the Variance from height restrictions is a Type III-A process. The Applicant requested a consolidated review
NOTE: The complete Hearing Examiners Report and Exhibits can be found at
Exhibit H - Project Lot Layout 1993
VICINITY MAP

GENERAL NOTES:

PLAT AREA
LOT SUMMARY

20 ACRES
64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
73 UNITS TOTAL
LOT SIZE
(TYP. SINGLE FAMILY) 5000 SF.

GROSS DENSITY
3.65 UNITS PER ACRE

ALLOWABLE DENSITY
8.7 UNITS PER ACRE

ZONING
RM-5000

SEWER DISPOSAL
CITY OF BELLINGHAM

WATER SUPPLY
CITY OF BELLINGHAM

DEVELOPER
CYPRUS PARTNERS
EXCEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM WA 98226
PH # 734-2872

RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE 'C'
BELLINGHAM, WA 98225
PH # 733-5760

ENGINEER/SURVEYOR

CLIENT:
EXCEL

PROPOSED LOT
LAYOUT
"HAWLEY" EXCEL

91039
Mr. Rick Sepler  
Director, Planning and Community Development Department  
210 Lottie Street  
Bellingham, WA 98225  

Date: April 25, 2020

Under the provisions of the Bellingham Municipal Code section 21.10.210 Minimum comment period ["The minimum comment period shall be 14 days following the date of notice of application..."] the Puget Neighborhood Association requests the extension of the minimum, 14 day comment period on the applications PDP2019-0015/DR2019-0036/CAP2019-0037/SEP2019-0039 to 30 days to end on the 23rd of May 2020.

The development in question is a particularly complicated project with submissions (several dozen documents) in a number of categories that require sufficient time on the part of the public and the Puget Neighborhood Association to study and provide informed comments, as well as to consult if need be with legal counsel and informed experts. The developer has had multiple extensions to his application for a project permit over a period of 7 months. Fairness also calls for ample time for public comment.

We therefore request that the Director of Planning and Development under the power conveyed by BMC 21.10.210 extend the comment period to 23rd of May 2020.

Kevin Jenkins

[Signature]

President

Puget Neighborhood Association
I'm writing in support of the proposed CityView project on Consolidation Avenue.

As a current resident of Whatcom County, a Downtown Bellingham business owner, and someone who was born and raised here in Bellingham, I am deeply concerned about rising housing costs in Bellingham, and the environmental impacts of continuing sprawl if we don't find ways to add more housing in Bellingham. While it is deeply unfortunate that this project does not seem to have any affordable housing included, at least it adds much needed capacity which will help reduce housing pressure elsewhere in the city.

I also appreciate that the site preserves a large amount of forested area, and has such a strong emphasis on bicycle parking. These are necessary steps for Bellingham to help meet our responsibility to future generations by reducing our climate impact.

I wish this project did more for affordability and for sustainability, but I still welcome and support it.

Alan McConchie
Business owner, Localgroup Studio
221 Prospect Street, Bellingham, WA
I’m writing today to express my adamant opposition to the prospective Cityview Project proposed to be constructed on the Hawley Tract of the Puget neighborhood. This battleship-sized, five story, dormitory style apartment giant is planned for placement amongst a neighborhood of family homes with a family neighborhood bordering it on all 4 sides.

The Cityview Project would be:

1) Inappropriately placed, towering over the homes of Nevada St. only ~100ft away at times. This proposal is disrespectfully and disproportionately close to the homes of Nevada St and Marionberry Ct with the parking lots of these apartments laying just over 50ft from the foundations of the adjacent homes!!!

2) Out of character of the Upper Puget Neighborhood. (1-2 story homes and small/medium multifamily complexes stepped immediately to a 5 story mega-tower perched on the hillside)

3) A disproportionately dense dormitory style
apartment, suited for college campus, surrounded by a sea of small family homes.

4) Would overly strain fragile neighborhood roadways (despite what the developer’s strategically biased traffic study may claim) and further tax the already troubled intersections of the narrow Lincoln St and Nevada St with Lakeway Dr. Traffic lights at both intersections would be absolutely necessary as well as considerable widening and improvement of both streets.

5) Purely profit-centric, in no way serving of this neighborhood, community, or anyone but wealthy developer Morgan Bartlett and his Madrona Bay Realty.

I understand that Bellingham has an affordable housing crisis. I understand that action is needed and elected officials are under pressure to address it. Plopping down battleship sized apartment dormitory in the middle of a Bellingham family neighborhood is not the answer this city needs.

Do not let Morgan Bartlett, a wealthy profit-hungry developer, and his Madrona Bay Realty Company destroy the sanctity of the Puget and Samish Neighborhoods in the name of special interest profiteering!

As a young, tax paying, voting, healthcare professional serving the city of Bellingham for the past 10 years, I can honestly say that I will be looking elsewhere if city officials such as yourself, tolerate such special interest profiteering to come before honest, average, citizens and their neighborhoods.

I implore you to stand up for the average people of the Puget and Samish neighborhoods and deny this profit-centric proposal.

EMAIL

ebernhoft@outlook.com
I’m writing today to express my adamant opposition to the prospective Cityview Project in the Hawley Tract of the Puget neighborhood. This huge dormitory style apartment is planned for placement amongst a neighborhood of family homes with a family neighborhood bordering it on all 4 sides.

The Cityview Project would be:

1) Inappropriately placed, towering over the homes of Nevada St. only ~100ft away. The parking lots of this proposal lay just over 50 feet from the foundations of homes on Nevada St and Marionberry Ct! This proposal is disrespectfully and disproportionately close to the homes of Nevada and Marionberry.

2) Out of character of the Upper Puget Neighborhood. (1-2 story homes and SMALL/medium multifamily complexes stepped immediately to a 5 story mega-tower perched on the hillside)

3) A disproportionately dense dormitory style apartment, suited for college campus, surrounded by
a sea of small family homes.

4) Would overly strain fragile neighborhood roadways (despite what the developer's strategically biased traffic study may claim) and further tax the already troubled intersections of the narrow Lincoln St and Nevada St with Lakeway Dr. Traffic lights at both intersections would be absolutely necessary as well as considerable widening and improvement of both streets.

5) Purely profit-centric, in no way serving of this neighborhood, community, or anyone but wealthy developer Morgan Bartlett and his Madrona Bay Realty.

I understand that Bellingham has an affordable housing crisis. I understand that action is needed and elected officials are under pressure to address it. Plopping down battleship sized apartment dormitory in the middle of a Bellingham family neighborhood is not the answer this city needs. There are other options where such housing would be much more appropriate.

Please do not let this proposed development destroy the sanctity of the Puget and Samish Neighborhoods in the name of special interest profiteering.

I implore you to stand up for the average people of the Puget and Samish neighborhoods and deny this proposal.

EMAIL

andrea_linus@yahoo.com
Project does not comply with either: A) the correct plat density, or B) Puget Neighborhood Plan. How could this project have even been considered? Obviously, due diligence was not first done by either the City of Bellingham or to a lesser extent the developer applying. The application must be terminated; the City of Bellingham is liable to the applicant for time invested in the failed permit process.
I'm a resident in the Puget neighborhood whose home would be backed up to this complex. I'm a new homeowner and am very familiar with the rental market in Bellingham and understand there is a need for units to be constructed, however I believe Bellingham is in need of affordable housing, not another student focused housing complex that rents rooms dorm style, which is my understanding of the goal for this complex.

I find the thought of a 5 1/2 story building towering over a neighborhood filled with single-family homes to be absolutely insane. I have major concerns about the limited amount of space allowed between the proposed development and the yards that back up to it. Will a tall fence be built to ensure residents retain the privacy we purchased our homes with?

I was under the impression the hillside was undisturbed natural lands to protect the health of the wildlife corridor. It seems as though there is land more suited to the development at the base of the hill near the Lark housing complex that would not involved destroying a hillside and a quiet, single-family home neighborhood in the process.
Additionally, I have concerns regarding the level of traffic this will bring to the neighborhood. Nevada St is carefully built with rotaries and barriers to slow traffic, but Consolidation is not and as it is people fly up and down that hill. It's dangerous. Having this massive uptick in residents, presumably exclusively college students, will be a massive danger to the safety of the roads in the neighborhood. It seems like this complex will not have enough parking for each tenant to have a car, which in my experience in the apartments I lived in around Bellingham is always an issue. Will this lead to a massive overflow of cars lining the neighboring streets?

There is a trail that runs from Consolidation to the top of the hill allowing access to the Samish Crest Trail system. Will this trail be maintained or will access be cut off due to the construction of the road and the complexes driveways?

Please save our neighborhood and keep monstrous housing complexes like this out of our backyards. Bellingham is rife with develop-able land, land that is significantly easier and less disruptive on the environment than this specific location. Please help save our neighborhood.

EMAIL
daisey.james4@gmail.com
There will be an issue with traffic on Consolidation. Consolidation will not go through to Puget so all the traffic generated will have to go down Consolidation to Lincoln via Ashley. While there will only be 106 units, there will be three bedrooms & 3 baths/unit for a potential of 418 cars. This will greatly increase the traffic on an already dangerous road (very steep and cars are subject to excessive speeds). This requires either (1) taking Consolidation through to Puget or (2) additional traffic slowing measures such as traffic circles.
The timeline for comments is not sufficient due to the corona virus. I would like to personally see the land to understand the issues but I am staying home per the governor's directive.
NAME: brian martinet

CHOOSE TOPIC: CityView Project

COMMENT: There are many animals, including deer, that live in and around the area. The animals use this land as a corridor to go from one undeveloped area to another. What will be the impact of this development to the native animals in that area?

EMAIL: b.martinet@comcast.net
Kathy-
In regards to 4413 Consolidation Avenue, PDP2019-0015/DR2019-0036/CAP2019-0037/SEP2019-0039, why can comments be submitted online but to "receive notification of the action" a form must be completed and sent in by US mail? This seems like a wast of money both for the interested parties but also for the city of Bellingham.
I would like to know the action taken but per our governor during this time of crisis, I will not be leaving my house until the end of May, even to go to my mailbox.
It appears that this action is very rushed and that there will not be a public meeting to discuss the proposal. That is a travesty. What action will be taken on the comments? Nothing is stated so my thought is that they will be ignored. This process lacks transparency and appears to be rife with potential conflict of interest and corruption.
Brian Martinet
28111-123rd Place SE
Kent, WA 98030
Good morning Kathy,

Will this email requesting for myself (Lani Gabriel 4205 Honeysuckle place, Bellingham 98229) to be included on the notification of action for 4413 Consolidation Ave be sufficient?

Considering the pandemic, I am trying to do my part for the susceptible people of the city by avoiding non essential trips (envelope, postage)?

Also, have considerations been made to extend the comment period? The pandemic and the multi family project are stressful situations to cope with and it seems unreasonable for comments to be due by 5/8.

Thank you,
Lani Gabriel

Sent from my iPhone
4/29/2020

CITY VIEW DORMITORY PROJECT

It’s the wrong project in the wrong place.

The proposed dormitory project in the middle of a single family neighborhood comprised of 1 or 2 story houses is grossly out of proportion. One of the proposed buildings will be 5 1/2 stories tall, dwarfing surrounding homes.

If this dormitory complex is constructed it will cause: loss of property values for the current residents; traffic congestion; noise pollution; and loss of privacy for the homes below this huge building on the east side of Nevada street.

Such a project will not generate the fees necessary for city services (fire, police, street repair, schools) that current homeowners in this neighborhood are paying with property taxes on their single family homes. Apparently the developer of this project is counting on paying only the fees required for 106 apartments, where in reality City View will be providing 318 dormitory living units.

It is also predictable that City View will exacerbate storm water runoff in an area where many of the existing homes already have sump pumps to keep their crawl spaces from flooding. Many homeowners immediately below the proposed construction site have surface water flowing down into their back yards. There is also a nearly constant spring flowing onto Nevada street/44th St South where it intersects with Byron Ave. The City View construction would destroy the root network of trees and shrubs that hold the thin layer of topsoil on this steep slope.
Consider the following information:

“What are geographically hazardous areas?”

Landslide Hazard Areas: Landslide hazards are areas throughout the county where there is potential for slope failure due to any combination of geologic features. These areas include, but are not limited to, areas with all three of the following characteristics:
1. slopes between 15% and 35%
2. a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
3. springs or ground water seepage. “

***The existing property meets all 3 of these characteristics***

This information comes from: Whatcom County Planning & Development Services.

As we have seen in recent news stories about landslides and flooding in Whatcom County, landslides will become more common as ocean warming and climate change continues.

Many, if not most, of the current residents in the neighborhood directly harmed by the proposed City View dormitory will be financially trapped in their current homes, unable to sell and move to less problematic neighborhoods.

We would ask the City Planning and Development Services to scuttle, or drastically reduce the size of this proposed massive dormitory and stop allowing developers to try and shoehorn this type of construction into single family residential neighborhoods.

Robert Flack, M.D. & Darlene Flack, 4217 Marionberry Ln, Bellingham, WA
Kathy Bell  
Senior Planner  
City of Bellingham  

Dear Ms. Bell,  

I received that notice of application for the City View Apartment project. It’s funny how the artist’s rendering of this project makes it appear to be located in the middle of the woods. This could not be further from the truth. If this project is allowed, there will be no trees left on this site as the size doesn’t allow a buffer anywhere near the size of the drawing. This college housing project would be located in the middle of a single-family residential neighborhood—surrounded on all 4 sides.  

I have lived in this neighborhood since 1996. There have been many changes in that time—most for the good. We had a high number of college renters for awhile and things got a bit dicey—our neighbor’s car was broken into; another neighbor had the wheels and tires stolen right off his truck while it was parked in front of his house. But lately, the neighborhood has shifted. I walk my dog a lot and I can feel and see the shift. There are many more young families with small children again. They ride their scooters and tricycles up and down the sidewalk. There are more strollers and less speeders. The new multi-family construction going up down the street is fitting in nicely to the neighborhood.  

What we don’t need is 300+ college students in my backyard (literally). I live at 840 Nevada Street. The proposed development is directly behind me. The zoning for the City View parcel is a mistake that the City needs to rectify. Apartments belong on the outside of the single-family areas—that’s how it is in our neighborhood now—not right in the middle of it.  

The land is very steep and wet. Because our back yard was always wet, we removed the lawn and installed a French drain in the middle of our yard. Water runs off this hill routinely through small creeks and we have seen it pouring into neighbors’ homes in the next cul-de-sac. This ground could easily shift and slide (as Ridgmont did back in the day) and cause damage. The deer use this area as a wildlife corridor and regularly migrate through it. We also see owls, eagles, and hawks in these trees.  

College students are transitory. They will flood narrow Consolidation Street with cars each morning as they drive to the park and ride (THEY WILL NOT WALK THIS HILL-THEY WILL DRIVE IT). They will have loud parties on their rooftop lounge and leave unwanted furniture and garbage behind when they move out—check out the street across from the Maple Street Apartments at the end of term.  

Enrollment is falling at WWU as the price of school and housing has become too much for many students. As we look at the post COVID-19 world, more and more students are likely to opt for on-line learning so they can try to hold down a
job as well as go to school. There are a lot of new apartments already going up that serve as college housing as well-on Samish Way, which is a much more suitable location for students.

The whole site is surrounded by Residential homes- quite expensive ones to the upside of the hill. Property values will be impacted. Police will be called. This is not a good fit for the neighborhood and I hope you will allow us to have some autonomy, as the York Neighborhood does, to lay out the neighborhood in a way that works for everyone.

Respectfully,

Karen Anderson
840 Nevada St.
Bellingham, WA 98229
Dear Ms. Bell,

As a life-long resident of the Puget neighborhood (840 Nevada Street), Western alumni, and former WWU adjunct faculty member (in the department of sociology) I implore you to reject the 4413 Consolidation Avenue/Area 17 proposal (CityView).

I grew up in this neighborhood, from the ages of four to 21. I saw the changes as the once dead-end street turned into a thriving neighborhood with many local kids for me to play with. As property prices increased, I saw many of the single-family homes turn into rentals for college students. I can even include myself in that category, as a student who lived at home with my parents for the majority of my college years. We knew, even as children, that the woods we grew up playing in would likely change to something new over time, and we weren’t necessarily afraid of that idea. We thought it would mean more children in the neighborhood, more families making memories, and maybe the opportunity for us, as adults, to own a piece of the land that we had made our own memories on.

The proposal to make this piece of woods into a boarding facility for WWU students is NOT what we envisioned, and it should not be considered. There have been many ideas floated around about how to make this student-housing facility viable for the neighborhood, but they are completely unfounded. I’d like to touch on several of them here.

First, it has been argued that during construction and after the facility is full of students, they will be encouraged to walk up and down Consolidation Ave, as it is the most direct pathway to the WWU parking lots, bus routes, and Fred Meyer for groceries. I can tell you that as a resident of this neighborhood, and a former WWU student, I avoided walking up Consolidation Ave at all costs. In fact, I would drive my Honda from my parent’s home on Nevada Street down to the Lincoln Creek Park N Ride, rather than walk up that hill carrying my textbooks, groceries, and whatever heavy items college students always seem to have in their backpacks. To this day, as I take my 18-month-old son on walks in the neighborhood, I avoid that hill. I walked up it two days ago, just for fun, and I found myself covered in sweat, my son’s stroller battered from it nearly tipping over multiple times due to the severity of the incline. It is not a fun hill, for any purpose. And I can promise you that students living in the proposed facility will be driving down the narrow hill, with all 400 cars that they’ll be parking in our former neighborhood backyard.
I mentioned the number of cars that will be parked in the proposed facility, but this is likely a gross underestimation of the number of cars that will be added to the neighborhood. As a former student, I can tell you that when a room is listed for $700 a month rent, I will be finding a roommate to split that cost with. And if every student in that building splits their room, as they most likely will, that means there will be at least 800 cars added to this neighborhood. And that’s not including the countless numbers of visitors these students will have, coming to enjoy the “rooftop party space” the facility includes. This is a family neighborhood, with young children going for walks, playing on the sidewalks, and biking on the newly instated bike route. Adding these kinds of numbers of cars to the neighborhood will not only endanger our children, but also all the bicyclists that have been re-routed from Lincoln and Lakeway to Nevada as a “safer” route.

I should also point out that, in three decades, Western has only added roughly 300 beds for their students. It would seem much more logical that they be responsible for the addition of student housing to the community (and preferably on their own properties). Ironically, as a former WWU faculty member, I was informed in January of 2019 that WWU enrollments have greatly decreased in the past few years (due to the increase in online education, costs of enrollment, and affordability of two-year institutions), to the point that they have nearly a 90% admissions rate just to keep the school afloat. Now given the current state of the country with the COVID-19 outbreak, it seems very likely that enrollment at WWU will be even lower than projected, as many students will not be able to afford to return OR enroll in college due to the economic consequences of the outbreak. At the very least, it is likely that returning students that can afford to continue their education will opt to do so online rather than in-person. It seems ridiculous, then, to create housing for a school that is clearly not in need of housing. Not to mention that we already have several giant housing structures erected on Samish Way this year to add to the nonexistent need for student housing. Constructing a building the size of a city block that is half empty does not seem like the most efficient use of anyone’s property. It sounds like a great opportunity for vandalism and squatting. I also want to note that in the rendering of the building they show it surrounded by woods – this drawing is clearly not to scale, as the lot is not large enough to accommodate so many large buildings and still leave a large forest buffer on each side. We’ll be lucky if there is a row of trees separating the neighborhood on either side from this monster of a development. In either scenario, you either have a building bursting at the seams with students that flood our streets with their vehicles, OR you have a nearly vacant building that has destroyed the vitality of the neighborhood (not to mention property values) in a gross attempt at gentrification. Either option would be a devastating blow to this charming neighborhood.

While I love the woods in my backyard, a place where it’s not uncommon to see deer eating our flowers and beautiful bald eagles resting on branches, I know that due to the housing crisis in our town it will need to be developed eventually. And that’s something I’m okay with under the circumstances that were laid out by the planning committee initially. Student housing belongs at the bottom of the hill, not at the top (if anywhere). Family residential housing belongs at the top. If developers looking to add a sixplex or more single-resident homes came to this plot of land, we as a neighborhood would be much more in favor. It might even give me the opportunity to make this neighborhood my permanent home with my own family. But putting a 400-800 student boarding house on top of a hill that is at a slide risk and is constantly flooding the neighborhood with water run-off is not what belongs in this neighborhood. We don’t need more underage drinking (and increased driving while under the influence), garbage, loud music, and cars where our children are trying to play. We already had ANOTHER stop sign destroyed on the corner of 44th and Consolidation this past week due to reckless driving-- we don’t need to add to that problem.

Please, I beg that you consider all of these factors before making your decision. What would you do if it was your family?
Sincerely,

Dr. Carter A. Merklinghaus  
Department of Sociology,  
Boise State University (Online)  
CURRENT resident at 840 Nevada Street  
cartermerk1@gmail.com  
360-201-1742

(full letter is attached for reference as well)
**Entry Details**

<table>
<thead>
<tr>
<th>NAME</th>
<th>Al Schwartz</th>
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<tbody>
<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
</tr>
<tr>
<td>COMMENT</td>
<td>I strongly oppose this development. When considering the scale, type of project, and location there is no doubt it will greatly impact this neighborhood in a negative way. The amount of traffic and noise will destroy the current quality of life that exists in these neighborhoods. This is NOT the place for this development. In addition, I strongly disagree with the manner and timing in which this is happening, the city of Bellingham has a responsibility to be transparent and allow the public to be heard. A ten day window for the public to know and voice opinion is not enough given the fact the developer was granted several months extensions. Lastly, the developer's mandatory public postings were not sufficient. They were either hidden or laying face down on the ground. Neither could be seen by the public and an honorable citizen had to put them back up so the public could even find out this is happening. If he cant even post signs in a responsible way, why would anyone think he would</td>
</tr>
</tbody>
</table>
be responsible with a development.

I understand there is a housing shortage but THIS is not the place for this development. Thank you.

EMAIL

artbellingham11@gmail.com
To Whom It May Concern,


I am against approving the application for a "new residential multi-family project on a vacant 11-acre parcel generally north of Consolidation Avenue between Puget and Nevada Streets in the Puget Neighborhood." They are marketed multi-family, but most likely, will be rented out to students, per bedroom, at market rates.

This is not how the city should solve the housing crisis. Also, I have been to the area. It is filled with fir and other types of trees, providing secure drainage for run-off while providing a of home for wildlife and nature. Please do not allow a developer to take advantage of our area.

Thank you,

Hilary Cole

Top News - Sponsored By Newser

- Canada Slaps Immediate Ban on Assault-Style Weapons
- How Biden's Denial Is Being Received
- Step Outside in This City, Get Recorded Everywhere
### Entry Details

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<tr>
<th>NAME</th>
<th>Beth Kealy</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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</table>
| COMMENT | I strongly appose this development moving forward for three reasons:  
1. Traffic increase- the current access roads would see a tremendous increase of vehicle traffic. Consolidation and Nevada would be very congested  
2. Lack of “fitting in” with single home look and feel- a huge complex doesn’t fit this space in a road of single family dwellings. The complex would hover high and above the current homes causing home owners to feel “looked in upon”.  
3. Devastating consequences of removal of mature trees and vegetation. This could have geological implications, runoff issues, and at the very least a loss of nature beauty to the area in which the residents in this neighborhood cherish.  
If something is to be built in this location, a much smaller plan is needed to honor and respect the Puget neighborhood and its quality of life. I love this neighborhood. But a project like this would deteriorate the character and identity of the Puget neighborhood as a quiet, calm and peaceful space. |
EMAIL
bkealy4@q.com
City of Bellingham
Public Comment

Entry Details

NAME
Bruce & Trish Stevens - Samish Neighborhood

CHOOSE TOPIC
CityView Project

COMMENT
CityView will become a de facto off-campus WWU student dormitory totally unsuitable for a residential neighborhood. This comment is not mere speculation. It is based on our experience with a property next door that was purchased by the parents of students attending WWU for their housing. The parties, noise, vehicle congestion, and littering were untenable for our family with four school-age children. We are not begrudging the students their fun. We were college students once, too. But we lived on-campus, and so had no impact on other non-students. That will not be the case here, unfortunately, if this project moves ahead. The character and life quality of the Puget, and to some degree, the Samish, neighborhoods will be adversely affected. CityView must not be approved!

EMAIL
bruze98229@comcast.net
April 29, 2020

Kathy Bell  
Senior Planner  
Planning and Community Development Dept.  
210 Lottie St.  
Bellingham, WA 98225  
kbell@cob.org; cityviewcob.org

Rick Sepler  
Director, Planning and Community Development Dept.  
rmsepler@cob.org

Dear Ms. Bell and Mr. Sepler:

The York Neighborhood Association Board of Directors (the YNA Board) met on April 29, 2020, via an open public virtual meeting. An agenda item we discussed was the City View development project in the Puget Neighborhood (PDP2019-0015/DR2019-0036/CAP2019-0037/SEP2019-0039).

Last year, the City Council heard many, many speakers at a meeting regarding this development proposal. Many residents in the Puget Neighborhood – and others – voiced and continue to have differing views on this project.

Normally, the prescribed process would allow all views to be properly aired and weighed in going forward with this project’s consideration and beyond.

However, public meetings have been banned in the State of Washington by order of the Governor. The City Council responded by suspending Open Public Meetings as defined by State law and City ordinance. Instead the Council is conducting its businesses in a manner which expressly precludes the normal and appropriate level of public interaction and does not conform to State law or City ordinance and is outside what is customary, correct or right for a process of this type.
Regarding the State restrictions, the latest pronouncement from the Governor was to extend many of the restrictions until May 31. The pronouncement gave indication that the restrictions will be reviewed in the interim and could be curtailed sooner or extended further.

Obviously, some City business must proceed adapting to the situation. However, to bring business of this type and this project forward at this time under these aberrations in process is inappropriate and defies the intent and meaning of an “open public process” and democratic transparency.

Aggravating this situation and further corrupting the letter and intent of the process, the deadline for public comments as announced in the Notice of Application is May 8, 2020, and it is impossible for the neighbors and other members of the public to meet prior to that deadline.

The YNA Board understands there is no intent to abrogate the Open Meetings law or applicable City ordinances, on the part of the Council or the City Administration. However, regardless of intent, there has been a break from longstanding normal process, without adequate adaptation or accommodation to the exclusion of Puget Neighborhood and Citizens at large from meaningful participation.

For at least all the above reasons, the York Neighborhood Association Board urges the Planning Department and City Council to suspend consideration of this proposal until such time Open Public Meetings resume in a manner adhering to the letter as well as the intent of State law, City ordinance and according to customary precedent.

Further, we urge you to postpone the timeline for this project until after such time as an Open Public neighborhood meeting may be facilitated and held.

Thank You for Your Consideration,

[Signature]
Thomas R. Scott
President, York Neighborhood Association
On behalf of the YNA Board of Directors

CC: Kevin Jenkins, President, Puget Neighborhood Association
    Mayor Seth Fleetwood
    City of Bellingham Council Members
    Steve Abell, President, Samish Neighborhood Association
City of Bellingham
Public Comment

Entry Details

<table>
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<tr>
<th>NAME</th>
<th>Carla Jennings</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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| COMMENT     | Hello, as a home owner in the Samish Hill neighborhood, I oppose this project for the following reasons:

* Impact to wetlands
* Impact to the neighborhood along Nevada Street - specifically driveway coming between two houses on street
* Increased traffic on Consolidation Ave., which already contains numerous parked cars and speeding traffic
* Increased traffic on Nevada Street and Byron, as well as other neighborhood side streets as people use the neighborhood as a cut-through
* Inadequate parking (106 3-bed units means at least 3 people per unit, and 3 cars per unit - minimum number of parking units needed is 318, plus visitors)

Thank you for your consideration.

Carla
<p>| EMAIL           | <a href="mailto:carla.r.jennings@gmail.com">carla.r.jennings@gmail.com</a> |</p>
<table>
<thead>
<tr>
<th>NAME</th>
<th>Melissa Tillson</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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| COMMENT       | As a member of the Samish community, I am concerned about the amount of traffic that will be coming through an already busy neighborhood. Consolidation already has overflow parking on it from apartments and housing, narrowing it to about 1 lane most days, and to add over 200 more vehicles to this neighborhood is not good for the safety of drivers, walkers, commuters or cyclists. The amount of run off from a new building project would negatively impact our community and the free space enjoyed by all would be forever destroyed. Where are the ‘extra’ cars for the complex going to park? This has already been an issue with a new complex that was built against community wishes in our neighborhood, where vehicles now park along the creek illegally. The lack of realistic planning is also a problem here as these money making complexes try to squish in as many people as they can, without thinking of the actual logistics.  

Keep our community safe. |
EMAIL
melissatillson@yahoo.com
Aven, Heather M.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Sunday, May 3, 2020 5:17 PM
To: G.Proj.City View
Subject: Public Comment -John Westenberger
Attachments: Public Comment - 156.pdf

<table>
<thead>
<tr>
<th>Name</th>
<th>John Westenberger</th>
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<tr>
<td>Choose Topic</td>
<td>CityView Project</td>
</tr>
<tr>
<td>Comment</td>
<td>A large apartment complex at the upper end of Consolidation is not in the interest of all the single family home owners that make up this area. The traffic, pollution, noise and unsightly views for those adjacent to this proposed project should render it unsuitable. The area should contain only single family homes. Don’t destroy our peaceful neighborhood.</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:Marcwestenberger@yahoo.com">Marcwestenberger@yahoo.com</a></td>
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Hi Kathy,

Concerning the site plan/ application. I reside at 801 Queen St and would like to see the projected elevations relative to how they might affect property views located along Puget Street and subsequently Queen Street. Unfortunately we live in an area where it matters, and values could be affected.

I would also like to know if this complex will have any direct access to Puget Street and also what type of housing this will be (market based or low income)

Thank you for any additional info.

Jeff Woods

Sent from my iPhone
Hello,
My name is Chet Zender and I have resided at 1042 Moore St since 1998 with my wife & daughters. I am very concerned about the new proposal by Morgan Bartlett to build in our area. This has been a single family home area and I can understand townhouses or small (4 unit complex) new construction but this project has a real potential to ruin a great single family residential neighborhood. I hope you will strongly consider rejecting this proposal before it's too late.
Thank you
Chet Zender
Planning & Community Development Dept.

210 Lottie Street

Bellingham, Wa. 98225

Regarding your Notice of Application for development at 4413 Consolidation Avenue:

This is a terrible idea.

To cram three large apartment buildings in a single-family neighborhood will cause a great deal of additional traffic on very narrow streets which on the most part lack proper sidewalks. It is already difficult to avoid collisions because Puget street also must accommodate School Buses, Trash Trucks and Mail Delivery Trucks all of which make constant stops on a steep hill with bad sight lines.

Worse still, the very tight curve on Consolidation which turns into Puget Street is already quite dangerous and the addition of an entrance allowing a great deal of traffic to enter Puget just below the curve is a recipe for disaster.

In addition, the large amount of constant extra daily vehicle traffic from these apartment buildings to and from Nevada Street onto Lakeway will be another serious concern. It is already difficult to enter Lakeway at Nevada. That area is a constant bottleneck. So many more vehicles trying to access Lakeway is bound to cause accidents.

The acreage in question could easily contain several additional single-family homes which would not add an immense amount of dangerous traffic to the streets.

I have talked with many of my neighbors, and do not know a single person who wants such a large development built on those few acres. However, I believe everyone living in the Puget neighborhood would welcome several more single-family buildings to the area.

Perhaps Mr. Bartlett would consider developing those eleven acres into another single-family addition rather than trying to once again force another proposal for large and inappropriate buildings into our neighborhood.

Jenny Clark

724 E. Pacificview Dr. Bellingham, Wa. 98229

jennyclarke@qwest.net  CALL 360-599-7212
Dear City Council,

As a resident and former board member of Sehome Neighborhood Association, I object to the new “multifamily” development in Puget neighborhood. This is a pleasant, quiet community of primarily small craftsman-style houses that would be very disrupted by a student dormitory masquerading as a multifamily apartment building. The fact that it rents by the bedroom reveals the developer’s true intention; no family with children could afford to do that. The zoning there has never been clarified, and needs to be.

In researching the history of Madrona Bay Real Estate, LLC, I find that the sole employee, Morgan Bartlett, also owns Cityscape apartments at Bakerview Square. That development was originally designed as a hotel near the airport, but changed to apartments, and was build on critical areas wetlands. I do hope our new Council and Mayor will be more diligent in enforcing environmental and coding laws. I can only imagine how soil disruptions on that hill might create untoward water flows to the single family residents below….. and of course those folks will pay the price. (I am looking at the hill now as I write this).

Most of us have grown accustomed to making comments that go nowhere, as big money and developers always win. I’m hoping this trend will turn around. I am adding further information from a 2015 post in Noisy Waters NW/investigative journalist Dena Louise, for background on Bartlett:

I do not know anything about this developer, but I know it is unlikely that Mr. Bartlett shares the liberal values of city residents. The Madrona Bay website lists many charities to which the company participates. The charities primarily assist children and youth. Several of these charities are connected to Christian organizations that provide aid to third world countries, such as World Vision and Childcare International. These charities have been criticized as not being open about the fact that they are proselytizing in exchange for aid when soliciting donations and of violating Red Cross protocol regarding religious conversion. Another charity, Young Life Ministries, has been criticized as cultist and unaccepting of gay members, as well as sending kids to camp without advising them that it was religious until they arrived and could not leave.

The Environmental Working Group lists Bartlett, on a webpage entitled Who Owns The West, as someone who benefits from a 132-year-old federal mining law that gives away precious metals, minerals, and even the title to the land itself for less than $10 an acre. Morgan Bartlett Jr owns the minerals under an estimated 160 acres of claimed land in Arizona, giving him more total land holdings (claims and patents) than 80.4% of all other mining interests. He would have acquired ownership of precious metals and minerals on U.S. public land for about $2 per acre, and maintains possession of the claim with a small per-acre fee, typically $5 each year. Morgan Bartlett Jr pays no royalties to the federal government for metals and minerals mined from this land.

I do not have proof, as we did with Costco, that backroom deals occurred, but it seems at least possible, and more evidence may appear as the development process moves forward, officially. But I also thought that as incentives and
subsidies for developers become a larger and larger priority for the city, people should have a better idea of where their tax dollars are going and who it is that are developing the new mega apartment complexes.

I don’t believe Bellingham needs yet another cookie-cutter, privately-owned student housing. What we need is affordable housing for families, and publicly-supplied housing for students. (who hopefully will be able to return this fall). Our urban villages are a step in the right direction.

Thank-you,

Dianne Foster,

Sehome Neighborhood
May 5, 2020

Mr. Rick Sepler  
Director, City Planning and Community Development Department  
210 Lottie Street  
Bellingham, WA 98225

Re: City View private for-profit dormitory complex

Dear Mr. Sepler:

It is clear that the proposed City View complex will function as a private dormitory just as does the Lark Bellingham (formerly NXNW) complex on Lincoln Street. In both complexes the floor plans are set up for just this purpose: Each bedroom has a private bath and will be leased under separate contract.

extracted from the FAQ section of Lark Bellingham website:

“Nearly all the residents at Lark Bellingham are students at Western Washington University. The per-person contracts are also designed with students in mind.”

Applying requirements for family apartments is wrong for City View. These will not be multi-family apartments. Taking family housing requirements for things like new peak hour person trips, total new vehicle trips per day, and parking from ITE reference manuals and BMC 20.12.010B3 will misrepresent the actual situation that will occur. Surely there must exist reference data suitable for the type of housing City View will actually be: a complex of 318 bedrooms occupied by college students with nearly all owning a vehicle.

Mr. Chris Comeau, Transportation Planner at Public Works, kindly advised me that parameters used in the City View TIA and Multimodal Transportation Application are based on “hundreds of similar land uses across the U.S. over decades”. I have no reason to question that, but unless these averages are for similar private off-campus dormitory land uses then the parameters are not valid for City View. Using family housing averages is fine as a starting point but parameters must be adjusted to reflect the common sense reality of what City View will be.

Parking is of particular concern to me. Mr. Comeau rightly pointed out that students living at City View may use public transit to travel to and from campus. How many will actually do this is unknown, but regardless of the number, it is the nature of upperclassmen to have cars. These cars will have to be parked - somewhere. If there is no room on site, the only other choice for overflow is street parking. The developer’s proposal shows that there will be 249 parking slots on site. With 318 student residents, nearly all of whom will have cars, parking will be in great demand. This will tempt the owner to charge for parking slots, and if that’s what he wants then I say go for it. However, he should not be permitted to dump City View residents’ and guests’ overflow parking for 70 or more cars onto the surrounding neighborhood streets. This invites car prowls, litter and noise, minor accidents, and the risk of obstructing emergency vehicles.
The idea that there should be one parking slot per bedroom is not unique to City View. It is, in fact, comparable to other student apartment complexes east of campus. Two examples of this are in the area of 32nd Street south of Sehome Village. Note that both of these are closer to campus, shopping, and bus service than City View, yet parking demand is high.

In one example, a manager of Villa 2 Apartments on 32nd St. comprising about 130 one-bedroom units told me “parking is huge” when she talks to prospective tenants. Her property has 150 parking spots. Her observation was that in addition to the normal discussions of monthly rent and lease requirements, being able to offer ample parking was a huge selling point.

In another example, Pomeroy Ct. apartment complex on Ferry Ave. comprises 1-, 2-, and 3-bedroom units for a total of 105 beds. Tenants are normally 95-100% college students. The complex has 107 numbered parking places. This manager said that visitor parking, especially on weekends, is a “nightmare”. Weekend visitors, assuming they respect the tenants’ own spaces, are forced to park on the street or in other parking areas, where cars may be subject to towing or car prowls. It seems quite reasonable to expect the demand from City View student residents for parking spaces will be quite similar.

If the developer of City View refuses to accept responsibility to provide adequate on-site parking for all future tenants then he will be dumping substantial overflow parking onto residential streets in Puget and Samish Neighborhoods. This is patently unfair to current residents and should not be allowed to happen.

Sincerely,

Steve Abell
Member, Puget Neighborhood Preservation Work Group
Entry Details

NAME  Nick Valich

CHOOSE TOPIC  CityView Project

COMMENT  Please don’t destroy the Puget Single family dwelling Neighborhood by building a mega apartment complex adjacent to this area. Ridiculous, unethical project to say the least. Stick to the college district or multi family dwelling neighborhoods...

EMAIL  valichadvent@comcast.net
City of Bellingham
Public Comment

**Entry Details**

<table>
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<tr>
<th>NAME</th>
<th>Brian McNitt, Bellingham resident and business owner</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<tr>
<td>COMMENT</td>
<td>Until there is a cure for COVID-19 the City of Bellingham has an important role to play. It is time to pause the development and occupancy of new multi family, multiunit dwellings within the city. Else, this is how COVID-19 is allowed to spread. Please, City of Bellingham, pause these permits and put the safety of the City of Bellingham first.</td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:bdmcnitt@gmail.com">bdmcnitt@gmail.com</a></td>
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CityView SEPA Environmental Checklist

The comments below are keyed to the numbered topics on the SEPA Environmental Checklist submitted by the developer. There are significant deficiencies in the responses to that checklist. Although I have provided some basic comments to these several topic, some will be covered at length in other comments emanating from the working group of Puget and Samish Neighborhoods.

A11 Description of Proposal. Describing this dormitory complex as “+/106 multi-family dwelling units” is a disingenuous statement designed to obscure the fact that this is, in fact, a dormitory project in which rooms (all with separate baths) will be rented separately. To characterize this complex of buildings otherwise does not square with reality.

B1d Unstable soils. There are apparently tilting trees on the steep slope indicating possible slides in the past although this in not mentioned in the arborist’s report. Moreover, the presence of debris from the construction of Puget St. and other dumping that has taken place along that road over the decades, points to an unstable mass held together by blackberry bushes and a relatively new growth tree stand.

B1h Standard measures for erosion control - what does this mean? Insider language means nothing to the public. The respondent should outline specifically the measures to be taken. The developer’s notion of “standard” may be incorrect.

B3c (1). Water Runoff – The hill on the east of the property is, for all intents and purposes, a sieve. The wetlands are either going to get starved or hosed out by vaults that inevitably store toxic runoff from whatever car drippings and garbage the residents leave in the parking lots. Predictably, the vaults will overflow occasionally, as they are designed to and must. What then for the homes along Nevada and Marionberry Court? The vaults likely will never be cleaned unless the city is extremely conscientious about code compliance after a permit of occupancy has been granted. What are the guarantees?

B5a. Animals. The respondent says deer only. This is a sloppily crafted response by someone who appears to know little about the area while checking off a box on a form. There are also racoon, fox, bobcat, coyotes, eagles, and nesting hawks. This is also a wildlife corridor stretching all along Samish Ridge down to Lakeway and over to Padden Lake that the developer does not recognize in this checklist. What are the mitigating actions to be taken by the developer as the land is cleared?

B7b. Environmental Health - 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. Constant traffic noise, car doors banging, 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 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 assault to all the homeowners in perpetuity.

B14 Transportation -
   c. Parking of 249 spaces for 318 dormitory renters is minimally about 70 short. The fact that this planned number (249) exceeds the city’s parking requirement is only because the requirement is unrealistically low to begin with. 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 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.

f. 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.

**Environmental Elements**
**3 c2 Water Runoff**  How is it that waste materials cannot enter ground or surface waters? No statement is made regarding the means of prevention only that it cannot happen.

Regards,

Dick Conoboy  
Member, Puget Neighborhood Preservation Work Group
It appears that there has been some improvement in the design since this project was presented last year. However, the concentration of population that only has narrow backstreets for going and coming is still a major issue. Mitigation of the high-volume traffic in the neighborhood is required or else there will be recurring costs for the city.

1. Some 249 cars/trucks are expected in the parking lot – that is a lot without wider streets. Additional design reflection is needed to address the safety concerns created by this development. Vehicle circulation in the local neighborhood will otherwise be a recurring problem requiring increased city attention.

2. If, as some have suggested, there will be three independent persons per apartment, then 249 vehicle parking space may not be enough, and parking along narrow side streets will increase.

One approach to the problem of density would be to promote the CityView project as a bicycling center. Some additional change would need to be made:

3. Currently, only 54 vehicle parking spaces have been allocated for bicycles. Given that most trips (to the university, shopping and work) will be well within 2 miles, this is a serious underestimation of the needed spaces for the type of vehicles (i.e., bicycles, scooters, etc.) appropriate for those trips.

4. Given that 10-14 bicycles can be parked in a single car/truck space, a re-apportionment of parking seems in order. Parking for an additional 200 bikes could be built within the current space design with only the loss of 20 car/truck parking spaces.

5. I do not see any bicycle parking in the current plans. Bicycle parking should be easily accessible – not hidden behind a dumpster as has been done elsewhere.

6. Bicycle parking spaces should be:
   a. Near building doors
   b. Well lighted
   c. Covered against rain
   d. Designed for secure locking
Mr. Rick Sepler  
Director, City Planning and Community Development  
City Hall  
210 Lottie Street  
Bellingham, WA 98225

CC. Kathy Bell, Senior Planner

Date: May 4, 2020

Re: CityView Revised Development Application

The revised and updated information submitted on February 26, 2020 for the CityView dormitory complex development application did not change the nature of this project and its negative impacts on the neighboring single family homes.

CityView dormitory complex continues to be based on the business model of renting by the room, resulting in adding 318 renters and corresponding number of vehicles to a quiet and well-kept neighborhood. The height and location of the proposed buildings, while skirting the City’s restrictions, remain a massive, out-of-proportion and out-of-character development for the neighborhood.

With its 5.5-stories, Building C is built at an elevation of 340 feet and top at 410 feet above sea level. To the west and in front of Building C, Building B is 2.5-stories built at an elevation of 300 feet and topped at 340 feet above sea level. Despite the developer’s claim, there is no possible transition from the 1- and 2-stories homes (built at a level around 150-180 feet) to this massive wall of buildings ranging from 300 feet to 410 feet. No mature native trees will be dense enough nor tall enough to soften this abrupt edge, The CityView developer continues to go bluntly against the City’s principle of “softening the edge by creating a forested hillside” and to insult the neighborhood’s quality of life.

The neighborhood continues to oppose the CityView development. The revised application did not make any material changes to lessen its environmental and qualitative impacts. As a neighborhood, we re-submit the 157 signatures opposing this CityView dormitory complex development. We request the City Planning to bring forth its resolve and resource to reject this application.

Concerned Residents of the Puget Neighborhood
The Hawley Tract development proposed by Mr. Morgan Bartlett, known as City View, has troubled many residents of the Puget Neighborhood. As a neighborhood, we strive to maintain a good quality of life, safety, and to protect our property and its value. As a community, we support the City of Bellingham’s Infill Toolkit to help prevent urban sprawl and protect precious natural resources in Whatcom County. Hence, we collaborated with the City in the development of the Puget Neighborhood Plan and we rely on the City to uphold and honor this Plan.

While circumventing a few issues from the 2013 University Ridge proposal for the same site, the City View proposal imposes similar and additional adverse impacts to the neighborhood. This proposed apartment building—136 units with 408 rentable rooms and 395 parking spaces, is one huge long building landed in the midst of peaceful single-family homes. Its six-story building is out of proportion and out of character with the over 160 one- and two-story homes within 500 feet of its property lines. A proposed roof-top common area will add noise, potentially late into the night, disturbing the tranquility long enjoyed in this neighborhood. Adding 395 vehicles will stress the existing neighborhood streets and their connections to the arterials, resulting in traffic delay and potential hazards.

The undersigned residents of the Puget Neighborhood are concerned about this proposed development and its employed permit application process. We implore the City Planning to act on the following:

1. A comprehensive traffic study, during the WWU academic year, that includes Nevada, Consolidation, Byron, Ashley, Elwood and their connections into the area’s arterials—Lincoln, Samish, Lakeway etc. This study should also include where side-walks and signage are needed to ensure the safety of neighborhood walkers, yard-playing children and drivers.

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Respectively,

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<td>Waindy</td>
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<td>Christopher</td>
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<td>Khilat Issar</td>
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Rick Sepler, Director of Planning and Community Development  
Cc: Kathy Bell, Senior Planner  

City Hall  
210 Lottie Street,  
Bellingham, WA 98225  

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Rick Sepler  
360-778-8300  
planning@cob.org
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The Hawley Tract development proposed by Mr. Morgan Bartlett, known as City View, has troubled many residents of the Puget Neighborhood. As a neighborhood, we strive to maintain a good quality of life, safety, and to protect our property and its value. As a community, we support the City of Bellingham’s Infill Toolkit to help prevent urban sprawl and protect precious natural resources in Whatcom County. Hence, we collaborated with the City in the development of the Puget Neighborhood Plan and we rely on the City to uphold and honor this Plan.

While circumventing a few issues from the 2013 University Ridge proposal for the same site, the City View proposal imposes similar and additional adverse impacts to the neighborhood. This proposed apartment building—136 units with 408 rentable rooms and 395 parking spaces—is one huge long building landed in the midst of peaceful single-family homes. Its six-story building is out of proportion and out of character with the over 160 one- and two-story homes within 500 feet of its property lines. A proposed roof-top common area will add noise, potentially late into the night, disturbing the tranquility long enjoyed in this neighborhood. Adding 395 vehicles will stress the existing neighborhood streets and their connections to the arterials, resulting in traffic delay and potential hazards.

The undersigned residents of the Puget Neighborhood are concerned about this proposed development and its employed permit application process. We implore the City Planning to act on the following:

1. A comprehensive traffic study, during the WWU academic year, that includes Nevada, Consolidation, Bryon, Ashley, Elwood and their connections into the area’s arterials—Lincoln, Samish, Lakeway etc. This study should also include where side-walks and signage are needed to ensure the safety of neighborhood walkers, yard-playing children and drivers.
2. A drainage and stormwater plan to assure the size of the building and its large impervious footprint will not cause flooding and water-seepage into the crawl space of homes in the low-lying area.
3. A soil stability engineering test, proportional to the height, size and footprint of the development with respect to the varying slope of 15 to 40% grade and the clearing of the existing dense vegetations.

These studies and tests should be subject to an independent professional evaluation as needed.

The Puget Neighborhood requests that the City Planning holds a special review of the results on these issues to allay residents’ concerns before acting on the developer’s application. As concerned residents of this Neighborhood, we respect the City Planning’s professionalism and its goal of improving the vitality and quality of life in Bellingham. As a neighborhood we work hard to achieve the same goal. Hence, we implore the City to act on the behalf of these residents.
Respectively,

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CityView Applicant Response to
City Issued Notice of Incomplete Application
(issued on August 10, 2019)

A review by the concerned residents of the Puget Neighborhood of the following documents, submitted by the Madrona Bay Real Estate Investments on February 24, 2020:

1. Preliminary Engineering Trail Plan
2. Building Elevations (revised)
3. Landscaping Plan/Conservation Easement/Lighting Plan (revised)
4. Preliminary Storm Report (revised)

Date: May 6, 2020

Prepared by:

Alan Hui, Ph.D.
851 Nevada Street, Bellingham, WA 98229
Member, Puget Neighborhood Preservation Work Group

Sherry Schafer, MPT
128 South 44th Street, Bellingham, WA 98229
Member, Puget Neighborhood Preservation Work Group
As concerned residents of the Puget Neighborhood, we implore the City to deny the application of the CityView dormitory complex. We further implore the City of Bellingham to establish this platt for In-fill Housing Toolkit development only, through a concerted legislative effort of the Mayor, Planning Commission and City Council. So that, once and for all, neither the City nor the residents of the Puget Neighborhood have to consider another University Ridge- or CityView-like development proposal on this property.

Neighborhood Scale -- Not just the building height but the elevation
The height of the proposed buildings--Building A and B 2.5-story 35 feet tall and Building C 5.5-story 65 feet tall, complied with the City’s height limit. Unfortunately, these three buildings are built at a steep slope, with the taller building located at an even higher elevation. Building B is closest to the existing single family homes along the east side of Nevada Street. It is built at 300 feet above sea level. The top of this building is at 340 feet. To the east of this building is Building C--a 5.5 story high, built at 340 feet and tops at 410 feet above sea level. A view looking east towards this site is a wall of buildings 110 feet high. In contrast, homes along this section of Nevada Street are built at an elevation of around 150-180 feet--at least 120 feet lower than Building B. This dormitory complex will dwarf the whole neighborhood below, completely off scale and incongruent with this neighborhood.

No Hillside Forest Transition
No buildings--commercial or residential has 5.5 stories east of I-5 in the Bellingham area. Just because the Building C is 65 feet tall and located beyond the 200-feet of site line does not mean it should be built. This proposed 5.5 stories building is built at an elevation of 340 feet--over 150 feet towering above the neighborhood homes west of Puget Street. At this imposing elevation plus its height, there is no stand of native trees tall enough or dense enough to “soften the edge with a hillside forest,” prided by the City of Bellingham. Besides, the proposed setback and Common Usable Area are too narrow to sustain enough native trees to grow to maturity.

Out of Proportion
In the revised CityView dormitory application, the developer conveniently left out mentioning its business model of renting out the apartment by the room. As in the original application (July 2019), each apartment unit is still configured with 3 bedrooms, each having its own bathroom. It is reasonable to conclude that the developer intends to rent out the apartment by the room in a dormitory style. Within 500 feet of the project site, there are about 160 single family homes, around 320 residents. The proposed dormitory complex alone will add 318 residents with nearly the same number of vehicles. One dormitory complex resulting in doubling of residents and vehicles is out of proportion. This CityView for-profit dormitory complex is more suited in an Urban Village, a laudable initiative promoted by the City. CityView dormitory is not suited in the midst of this neighborhood. The City’s in-fill development toolkit, another laudable initiative promoted by the City, would complement our neighborhood while increasing affordable housing.
Massive, Imposing Concrete wall

Ten-foot high stamped concrete wall is massive and imposing over the one- and two-story single-family homes on the east side of Nevada Street and on Marionberry Court. This massive wall will be jarring viewed from the neighboring homes and streets. Starting at the northwest corner along the emergency fire lane, dense landscaping and tall native trees are needed to soften the edge of the site.

Revised Preliminary Storm Report

This revised Storm Report continues to refer to the 2013 survey prepared for the University Ridge proposal. While the soil profile would not have changed since, the patterns of ground water running through this area could have. With the amount of rainfall we receive in this corner of the Washington State, ground-water runoff and its impact on soil stability should be a paramount concern to the City, the County and the State. A resident on the east side of Nevada Street reported and videoed a creek formed and flooded her yard this past winter.

In the Revised Site Plan, it proposed the construction of a 8’ wide gravel trail, connecting Consolidation Avenue with Puget Street. Along this 8’ wide gravel trail is a set of walls, ranging from 2’ high to 5’, stretching over 80% of trail. Near the Puget Street end, this trail runs north-south. This section of the trail cuts through a steep slope. As the report pointed out: ground-water runs in a east to west direction over this area of the property. One can anticipate this section of the trail to be washed off often, rendering it useless. More importantly, one can expect a large volume of ground-water forced to flow in a SSW direction, channeled towards the eastern end of Consolidation Avenue.

Consolidation Avenue is known to carry a sheet of water on the road surface during a heavy winter rain, overwhelming the storm water drainage on one side of this street, while rushing off gravels and dirts into the culvert on the other side. As configured, this trail has the potential to exacerbate the speed and volume of ground water running towards the eastern end of Consolidation Avenue. Without a survey that is based on the proposed site plan, unintended consequences could cause harm to the properties and lives of residents downhill. The City must require the developer to provide a new survey, accounting for the impact of the proposed trail construction.

The Revised Storm Report gives references to reports that are not available in the application package:

2. Critical Areas Report, Miller Environment, pending.

Incompatible Geological Report

In the August 2019 Notice of Incomplete Application, the City has rejected the developer’s original application in its use of a geohydrologic report for the University Ridge proposal. In the revised development application, the developer continues to refer to this incompatible geohydrologic study.
The CityView developer must obtain a new geologic study, specifically relevant to the locations of the retaining wall to the east of the project site and the location of the building sites. The City Planning should stipulate the applicant to use another professional geological engineering firm to perform a survey specific to the developer’s Revised Site Plan. Furthermore, this new geo-engineering report should address the following, but not limit to:

1. The 2013 geo-engineering report took a survey of 7 test-pits (TP). TP-1 showed seepage at 2.5-4 feet, TP-2 at 3 feet, TP-3 at 8.5-11 feet with moderate caving at 7-11 feet, TP-7 at 0-1.5 feet. TP-1 & 7 are on parking lots and TP-3 is on site. Only TP-2 is on site of Building C. Again, only 1 test pit is relevant to one building -- the tallest one at that. How does this test pit with its moderate caving square with the height of Building C? Given its height and length—therefore weight is one test pit sufficient? What about test pits for Building A and B? The CityView developer is entirely irresponsible to use this irrelevant geo-engineering report to be the basis for this application. The City was right to deny the developer the use of this report in August 2019. The City should demand again a new geo-engineering report to be prepared by another engineering firm, lest the City appear to be complicit.

2. The City’s geologic hazard area map showed multiple natural groundwater springs on site. The new survey must map these springs--its entire flow through the project site with suitable mitigation plan to avoid unintended redirection or stoppage, resulting in vegetation water-starvation downslope or unwanted accumulation of water pressure.

3. A new survey must include a geologic hazard analysis of the top slope at 46th and Consolidation. This is the steepest area on the project site. Based on the new survey, a comprehensive mitigation plan must be made available at the time of the application. The developer must demonstrate to the City’s satisfaction that a sound engineering plan is in place with the developer’s commitment to address it at the time of the application. Geologic hazard is too critical to be “punted” to the time after the natural environment and habitat is bulldozed.

4. The 2013 geo-engineering report stated there will be significant excavation and placement of fill materials during construction and that slope control and stormwater runoff should be protected. However the size of materials and their handling was not addressed in the report nor by the developer separately with this application. A new report must include a professional and defensible estimate on the amount of excavation and fill placement, with the developer’s plan to handle these materials on-site, off-site and the transfer logistics. Furthermore, the developer must have a plan demonstrating how the handling of excavation and placement will not impact the wetland and pose unduly hardship and danger on the neighborhood.

5. Replacing the mature natural habitat with impervious parking lots for over 200 vehicles will lead to a higher level of toxic stormwater runoff to Lincoln Creek then Bellingham Bay. The
developer must demonstrate to the City’s satisfaction that maximum precaution is made to allow for minimum tolerable amount of toxic runoff from the site.

Landslide Hazard Areas
According to the Whatcom County Planning & Development Services, landslide hazard areas are defined as:

Areas throughout the county where there is potential for slope failure due to any combination of geologic features. These areas include, but are not limited to, areas with all three of the following characteristics:

1. Slopes between 15% and 35%
2. A relatively permeable sediment overlying a relatively impermeable sediment or bedrock
3. Springs or ground water seepage.

Even though the 2013 University Ridge geological survey on the soil profile is inadmissible for the CityView application, its findings apply: the proposed site exhibits all three of these characteristics.

Conclusion
From our review of the said application documents submitted by the Madrona Real Estate Investments in response to the City’s Notice of Incomplete Application (issued on August 10, 2019), we believe fundamental and critical geological engineering survey relevant to the proposed CityView site missing or inadequate to ensure the City and its neighbors a viable and well-planned construction. Due to the site’s precarious terrain and soil profile, there are too many environmental issues, which these documents have yet addressed. A large scale project like the proposed CityView should not be allowed to go forth then expect problems such as excavation and fill replacement, stormwater control, wetland protection etc. to be addressed during construction, i.e. “on the fly.”

We also believe the CityView proposal continues to ignore the City’s requirements for an integrative and transitional development project in the midst of well-established, serene single-family homes. With its jarring retaining walls, towering building at 340 feet elevation, narrow set-back buffer area, doubling number of residents and vehicles, all point to an out-of-proportion and out-of-scale development, all in stark contrast with the neighborhood. The CityView proposal is a blatant insult to the quality of life of the Puget Neighborhood homeowners.

Again, we implore the City to deny the application of the CityView dormitory complex. Also, we implore the City of Bellingham to set aside this plat for In-fill Housing Toolkit development only. So that, once and for all, neither the City nor the residents of the Puget Neighborhood have to consider another University Ridge- or CityView-like development proposal on this property.
Because property owners and residents of the Puget Neighborhood, will be severely and negatively impacted by the CityView proposal, the following is my response to Morgan Bartlett’s Madrona Bay’s 2020 submittal to the City of Bellingham for the development of Parcel number: 3803321721750000.

Development Objectives:
Mr. Bartlett states that the overall goal is to provide safe, affordable multi-family housing. However, it is clear that he is creating a “boarding house” or dormitory structure that will not meet the need of families and especially, low-income families.

While Bartlett’s proposal says this development will provide a significant option for low-income residents currently living without amenities and says it will address “the current short supply of multi-family infill housing,” it is far more likely that the development will be another student housing option that appeals mostly to Western’s students. At the Lark apartment complex on Lincoln, nearly all (95+%) of the three-bedroom apartments, (with a bathroom attached to each bedroom) are rented to Western Washington University students. Current rent estimates of $800-$900/month, per bedroom would put the cost of renting one of these apartments far out of reach of low-income families; however, it will definitely attract college students with means. It is noted that Bartlett’s new proposal has removed any wording that might point to this fact. Plopping a college-based dormitory unit in the middle of a neighborhood surrounded by single family homes is not good growth management in any neighborhood. It is simply in-fill for the sake of increasing density at the expense of the neighborhood and families who live in the area.

Two-bedroom apartments in the Puget Neighborhood are currently renting from approximately from $1,200/month. A three-bedroom CityView apartment will rent from $2,700 per month. If Bartlett legitimately wants to build “apartments” for low-income families, the layout design needs to remove the attached bathrooms to each bedroom, decrease bedroom space, increase the living space and provide one bathroom. CityView is nothing more than a college dormitory.

Project Narrative
While the proposed project has been revised to include three buildings rather than one large building, I am absolutely appalled that the revised CityView submittal still has a six-story apartment building as part of the development plan, Building C. This building of six floors (66-feet in height), is completely out of place with the culture and character of the Puget Neighborhood. There are no other six-story residential apartment buildings in the Puget Neighborhood, other than the Lark, (another student dormitory complex on Lincoln Street).
fact, all the homes surrounding the proposed development are single-family homes of one and two stories. Building a six-story structure in the Puget Neighborhood is like locating a building that is twice the height of City Hall in our neighborhood.

This building will in fact, be visible from Puget, Nevada, and Consolidation Streets and many other streets in the Puget and surrounding neighborhoods. While it may or may not actually obstruct views from Puget St., light and noise pollution will be significant from both Puget and Nevada Streets and others streets in the neighborhood, which is not addressed by the developer. If CityView is constructed, the building will be visible even from Interstate-5 and most likely, from many more locations in town. It will dominate the view looking up the hill. The building is 353-feet in length, as long as Civic football field, including the track. It will not enhance neighborhood character, nor preserve it as required by Framework Land Use Goal (FLU1) in the Comprehensive Plan. (See aerial photo of the proposed site) It will in fact, destroy the character of our neighborhood.

Currently, “BMC 20.38 contains no expressed height standards except for buildings located within 200 feet of a residential zone that is not designated “Planned.” The Planning Director may instead, impose a height restriction if it is necessary, to protect neighboring properties, conforming with existing development and the comprehensive plan. The building proposed by CityView is approximately 65 feet in height, far taller than the surrounding one-and two-story homes. The impacts for noise simply cannot be mitigated with vegetation when sound travels both uphill and down.

Site Plan
In addressing the site plan, I will be responding to some elements of the City of Bellingham’s Notice of Incomplete Application (August, 2019) which Mr. Bartlett has included, with his response, in his submittal.

Critical Areas
1. Geohazard Study: The city of Bellingham required that a new geohazard study for CityView proposal be accomplished, prior to resubmitting a revised plan as an action item. Clearly, this requirement has not been met. The former geohazard study was done in 2013, for the University Ridge development. A new cover letter on the 2013 document does not meet this requirement. A new, survey with several additional drill-test to deeper depth, needs to be accomplished in certain areas of the property. The 2013 geohazard study for University Ridge included only seven drill tests on the entire property. Because portions of the property are designated as wet lands, more drill-tests need be conducted in several areas other than where the tests previously done on the property. The north-end of the property was never test-drilled in the 2013 geohazard survey.

2. Drainage Flow: The City required the description of the drainage flow in the Consolidation right-of-way. Mr. Bartlett appears to have addressed this issue; however, we have significant drainage issues on the very north end of the property that have not
been addressed. These drainage issues are particularly evident when it rains throughout the winter months. There are trees at the north end of the property where they are leaning “down-hill” because of the instability of the soil. This is where a proper and more extensive geohazard study would be helpful. Mr. Bartlett states that he does not think drainage on the north-end of the property is an issue.

3. Tree Retention: While Mr. Bartlett seems to have met the basic request for the tree retention plan, I have concerns that of the approximately 50% of remaining trees, a percentage of them are likely to become destabilized, as described by Patrick Sullivan, Certified Arborist. He suggests removing all but six of the largest Douglas Firs to remain on the property. He also states, “If the City wants all of these trees retained, the trees should be monitored on an annual or semi-annual basis once construction begins.” Will the city or the developer be responsible for these initial and on-going inspections?

I also have concerns about Mr. Sullivan’s advice to remove most of the trees behind the homes on the East side of Nevada. This will result in little to no buffer for privacy with the proposed open-space, trail, benches and picnic areas that are to be built instead. The existing trees slated for removal, will result in more noise and light pollution along Nevada residences. Bartlett’s proposal shows that he will plant trees along the western boundary of the “open space;” however, he will be removing the conifers that are currently there and replacing them with primarily deciduous trees--that are leafless for six or seven months of the year. This significantly impairs residential privacy and will increase light and noise pollution and simply does not address privacy and noise issues.

4. Planned Development: The city required Mr. Bartlett to show the required yards of “setback” in his proposal, consistent with BMC 20.38.050 (B)(7). In fact, the revised submittal did not meet this request as he, once again shows a setback of 25 feet on his site map renderings.

5. Parking Location and Design: The City has required that no parking spaces be located in the front, side or side-flanking yards. The proposal still has parking spaces adjacent to lower Nevada and Marionberry Ct. at the north end of the property. These parking spaces need to be relocated. There is another issue with the proposed parking plan. In this dormitory/apartment setting where three unrelated students are cohabitating one in one unit, it is more likely that all three students will be upper-classmen who all of whom, own cars. The industry standard of 1.5 spaces/per unit is woefully inadequate to meet the need. Overflow parking will spill out into the immediate neighborhood. If the apartments were truly being built for low-income families, the parking plan would likely work.

Anecdotally, we currently observe three to five cars parked outside each of the student rental homes on upper Nevada/44th St. The overflow-cars park on the street—and occasionally in the street. It should also be noted, that the students who live in rental homes on 44th (upper Nevada) almost without exception, drive from Nevada to the
park-and-ride or at the bottom of the hill on Lincoln St. or directly to Western Washington University. This is especially true in the dark, winter months or on stormy days. Mr. Bartlett’s assertion that all students will be walking to the park-and-ride is simply nothing more than wishful thinking, based on no referenced survey or study.

6. Site Design and Orientation: The City requested that the structures be oriented to public streets. The current proposal orients the structures north and south, rather than facing Consolidation. This requirement has not been met. Mr. Bartlett argues that because of the grade of the slope, other environmental issues such as wetlands, the only way to orient the buildings is as proposed. My thought is that the property may have too many challenges to make this proposal feasible and most certainly to comply with the City’s request.

Building Design

7. Neighborhood Scale: The City has required that CityView buildings reflect the existing neighborhood. Homes in the Puget Neighborhood are basically one and two-story dwellings. Mr. Bartlett erroneously contends that the homes in the neighborhood are from one to three stories. He is wrong to think that that Buildings A and B are consistent with the homes surrounding the development. However, even more troubling, is the five-and-a-half story, Building C. As stated earlier, there is absolutely no similarity to this structure and the one- and two-story homes flanking the entire development. This building is simply out of scale with every dwelling on this hill. And quite frankly, a building twice the height of City Hall would be out of place in any residential neighborhood.

8. Privacy: I have touched on several issues of privacy, but would like to respond to Mr. Bartlett’s comments. In his response, he states that all the trees (which are primarily conifers) along the very western boarder of the property will be removed and replaced with much shorter deciduous trees (which have no leaves at least six months per year), this will create far more light and noise pollution especially for homes along lower Nevada and Marionberry Ct., in addition to the homes along Nevada between Marionberry Ct. and Consolidation. The narrow open-space slated for the western edge of the property will absolutely increase noise and privacy issues for the homes along Nevada and on lower Nevada, adjacent to Marionberry Ct., where currently there are no trees, just native grasses and huge mounds of blackberry vines.

In spite of locating the open-space along the western border of the property, building a short retaining wall and fence, the result is most assuredly more noise and light from the second story of all those homes, there will be no sound or sight barrier to the development property. This is particularly true once the leaves fall from the deciduous trees slated to be the “buffer/replant.”
The proposed “Juliet” balconies for each apartment will absolutely create sound and noise throughout the neighborhood, in the warmer months. It is observed from student rental homes on upper Nevada, loud music is often heard coming from those residences. With 106 Juliet balconies, there will be a significant increase in noise.

Summary
There are a variety of reasons this application should be permanently denied:

1. This is clearly not an apartment complex for low income residents. It is nothing more than a dormitory, with amenities that appeal to college students. The average cost of renting one of these apartments is $2700+ per month. This cost for basic housing is far out of reach for low income families. The industry standard of 1.5 parking spaces per apartment is unreasonable with three unrelated adults living in one unit. This will result in street parking on all of Nevada, Consolidation, 44th, 43rd and 42nd streets, Blueberry Lane, Marionberry Ct. and Marionberry Ln.

2. It is fairly was clear that the developer has completely failed or partially failed to address several of the areas requested by the City in the Notice of Incomplete Application, dated August, 10th, 2019. Based on this alone, the application should be denied by the City.

3. The noise and light pollution simply cannot be mitigated by planting primarily deciduous trees. The height of the buildings, in addition to the slope of the property will significantly disrupt the privacy of residents and homeowners in the Puget Neighborhood.

4. The single most important reason this application should not move forward, is the issue of density. The Puget Neighborhood challenges the historical assumption the buildable density of 176 units for the Hawley Replat—Tract F. While Mr. Bartlett is proud of the fact that he is building under that assumed unit density or 176 unity, his proposal is woefully over the only documented and definable density for this tract of 8.7 units per buildable acre, and there are several areas of this property that are unbuildable. See the February 6th letter from the Puget Neighborhood’s Attorney, Mr. Buri.

Sincerely,

Linda Diebert, MEd,
Member Puget Neighborhood Preservation, Work Group
February 6, 2020

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


Dear Ms. Bell:

I represent the Puget Neighborhood Working Group. 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. Unfortunately, both the name of the site and its location have had as many variations as the calculations. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

INTRODUCTION

This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance. On November 15, 1993, Jepson and Associates produced a set of project plans for Exxel Development Company (Exhibit H). On page 7 of the plans, an undeveloped portion of the site, labeled “Area B”, noted a designation of 176 units. Neither the plans nor any accompanying documents explain where this number came from. It is the first mention of a density allocation, which reappears sporadically in plat maps that have never received public review, let alone approval.

The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlay several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive
investigation into the source of this mystery number. We ask that the City reject the phantom density for good and require CityView's proponent to provide an accurate density calculation.

Our review of the public record leads to three conclusions:

1. **THE CITY HAS NEVER CALCULATED OR APPROVED THE UNIT DENSITY FOR TRACT F.** Review of the public process and official actions involving the overall Hawley Replat starting in 1994, shows that assignment of a Unit Density to the current Tract F was never explicitly identified in the Bellingham City Council Agenda Bills or Resolutions. A review of public documents reveals that no Unit Density designation is explicitly defined by official action and filed for the subject property.

2. **THE CONFUSING PLAT MAPS MERELY REPEAT AN ERRONEOUS ASSUMPTION.** Since Unit Density was never explicitly defined for the current Tract F, the fallback has been to cite notations printed on the various plans (Plat Maps) as reporting Unit Density. Unfortunately, the notations on the Plat Maps are confusing, lack definition, or omitted from official filings. For example, the original Project Lot Layout includes a printed notation for "Area 'B' Future Development (176 Units)". However, Area "B" is not defined as to size, physical location or boundaries. Regardless of the size or configuration of the remaining undeveloped portion of the Hawley Replat, the developer puts the "176 Units" label on it.

3. **THE APPROPRIATE DENSITY CALCULATION ACCOUNTS FOR CURRENT CONDITIONS.** Since the original project plan was submitted, and resulting process, reviews and filings have occurred, additional issues have arisen. For example, the original proposal did not include multi-unit residential development in what is now Tract F. Other actions, such as the Wetlands/Open Space dedication, resulted in post hoc agreements that conflict with earlier actions. These all have impacts on Puget Neighborhood and the appropriate density for any development on Tract F.

The City has yet to conduct the required public process to determine the appropriate Unit Density for Tract F. Until this is completed, any review of the CityView proposal is premature.
Map 1 shows the original Hawley Replat boundaries (blue line) and the current Tract F boundaries (purple line).
1. UNIT DENSITY – NEVER DEFINED FOR TRACT F.

The City's public records establish that the process required by the original Council Resolution for the Hawley Replat - Preliminary Plat (Exhibit C, page 8, Future Phases), never occurred for the subject area, Tract F.

Throughout the process, none of the City Council Agenda Bills included notice of a Unit Density designation for the portion of the Hawley Replat that would eventually be designated Tract F. All other portions of the Hawley Replat included an explicit Unit Density designation in the text of the Agenda Bills and resulting City Council Resolutions.

A. Planning Commission and Planning Department Report

The Agenda Bill (11302, April 25, 1994), Attachment A, presents the findings of the Planning Commission including Staff Analysis (Planning Department).

1) In the Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property, contains the most severe slopes on the property and will require additional review prior to development." (emphasis added)

2) Under Applicable Comprehensive Plan Goals and Policies (Exhibit A, page 5, Vision for Bellingham Goals, paragraph 1) the report states, "Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character." (emphasis added)

3) Future Phases of Development (Exhibit A, page 7) states, "Because of the environmental constraints, development of future phases east of phase 1 will require additional staff and public review." (emphasis added). From the same report (Exhibit A, page 9), "However, due to environmental constraints, it will be extremely difficult to achieve maximum density on the property." (emphasis added)

The City recognized from the earliest stage that before Phase 2 is permitted for development, additional review would be required to assure the goals of the Comprehensive plan are realized. Careful determination of an appropriate Unity Density would be critical on a property that has significant environmental constraints.

Map 2 shows the original Hawley Replat boundaries (blue line) and the Phase 1 boundaries (western part of property) and Phase 2 (orange line),
MAP 2: BOUNDARIES – PHASE 1 AND PHASE 2

Phase 1
(16.55 acres)

Phase 2
(30.16 acres)
1. UNIT DENSITY – NEVER DEFINED FOR TRACT F (continued)

B. City Council Agenda Bills and Resolutions

From 1994 through 2002, starting with the Preliminary Plat and ending with the Final Plat, the City Council reviewed and approved various developments within the Hawley Replat. The City Council never reviewed or approved a Unit Density for Tract F.

1) City Council Resolution (No. 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4) that the Hawley’s Replat Plat Area included Phase 1 – 16.55 acres, consisting of 123 units; Phase 2 – 30.16 acres, with no Unit Density.

2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, “A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [emphasis added] located in Area 17 of the Puget Neighborhood” (Exhibit E, page 1, paragraph 1). No Unit Density was included for Tract F.

3) City Council Resolution No. 2002-24, continues by reference the requirements of the Preliminary Plat Resolution 19-94, “attached hereto as Attachment 2, and made part hereof by reference as though set forth fully herein.” (Exhibit E, page 7, Future Phases), that additional public review is required before development.

In 2013, the Hearing Examiner (Exhibit G, page 3, sentence 2) restates that, “The tract labeled Future Development is the subject property. The plat conditions provide that additional public review would be required prior to development of the reserve tract.” (emphasis added).
2. PLAT MAPS – CONFUSION AND OMISSIONS

The various Plat Maps included with the Agenda Bills and Resolutions created the confusion over the allowed densities, incorporating notations that are inaccurate, lack definition, or omitted crucial information from filed documents.

A. Original Project Plan

The original Proposed Lot Layout (dated 11/15/93) for the Hawley Tract (see Exhibit H) has numerous notations that are undefined as to size, physical location or boundary.

1) The initial Proposed Lot Layout (Exhibit H, pages 2 and 6) for the Hawley Tract (46.71 acres), included two notations; “Area “B” Future Development (176 Units)”, and “Area “D” Future Development (50 Units)”, for a total of 226 units. No definition is provided for Area “B” or Area “D” as to size, location or boundaries.

2) The Agenda Bill (11302, April 25, 1994), Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), shows 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, “located in the eastern region of the Hawley Property.” The Proposed Lot Layout does not include a notation identifying Phase 1 or 2; no Plat Map attached to Agenda Bills or Resolutions includes these designations.

3) The printed notation for Area “B”, in the lower right corner, on the Proposed Lot Layout (Exhibit H, page 6), is likely the source of the assumption that the Unit Density for Phase 2 and eventually the smaller Tract F, is 176 units.

Map 3 on the next page shows the original Hawley Replat boundaries (blue line), with the Area “D” and Area “B” notations from the Original Project Layout.
MAP 3: AREA "B" AND AREA "D" NOTATIONS FROM PROPOSED LOT LAYOUT

Hawley Tract
(46.71 acres)

Area "D"
Future Development
(50 units)

Area "B"
Future Development
(176 units)
2. PLAT MAPS – CONFUSION AND OMISSIONS (continued)

B. Unit Density Reconciliation – Original Project Plan with Preliminary Plat Approval (1994)

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

1) The Original Project Plan (Attachment A, page 11) identified only 64 single family lots, leaving 100 lots (164 less 64 identified on the Plat Map) that were not identified as to location on the Hawley Plat.

2) This statement appears to preclude future development that is high-density since the plan being presented was for single family lots with a minimum of 5,000 square feet.

The following (Table 1) reconciles the Original Project Plan with the Preliminary Plat Approval (1994). As shown on Table 1, the Original Project Plan (Plat Map) printed Unit Density notations for Area “B” and Area “D” (226 units), match the total Unit Density presented to the City Council by the Planning Department (226 units).

<table>
<thead>
<tr>
<th>TABLE 1: ORIGINAL PROJECT PLAN UNIT DENSITY RECONCILIATION WITH CITY COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Original Project Plan</strong></td>
</tr>
<tr>
<td>Area “B” Unit Density (notation on Plat Map)</td>
</tr>
<tr>
<td>Area “D” Unit Density (notation on Plat Map)</td>
</tr>
<tr>
<td><strong>Total - Proposed Unit Density</strong></td>
</tr>
</tbody>
</table>

| **City Council Resolution No. 19-94, April 25, 1994 (Preliminary Plat Approval)**          | **Units** |
| **City Council Meeting - Planning Department Presentation**                                |           |
| Total Single Family Lots Planned (City Council Minutes)                                   | 164       |
| Less: Single Detached included in Phase 1 (see below)                                      | (64)      |
| **Subtotal - Single Family Lots (not identified in Phase 1)**                             | 100       |
| **Agenda Bill 11302 - Phase 1**                                                           |           |
| Single Detached (units)                                                                    | 64        |
| Duplex (2 units), Triplex (3 units), Fourplex (4 units)                                    | 9         |
| Multiple (units)                                                                           | 50        |
| **Subtotal - Phase 1 Units**                                                              | **123**   |
| **Agenda Bill 11302 - Dedications**                                                       |           |
| Lots 5, 6, 7 dedicated to Rain Garden                                                     | 3         |
| **Subtotal - Dedications**                                                                | **3**     |
| **Total - Proposed Allocation of Unit Density**                                           | **226**   |
Area “B” included more than just the eastern portion (Phase 2) of the Hawley Tract; it included all the Single Detached lots on each side of Nevada Street. Map 4 below shows how Area “B” was misunderstood.

2. PLAT MAPS – CONFUSION AND OMISSIONS; (continued)

1) As noted earlier, the Original Project Plan, shows a notation for Area “B” in the lower, right portion of the Plat Map. No information is provided for Area “B” as to size, location or boundaries. As similar is found located left, center for Area “D”, also without information as to size, location or boundaries.

2) The eastern portion of the Hawley Replat identified as “Phase 2” by the Planning Department, was apparently misunderstood to represent the boundary of Area “B”, located to the east of the orange line.

3) City Council Resolution 19-94, when reconciled with the Original Project Plan, shows Area “B” would include all Single Detached units shown by the red line.
3. DENSITY SHOULD ACCOUNT FOR CURRENT CONDITIONS.

Since the initial plan was submitted, and the resulting process, reviews and filings have occurred, additional issues have arisen.

A. Single Family Lot Designation Issue

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that *164 single family lots were planned.*

1) This statement appears to *preclude future development that is high-density* since the plan was for single family lots with a minimum of 5,000 square feet.

2) The original Proposed Lot Layout (Exhibit H), did not include multi-unit development in what is now Tract F, consistent with the statement in the Public Hearing.

3) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), has a printed notation, “Tract F – Multi Site,” which conflicts with the earlier statements that single family lots were planned.

B. Final Plat – Cedar Ridge Division 2 (formerly Hawley Replat)

The final Plat filing for Cedar Ridge Division 2 (revised title for the Hawley Replat) introduced additional confusion and issues.

1) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), consists of one map, and an entry in the lower right-hand corner for “Tract F – Future Multi Site”. *This was the first time the notation “Tract F” appears on any document for the Hawley Replat.*

2) No definition is included on the Plat Map (Attachment 1) for Tract F as to size, location or boundaries.

3) None of the City Council Agenda Bills or Resolutions ever included an explicit reference to Tract F.

4) Attachment 1 *does not show a Unit Density.* This is consistent with the text of the Resolution which states that, “Whereas, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1).

5) The Hearing Examiner Report (see Exhibit G, page 3, item 7) states, “The Final Plat Resolution shows a site plan identifying the
subject property as Tract F, Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution.” (emphasis added). Nothing in text of the ordinance or the plat map assigns a Unit Density to Tract F.

C. Discrepancies between Resolution 2002-24 and the Plat Filing

The Cedar Ridge Division 2 Plat was filed with the Whatcom County Auditor on July 23, 2002. This filing was done on behalf of Peoples Bank, Irving H. Hawley Jr. and Joan Hawley. The attached Plat Map shows a Tract F, with a notation of 11.16 Acres, Future Units – 176 units (Exhibit F, page 5).

1) The Hearing Examiner Report (Exhibit G, page 3, item 7) states, “The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution.” However, the text of Resolution 2002-24 did not include an explicit Unit Density to Tract F.

2) The Filing of the Plat Map was a separate action performed by the property owners and their representatives after Council approval of Resolution 2002-24. Unlike other Resolutions previously identified, there is apparently no record of Resolution 2002-24 having been formerly filed with the Whatcom County Auditor that included a Unit Density designation for Tract F.

D. Wetlands Dedication – Unit Density Reduction Issue

The agreement recorded in the Conversation Easement (Exhibit D, page 1), states that allowable Unit Density is reduced by 100 units. This raises numerous issues:

1) The net results of the reduction in Unit Density is unknown; the remaining units are defined as to size, physical location or boundaries.

2) The reduction of Unit Density due to the Wetlands Dedication is never referenced in future Agenda Bills or Resolutions.

3) It appears that no reduction of Unit Density has been applied to any portion of the Hawley Replat, in spite that it is part of the Wetlands Dedication that was required to gain approval of the Preliminary Plat Plan.
CONCLUSION

For 25 years, what is now the Hawley Replat Tract F has been a conundrum for all involved, the property owner, developers and especially the neighborhood. The phantom Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. This is truly an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn’t work.

The Hawley Replat was a multi-year process that in the case of Tract F, is still a major issue for the community. 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, using the City’s own Infill Toolkit to bring all parties together, to move forward with development that fits and expands housing in the City of Bellingham.

Sincerely,

BURI FUNSTON MUMFORD & FURLONG, PLLC

[Signature]

Philip Buri

EXHIBIT LIST

A. Bellingham City Council Agenda Bill No. 11302, April 25, 1994
B. Bellingham City Council Meeting Minutes, April 25, 1994
C. Bellingham City Council Resolution No. 19-94, April 25, 1994
D. Conservation Easement and Deed, December, 1994
E. Bellingham City Council Resolution No. 2002-24, July, 15, 2002
F. Cedar Ridge – Division #2 Plat Filing No. 202703650, July 23, 2002
G. Findings of Facts, Conclusions of Law and Order, City of Bellingham Hearing Examiner, HE-13-PL-007, October 23, 2013
H. Proposed Lot Layout, November 15, 1993
SUMMARY STATEMENT

Consideration of preliminary plat approval for the Hawley's Replat, located
along the extension of Nevada Street north of Consolidation Street and south of Edwards
Street. The Hawley's Replat consists of 64 single family lots, 1 duplex lot,
1 triplex lot, 1 four-plex lot, and a 50 unit multi-family tract (123 total units).

The Planning Commission considered this application on March 17, 1994 and
unanimously approved the proposal subject to a minor plat re-design and open space
dedication.

RECOMMENDED ACTION

Recommend approval of the Hawley's Replat Preliminary Plat subject to the Technical
Review Committee and Planning Commission conditions/requirements. Direct staff to prepare
a resolution for review in committee.

COMMITTEE RECOMMENDATION/ACTION

COUNCIL ACTION
CITY OF BELLINGHAM
PLANNING COMMISSION
FINDINGS OF FACT AND CONCLUSIONS
MARCH 17, 1994

Re: HAWLEY'S REPLAT - PLANNED RESIDENTIAL SUBDIVISION

OVERVIEW

SUMMARY
A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 60 unit multi-family tract.

LOCATION
The subject property is the old Hawley's Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.

MAJOR ISSUES
Nevada Street extension, future development on up hill property.

STAFF RECOMMENDATION
Approve Phase 1 with conditions.

PLANNING COMMISSION
RECOMMENDATION
Approval with conditions

Background/Prior Hearings

Historical Use of the Property:

Since 1920 this site has been used for rural farming activity. For many years the Hawley's Poultry Farm operated from the site. As early as 1920, the western half of the site (relatively flat) was cleared for farming activity.

Neighborhood Meeting:

The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.

Documents Considered

Staff Report, Public Testimony

05.FFC (1)
Public Hearing

TESTIMONY

Please see the attached draft minutes from the March 17, 1994 Public Hearing.

STAFF/TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Approve the design of phase 1 subject to the conditions listed in Appendix A.

Based upon the application, record and public hearing held March 17, 1994, the Planning Commission makes the following:

FINDINGS OF FACT

1. Applicant/Initiator

Exxell Development
(Keven DaVries, Contact)
335 Telegraph Road
Bellingham, WA 98226

Ron Japsion and Associates
Engineer
222 Grand Avenue, Suite C
Bellingham, WA 98225

2. Proposal

Exxell Development owns 46.71 acres located north of Consolidation, south of Edwards Street, east of Moore Street, and west of Pacific Street.

There are 123 units proposed in Phase 1 consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract. The project will extend Nevada Street between Consolidation and Edward Streets.

Future phases of development will require additional review by staff, the Planning Commission, and Council.

3. Site Description

LEGAL DESCRIPTION
See attached

COMPREHENSIVE PLAN DESIGNATION
PUGET NEIGHBORHOOD Area 11

This is a largely undeveloped area which includes wet areas, hillsides and areas which are relatively flat. The area is an ideal multiple housing area,

0005.FFC (2)
being convenient to town, parks, and commercial areas. As this area develops, warrants for a traffic light at Lakeway and Nevada should be analyzed. Higher densities should be allowed on the level, dry areas, while the wet areas and steep areas should remain open. Water lines for development within this area must be carefully designed to provide adequate fire flow.

General Use Type : Residential - Multi.
Use Qualifier : Planned.
Density : 5,000 square feet per unit overall density.
Special Conditions : Clearing, view, no access to Lakeway via Nevada or Puget Streets from that area south of Edwards Street, water distribution system design.

Prerequisite Considerations : Whatcom Street to Nevada Street and Nevada Street from Whatcom to Lakeway should be improved prior to development north of Edwards Street.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

* Residential Multiple Planned designation should accommodate a variety of residential uses in a manner which will allow property to be developed as a coordinated unit according to an approved detailed plan in order to achieve flexibility to solve site specific problems, minimize impact on surrounding properties, and maximize utilization of the land.

* Steep hillside areas and stream corridors or low wet areas are recommended as a general theme for open space patterns in future development.

* To preserve the visual integrity of the wooded hillsides which provide the backdrop for the City and many of the neighborhoods and to preserve the bluffs and slopes that reinforce the edge between water and City. Also to preserve the natural integrity of these areas by retaining vegetation, minimizing disruption of soils and slopes, maintaining drainage patterns, and encouraging wildlife habitats.

* Provide a functional, convenient, safe and pleasant bicycling and pedestrian transportation network in the City.
Visions For Bellingham Goals:

- Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.

- Bellingham continues to retain its natural, green setting by protecting unique natural features and public open spaces, creating greenbelts and preserving wooded hillsides in and around the City. New development is encouraged to incorporate existing mature vegetation and additional trees and native vegetation.

SURROUNDING USES AND DESIGNATIONS

North: Single family development and zoning (8,500 square feet minimum lot size).

South: New single family development (Brierwood Subdivision a planned subdivision, Futurespec Development). Planned Residential zoning (5,000 square feet per unit).

East: Future Hawley’s Plat Phase 2. Forested hillside. Toledo Hill single family development and zoning.

West: Lakeway Mobile Estates. The Moore Street right-of-way unimproved, identified in the Comprehensive Plan as a buffer between the mobile home park and the single family zone to the east. Maple Park apartments. Residential multiple zoning.

4. Existing Site Conditions

Acreage: Phase 1: 16.55 Acres
Entire Property: 46.71 Acres

Number of Lots: Phase 1 - 123 units:
63 Single Family
1 Duplex Lot
1 Triplex Lot
1 Four-plex Lot
50 unit MF Tract

Minimum Lot Size: 5,000 Square Feet
(Largest SF Lot - 8,689 Square Feet)

0005.FFC (4)
Plat Density:

5,000 square feet per unit overall density required.

Phase 1 - 123 units on 16.55 acres = 7.4 units per acre.

Phase 1 Single Family - 64 lots on 12.37 acres = 5.1 units per acre.

Topography:

The entire property has a natural slope from east to west up to 30%. Phase 1 is gently sloped and is located in the lowest and flattest portion of the site. Phase 2, located in the eastern region of the Hawley property, contains the most severe slopes on the property and will require additional review prior to development.

Hydrology:

The Hawley site is located in the Lincoln Creek watershed. This watershed is 803 acres in size and drains the northwestern portion of Samish Hill. All surface water runoff collects in Lincoln Creek and empties into Whatcom Creek at its terminus.

The local geology consists of bedrock, primarily sandstone, overlain by glacial material. The springs and hillside seeps found here produce numerous intermittent streams in the area. This is the source of water, in addition to direct precipitation, that feeds the wetlands on the Hawley farm.

Infrastructure:

Streets:

Nevada Street abutting proposed Lots 31-37 is 3/4 City standard with sidewalk, curb, gutter, and street lights on western side. Nevada Street south of Consolidation Avenue is improved to minimum City standards. Nevada Street north of the proposed development has approximately 16 feet of paved surface with open ditches.
Water/Sewer/Stormwater: Utilities are currently available from the south. All new extensions shall be consistent with the Public Works infrastructure plan for the area.

6. **Staff Analysis**

**Land Use:**

Area 11 of the Puget Neighborhood is zoned for multi-family development at 5,000 square feet per unit (8.7 units per acre). The entire site (Phase 1 and 2) is comprised of 46.71 acres and current zoning would allow a maximum of 406 units. However, due to environmental constraints, it will be extremely difficult to achieve maximum density on this property.

Phase 1 consists of 123 units in a mix of single family and multi-family housing types. This meets the intent of the Residential Multiple Planned Land Use Designation.

**Streets:**

Nevada Street Dedication:

The Nevada Street right-of-way connecting Consolidation and Edwards Street was dedicated as a plat condition of the Briarwood Subdivision (see attached). However, this dedication was platted over a regulated wetland. The plat design under consideration will vacate the former right-of-way and dedicate a new Nevada Street right-of-way west of the original dedication. The new alignment will reduce the impacts to regulated wetlands. A City of Bellingham Wetland Permit and Army Corps of Engineer’s permit must be issued for impacts/fill to regulated wetlands. (See attached Memo from Chris Spens, Senior Environmental Planner.)

Nevada Street Connection:

It has been the position of the City that the Nevada Street connection is an important circulation element in this area. This link will allow an alternative route to I-5 without using Lakeway Drive. For additional background, please see attached memo from Tom Rosenberg, City Engineer.
Plat Vacation:

Once approved and filed with the Whatcom County Auditor’s office, this subdivision will vacate portions of the Cedar Addition to Whatcom Plat and streets/alleys located within the plat. (The Nevada Street right-of-way was dedicated by the property owners with the understanding that this plat would be vacated and the owner would not have to compensate the city for vacated rights-of-way.)

Parks/Open Space:

The subdivision ordinance requires applicants to dedicate 100 square feet per lot within the plat boundary for parks and open space. In lieu of park dedication, a $300.00 per lot payment into the Park Acquisition Fund is allowed.

If dedication of open space occurs within the Hawley Replat boundary, the preferred location would be within Phase 2 along the wooded hillside. Staff would support dedication for the entire property at this time. Said dedication should occur within the boundary of future Phase 2 and should incorporate the forested hillside areas and identified wetland areas.

If dedication of open space for the entire property is not feasible at this time, staff would prefer payment into the park acquisition fund in lieu of dedication for Phase 1.

In addition, staff may propose an open space dedication upland as mitigation for wetland fill. Please see attached memo from Chris Spens.

Wetlands:

A wetland determination indicated there are 13.1 acres of wetlands on this site. Wetlands such as these that are located higher up in the drainage are very important for flood control downstream because they store water so effectively and then “meter” it out slowly. Wetlands of this size can be very valuable if a physical connection to other wetlands or open space is retained.

As more vegetation is removed from the watershed, particularly trees, drainage patterns are altered and there is a greater volume of runoff which can overwhelm downstream capacity. Greater runoff volumes can also have a damaging effect on the wetlands if the water level fluctuation is dramatic.
Future Phases of Development:

Because of environmental constraints, development of future phases east of Phase 1 will require additional staff and public review.

6. ADDITIONAL FINDINGS AND SPECIFIC SITE FACTS

1) The proposed layout of Lots 1-4 would require partial fill of a forested wetland.

2) The extension of Nevada Street would allow multi-dimensional circulation in this area.

3) Open space/parks dedication is preferred over payment in lieu of land dedication.

Based upon the above findings, the Commission makes the following:

CONCLUSION

1) The plat should be modified to redesignate or eliminate proposed Lots 1-4.

2) Nevada Street should be connected between Edwards and Consolidation Streets.

3) Open space/parks dedication for all phases of development should occur in the area designated within the boundary of future Phase 2.

4) Additional open space should be dedicated as mitigation for wetland fill.
From the above Conclusion, the Commission comes to the following:

RECOMMENDATION

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation, Appendix A.

ADOPTED this 14 day of April, 19.

Chairperson

ATTEST: 
Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney
RECORD OF PROCEEDING OF CITY COUNCIL
CITY OF BELLINGHAM, WASHINGTON

BELLINGHAM SENIOR ACTIVITY CENTER
Monday, April 25, 1994, 07:00 PM
Book: 48, Page: 1

REGULAR MEETING

Called To Order: The meeting was called to order by Council President Arne Hanna with a salute to the flag.

Roll Call:
Present:
First Ward Councilmember Don Gisler
Second Ward Councilmember Gene Knutson
Third Ward Councilmember Arne Hanna
Fourth Ward Councilmember Bob Hall
Fifth Ward Councilmember Pat Rowe
Sixth Ward Councilmember Bruce Ayers
Councilmember At Large Louise Bjornson

Excused:

ANNOUNCEMENT(S)


APPROVAL OF MINUTES

15-MINUTE PUBLIC COMMENT PERIOD

1. Cyri Kemppi, 2700 W. Connecticut, addressed the Horseshoe project in the Squalicum Parkway area and presented a handout from the Planning Commission dated August 1991 regarding the zoning definition of planned industrial for the site. He also requests that this area be given consideration for the placement of a park.

With no further comment, the public comment period was closed.

PRESENTATION

AB11301. BUILDING INDUSTRY ASSOCIATION (ART CASTLE)

Mr. Castle, Director of the Building Industry Association conveyed that he is relocating to Kittitas County in one week and he introduced his successor, Valerie Smith. Mr. Smith has ten years of experience in working with non-profit and trade associations in Denver before she and her family moved here a couple of years ago. She has been the Activities and Events Director who was largely responsible for the success of this year’s Home Show. Mr. Smith spoke briefly and said that she looks forward to working with the community and learning about the issues before the Building Industry Association. Councilmember Ayers expressed his gratitude to Mr. Castle for bringing the organization into a leadership role in the community, and for his positive approach to the issues, and added that he would be missed. Councilmembers Rowe praised Mr. Castle’s energy level and also stated that he would be missed. Councilmember Hall gave a fond farewell to Mr. Castle and thanked him for the inspiration he provided. Councilmember...
Council Minutes for April 25, 1994 City of Bellingham, WA

Emotions led in a final farewell to Mr. Castle via a round of applause from all.

PRESENTATION(S)

PUBLIC HEARING(S)

AB11302 1. CONSIDERATION OF PRELIMINARY PLAT APPROVAL OF 123-UNIT SUBDIVISION, COMMONLY KNOWN AS THE HAWLEY'S REPLAT, LOCATED ALONG EXTENSION OF NEVADA STREET, BETWEEN CONSOLIDATION AND EDWARDS STREET.

Rob Nyx, Planning Department, made the staff presentation. The plat consists of a 123-unit planned residential subdivision located along Nevada Street between Edwards Street and Consolidation Ave. The development of approximately 17 acres is planned with approximately 15 acres dedicated for park and open space. There are 164 single-family lots planned, all of which satisfy the 5,000 square foot density requirement. In addition, one duplex, one triplex, one four-plex, and a 50-unit multi-family tract are planned which will require a planned residential review by staff once they are presented for approval. The project includes full standard improvements of Nevada Street within the property (28-foot full standard street with curbs, gutters, street lights, and street tree on both sides), and realignment of the existing Nevada Street right-of-way (slightly west of the current designation, which is part of the Briarwood Subdivision). The realignment of Nevada Street is suggested in order to mitigate minimal impacts to wetlands that are in the area. In addition, vacation of the Cedar addition is proposed, which is located in the northern most part of this property. The Planning Commission recommended approval of this application subject to minor changes, such as pursuing an open space dedication in the future Phase II site, and relocating a small piece of lots on the eastern side of Nevada Street. One of the issues facing this subdivision deals with the extension of Nevada Street between Consolidation and Edwards Streets as the neighbors do not want to see this as a through street and once thought it would remain a dead-end street. Another issue is the drainage and wetland impacts of the subdivision.

Ron Jappson, the engineering consultant for the applicant, Excell Development, stated that this project has been before the City for approval for 2 years. Of concern is the traffic considerations at the I-5/Smithson overpass area. The Briarwood development had obtained approval for their development with the condition that they obtain a right-of-way to connect the development to the north of Nevada as it was platted at that time. Mr. Hawley, then-owner, dedicated a 50-foot strip to the alignment which was approved by the Public Works Department, connecting the existing-platted Nevada with Consolidation on the south. Briarwood was constructed under those terms. The traffic impacts ordinance was then adopted which opened up the opportunity for developed areas that created traffic impacts to be assessed an impact fee for each lot being developed at the time of building permit issuance. A detailed wetlands analysis was performed and the alignment that was previously dedicated for Nevada went through wetlands more than was necessary. They asked the City to modify the alignment which is a current condition of this plat. There were approximately 11 acres of wetlands identified in this project and during discussions with Planning Staff, it was determined that the upland area between the wetland area and the People Street, could be preserved. Mr. Hawley agreed that he would add the wooded area from People Street to the wetlands already designated, making a total of 15 acres dedicated for park and open space. The proposed alignment of Nevada Street, which connects the existing 44th Street in Briarwood, is an alignment which circumvents the wetlands area. The Hawley residence is a larger parcel connected to this development. The neighborhood meetings held to date revealed an issue relating to the Nevada Street connection and may be a misunderstanding in that Nevada Street is desired by the City to connect Lakeway Drive with Consolidation. The plan for connecting Nevada was decided by Public Works at the time of the Briarwood Subdivision approval. The drainage issues will be handled with the wetland dedication and retention requirements.

The public hearing was opened.

1. Mr. Hawley, owner of the property and partner in the development of the property, stated that his family has waited for many years before selling the property until an acceptable plan came forth that they could be involved in and be proud of. He stated that this development is such a plan and he asks for Council approval of this development.

Councilmember Hansen asked for the dollar figure of the transportation impact fee imposed for each lot. Clark Williams, Public Works, answered that each lot would be assessed $270 for the Smithson/I-5 interchange improvements.

2. Mike McKinney, P.O. Box 1026, East Sound Washington, the Vice President of Future Spec Homes, relayed that he is currently developing 30 homes on 44th and 45th Streets; and that they have developed 10 homes in the Briarwood Subdivision. He suggested not continuing Nevada and stopping it before it comes into Briarwood if the street is only going to serve 10-12 units on the east side of Nevada Street. The traffic impacts on the neighborhoods would be a detriment to the community.

3. Remmie Johnson, 1020 Puget, expressed concern over the proposed traffic at Puget and Lakeway and potential problems with the children traveling to school and using the crosswalks due to limited sighting distance where Edwards meets Puget. It appears to be
an accident potential and a hazard for the children. The local access only signs in Pacific View are not helping and the average speed is 40 mph in that area with some speeds close to 50 mph when they reach Edwards and Puget.

Clark Williams, Public Works, responded that there is a one block length (about 2 blocks south of Lakeway Drive) that connects Nevada Street with Puget Street, but this length is not a public street, it is a private access road. If this became a cut-through route for motorists, the City would mitigate the traffic as this is not a City street.

4. Shawn Dooley, 805 Nevada, understood that Nevada would be a through street, but with green space and the wildlife corridor preserved. Briarwood residents are concerned with the clearing from recent developments (such as Minster Heights). They believe this to be "bad planning and development" and ask that City staff enforce the regulation to the letter of the law with monitoring of the development. He does state a concern for the record, that residents of Nevada Street and Briarwood were told at neighborhood meetings that the connection from Lakeway through Nevada to 44th will not connect with the Samish Bridge overpass at Elwood.

5. Cindy Plascher, 804 Salmon Bay Ave N, stated that when she went to the Planning Department she was not shown a platted map, but was shown a large section map and was told it would be difficult for the development to proceed. She is not opposed to development, but she bought her property with the understanding that it would remain quiet so that she could enjoy the wildlife. There are other alternatives to the through street of Nevada such as routing half of the Holmley development traffic south on Nevada to Consolidation and the other half through Lakeway.

6. Joyce Fuchs, 1058 Nevada, talked to the Planning Dept. before she bought her property at Nevada and was told that at that time there were no plans to make Nevada a through street. She presented a petition of 25 signatures of Nevada Street residents who are opposed to Nevada becoming a through street. She expressed frustration that the development and traffic access routes seem to be not a proposal, but a done deal.

7. Barry Wadington, 1061 Nevada, spoke in opposition to the connection of Nevada Street and asked that future speed studies be performed. The many different zoning uses surrounding the area will cause great traffic increases.

A discussion then ensued between Councilmembers and staff regarding traffic patterns and access routes of the current and future developments in that area. Councilmember Kintner asked when the decision was made to make Nevada a through street. Jack Garner, Public Works, responded that the decision was made when the Briarwood development was approved in approximately late 1988.

8. Nancy Wupper, 821 Nevada, expressed concern over the traffic patterns and stated that people are going to be zig-zagging all over to get to Lakeway.

Chris Spence, Planning Department, reiterated that there would be no connection with the Westlake connector and urged Council to consider the possible aspects of road access in that when roads are accessible and open, it relieves traffic pressure and offers more options to residents. This naturally slows the traffic because more options are available to commuters. A through road gives traffic alternatives regardless of destination and for fire and police access it also offers more options. In response to wetlands, the project started out with 13.2 acres of wetlands. They will need to fill slightly less than an acre, and the City has mitigated every square foot of wetland acreage either in the form of absolute wetlands or newly gained uplands: up-slope of this large system. The shape of the system is designed to minimize tree clearing on the property to link up wet meadow, shrub thalian, and forested wetlands with their necessary counterpoint, forested uplands. The parcel was 46 acres and the park dedication is approximately 1/8 of the property plus rights of way to be dedicated, so the public benefit of this project is great. The development is proposed on a downside slope of the wetland, which is good because the disturbances would drain away from the wetland. The wetland configuration is solid with a net acreage of what was onsite plus the required 50-foot buffer which has been averaged and reallocated to gain a greater, more harmonious system.

Councilmember Kintner emphasized that the traffic situation is not going to go away and that he personally sold a house to get away from traffic which has now edged to his new home. There are adjustments that need to be made on all sides and that this is a city-wide problem.

9. Cindy Plascher, 804 Salmon Bay Ave N, asked if all the barriers in town could be taken down tomorrow so that everyone could adjust appropriately. She states that if she has to adjust, then everyone else should also.

10. Ken Jesper, clarified that the Comprehensive Plan during the Briarwood Subdivision approval process indicated that the area south of existing Nevada should exit south. That was because the Byron Consolidation Parkway was under consideration, with Byron going over the freeway (now Denny's) and Consolidation being the main thoroughfare so that traffic in this area would exit to the major thoroughfare. In 1988, it was obvious that Consolidation had moved south and was now the Samish Boulevard alignment to Nevada Street because the required street to go through. The Holmley dedicated that right-of-way to allow the
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Briarwood Subdivision to occur. The owners stating that they did not know of Nevada being made a through street, could have looked at the drawing showing the alignment as it was one of the exhibits for Briarwood which showed Nevada to be a through street.

11. Lloyd Austin, 1838 Lakewide, has adjoining property to the development for sale and states that for any questions about wetlands, talk to him about it as he remembers he used to row his boat where Lakeway Estates is now. It has been filled in, and he does not see any bad results in Bellingham because of it.

With no further comments forthcoming, the Public Hearing was closed.

AYERS MOVED HALL SECONDED approval of the preliminary plat subject to the Technical Review Committee and Planning Commission conditions and requirements. Staff is directed to prepare a resolution for review in committee. MOTION CARRIED 7-0.

AB11303 1. UTILITY SERVICE ZONE #219

CB 11956 AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSION, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF AN AREA LOCATED EAST OF DEEMER ROAD AND SOUTH OF E. BAKERVIE ROAD, TO THE CITY'S SEWER SERVICE ZONE AS EXTENSION NO. 219, PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

Geoff Smythe, Public Works, made the staff presentation. There are 29.4 acres involved in the application with 7 pieces of land destined to come into the City system. The development is adjacent to city limits and is contiguous to other areas with utility service zones and is within the urban service boundary. There are no proposed developments for the land involved, only existing structures and the City has imposed several stipulations which are included in the ordinance language. The resident applicants have indicated concerns over some of the stipulations.

The public hearing was opened.

1. Douglas Smith, 585 E. Bakerview, an applicant, stated that he does not want to be responsible for future LID's to improve the street due to increased traffic caused by the retail development. The City has planned to upgrade the Deemer and Bakerview Roads, and this cost would be too great for the sewer service zone applicants to bear. He does not think it is fair for the City to make the neighborhood compensate for the lack of road investment on the part of the County, or for an increase traffic situation caused by the retail development. When he discussed this with the Planning Commission, they did not respond and he appeals to Council to give the neighborhood a break.

2. Larry Clark, 945 E. Bakerview, the owner of Bakerview Nursery, also stated his opposition to the stipulation for future LID commitment to improve the street.

A discussion ensued between the applicants and Councilmembers regarding the stipulations of the ordinance and the implication of future LID assessments. Jack Garner, Public Works, responded that the stipulations are applied because the property is outside city limits and are not under City control for subdivision, building permits, assessment, etc. The stipulations are applied as if the property were in the city to provide some City control over land use, subdivision, assessment, transportation impact fees, drainage controls, etc. If a short plat or subdivision were applied for in the city, the adjacent roads must be improved. If the subject land parcels were subdivided, these stipulations insure the improvements. It is difficult to impose an LID on an area outside the City limits, so they use the terminology “agreement”. If the improvements are approved in the future, it would come before the Council to decide the method and degree of assessment and participation.

3. Hank Weck, 420 E. Bakerview, has owned his 5 acre property since 1983 and supports the utility service zone. He stated that when future property development occurs, it would be right to pay the proper fees and costs, but he would want clear instructions at the time. He asks that Council act on this service zone extension.

4. Lloyd Austin, 1838 Lakewide, restates his theory of assessing LID's city-wide rather than to individual neighborhoods as the city as a whole uses all street. He does not feel that this idea should extend to neighborhoods closer to the Canadian border however. He also asks how much capacity our current sewer is set up for.

Jack Garner responded that the City has a 20 year growth cycle for sewer and 50 year cycle for water.

With no further comments forthcoming, the public hearing was closed.
KNUTSON MOVED GISCHER SECONDED the approval of the service zone extension. MOTION CARRIED 7-0.

A five-minute break was taken at this point in the meeting.

REPORTS OF COMMITTEES

FINANCE AND PERSONNEL

MEMBERS: DON GICHER, CHAIR; BOB HALL; PAT ROWE

Monday, Apr 25, 1994, 1:00 PM - 1:20 PM, Library Lecture Room, 210 Central

AB11304 1. BID #31-94: LOADER/BACKHOE

On April 7, 1994, bids were opened to purchase two new loader/backhoes for the Sewer and Water Department. Three bids were evaluated and Committee recommends the low bid from Western Power & Equipment Co. of Everett.

This bid was approved as part of the consent agenda.

AB11305 2. Bid #32-94: FIRE STATION #5 REMODEL

This project is funded from the Real Estate Excise Tax (REET) fund. Five bids were received and evaluated. Committee recommends awarding the bid to Ebasco General, Inc.

This bid was approved as part of the consent agenda.

AB11306 3. BID #33-94: ENGINEERING OFFICE PANELS

Bids were opened on April 14, 1994 for wood office panels for the Public Works Engineering Division office. The Committee recommended awarding the bid to Relco Office Supply of Lynden, Washington.

This bid was approved as part of the consent agenda.

AB11307 4. RECREATION PROGRAM FUNDING APPROPRIATIONS FOR SPECIAL POPULATION PROGRAM AND ARCO JESSE OWENS GAMES

CB 11577 AN ORDINANCE RELATING TO THE 1994 BUDGET AND APPROPRIATING $15,000.00 IN ADDITIONAL FUNDS IN THE GENERAL FUND FOR THE PURPOSE OF PROVIDING FOR A $5,000.00 GRANT FOR THE DEVELOPMENTAL DISABILITY PROGRAM AND $10,000 FOR THE ARCO JESSE OWENS GAMES FROM UNANTICIPATED REVENUE.

This ordinance is a "pass-through" ordinance with Arco providing $10,000 for the Jesse Owens Games, and a State grant providing $5,000 for programs for developmental disability programs.

GISCHER MOVED BJORNSON SECONDED that Council Bill 11577 be read a first time. MOTION CARRIED. Upon motion, said bill was read a second time. MOTION CARRIED 7-0.

PLANNING AND COMMUNITY DEVELOPMENT

MEMBERS: PAT ROWE, CHAIR; LOUISE BJORNSON; BRUCE AVERS; DON GICHER

Monday, Apr 25, 1994, 1:20 PM - 1:45 PM, Library Lecture Room, 210 Central

AB11308 1. CONSIDERATION OF FINAL PLAT APPROVAL FOR DIVISION 1 AND 2 OF THE MT. BAKER FOREST RESIDENTIAL SUBDIVISION

RES #16-94 A RESOLUTION GRANTING FINAL PLAT APPROVAL TO MT. BAKER FOREST RESIDENTIAL DIVISION 1 (WYCLIFFE PARK) AND DIVISION 2 (TANGLEWOOD). WYCLIFFE PARK, DIVISION 1, CONTAINS 31 SINGLE FAMILY CLUSTER LOTS. TANGLEWOOD, DIVISION 2, CONTAINS 23 SINGLE FAMILY CLUSTER LOTS. MT BAKER FOREST RESIDENTIAL IS GENERALLY LOCATED NORTH OF BARKLEY BOULEVARD AND WEST OF THE TWEED
TWENTY AND BRENT WOOD SUBDIVISIONS.

Councillor Rowse reported that this final plat approval was requested by the applicant prior to completion subject to bonding. Committee recommended 3-1 to approve the subdivision. The bonding consists of 150%. Councillor Gruener expressed concerns over granting final approval prior to completion due to the risk to the City. Other councillors also mentioned concerns over the approval prior to completion and it was suggested to add this as a topic for discussion at the Committee of the Whole.

ROWE MOVED/AYERS SECONDED approval of final plat approval. MOTION CARRIED 5-2 (Gruener, Hall opposed).

COMMITTEE OF THE WHOLE
ALL COUNCIL MEMBERS: ARNE HANNA, CHAIR
Monday, Apr 25, 1994, 1:45 PM - 4:30 PM, Library Lecture Rooma, 210 Central

AB11109 1. PRESENTATION: URBAN RESIDENTIAL VACANT LAND SUPPLY

Councillor Hansa reported that a presentation was given at the committee meeting by Roger Almackz, Bill Hinckley, Daryl McClelland, Joe Burton, and Bill Geyer who discussed the land supply. This was informational only, no action was required. The staff will be forthcoming with a presentation on land management.

AB11110 2. CONSIDERATION OF PARKING PLAN AND DISTRICT FOR FAIRHAVEN

Councillor Hansa reported that council made recommendations regarding the plan and that staff will be bringing a resolution forth at the next meeting for approval regarding the parking plan in Fairhaven. Councillor Ayers reported that they voted to approve the recommendations of the Planning Commission.

AB11111 3. CONSIDERATION OF PROPOSALS PREVIOUSLY PRESENTED AT PUBLIC HEARINGS HELD MARCH 25TH AND APRIL 18TH ON POSSIBLE SURPLUS ACTION AND DISPOSITION OF A NUMBER OF CITY-OWNED PROPERTIES INVOLVED IN A COMPLEX RESPONSE TO THE REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF THE WASHINGTON GROCERY BUILDING

Councillor Hansa reported that New Whatcom Improvement Company removed the 40 acre Lake Padden parcel from their proposal. In addition, Council talked with Catholic Community Services and Critical Ventures regarding their respective proposals.

Councillor Ayers reported that the committee action was to send all the proposals to the Real Estate Appraisal Committee for financial considerations (return on investment) and suitable downtown use and to provide recommendations back to Council within 2 weeks.

BJORNSON MOVED/EKSTON SECONDED the removal of the 40-acre Lake Padden parcel from the New Whatcom Improvement Company proposal. MOTION CARRIED. 7-0.

Councillor Hansa recognized the following citizens to speak:

Reg Williams, 2636 Franklin, questioned why issues are always referred to staff for recommendations when staff does not always have the complete background and information. He suggests that if staff is to make recommendations, they be given access to persons involved in the proposals. Further, the city charter specifically prohibits the sale of the Lake Padden parcel, yet the idea was entertained by staff as a part of the New Whatcom proposal.

Steve Brizbone, New Whatcom Improvement Co., addressed the issue regarding the proposal process and stated that he did come up with the exchange idea and that the charter stipulates how properties are to be disposed and sold. There is a special provision for disposition to take in consideration deals which are unique or can't be presented for sealed bids. In fact, you cannot put out an RFP requesting an exchange process for property that is owned by someone else.

Bruce Dicen confirmed that city staff has not entered into any negotiations with any parties who have made proposals but there have been discussions with all the proponents to get clarification on the terms and conditions of their proposals. Councillor Ayers reiterated that point also and stated that they have been working on the development of each of the proposals for preparation to Council.

Mr. Williams stated that he was more interested in an opinion from the City Attorney regarding an interpretation of the charter. He also congratulated Mr. Brizbone for coming up with an offer that included an arts center. His main concern was for the Lake Padden property.
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parcel in that he did not feel it was in the best interest of the City to dispose of that property.

CONSENT AGENDA

All matters listed under CONSENT AGENDA are considered to be routine to the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

AB11304 1. BID #2-94: LOADER/BACKHOE
AB11305 2. BID #33-94: FIRE STATION #5 REMODEL
AB11306 3. BID #34-94: ENGINEERING OFFICE PANELS

GISCHER MOVED/BJORNSON SECONDED the approval of all items listed on the consent agenda. MOTION CARRIED 7-0.

MAYOR'S REPORT

CONSENT AGENDA

FINAL CONSIDERATION OF ORDINANCES

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting was thereupon adjourned at approximately 9:55 PM. ARNE HANNA, COUNCIL PRESIDENT

ATTEST: Deputy City Clerk
APPROVED:

This is a digital copy of an original document located at Bellingham's City Hall. The City of Bellingham specifically disclaims any responsibility or liability for the contents of this document. The City of Bellingham does not verify the correctness, accuracy, or validity of the information appearing in this document.
RESOLUTION NO. 19-94

EXHIBIT D

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY'S REPLAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exxall Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 four-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City’s Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206)

Exhibit C - BCC Resolution No. 19-94, April 25, 1994
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 25th day of May, 1994.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

Exhibit C - BCC Resolution No. 19-94, April 25, 1994
GENERAL NOTES:

PLAT AREA: PHASE 1 - 16.55 AC. - PHASE 2 - 30.16 AC
LOT SUMMARY:
64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)

123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) . 5000 S.F.

GROSS DENSITY . 3.65 UNITS PER ACRE
ALLOWABLE DENSITY . 8.7 UNITS PER ACRE
ZONING . RM - 5000
SEWAGE DISPOSAL . CITY OF BELLINGHAM
WATER SUPPLY . CITY OF BELLINGHAM
DEVELOPER . CYPRUS PARTNERS

c/o EXCEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM, WA. 98226
PH. # 734-2872

ENGINEER/SURVEYOR . RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA. 98225
PH. # 733-5760
EXHIBIT "B"

Hawley's Replat Conditions:

General:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:
   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040. Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

Circulation Access:

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.
4. All cul-de-sacs within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac rights-of-way shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 25' street adjacent to Phase 1.

**Signage and Pavement Markings:**

1. All street signs and pavement markings shall comply with Public Works Department standards.

**Lot Access:**

1. All corner lots shall access from the cul-de-sac street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

**Water Quality Treatment:**

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

**Transportation Impact Fees:**

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

**Surface Water:**

1. A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master Plan. The following elements must be addressed:
   a) A permanent water quality facility shall be provided.
   b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

Sanitary Sewer:

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department Improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

Water:

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

Fire:

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetlands:

1: Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

**Parks:**

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

**Future Phases:**

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.
EXHIBIT C - LEGAL DESCRIPTION  NO. 41125

PARCEL A:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL OF VACATED BLOCKS 27, 28, 31 AND 32, INCLUDING VACATED STREETS AND ALLEYS, ALL IN "CEDAR ADDITION TO NEW WHATCOM," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1610691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 403.84 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 433.04 FEET; THENCE WEST 543.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 313.04 FEET TO THE POINT OF BEGINNING; CONTAINING 8.05 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION
(Continued)

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF
W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOTH,
BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS
FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID
GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET,
WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY
AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

-37-
CONSERVATION EASEMENT

GRANTORS, IRVING AND JOAN HAWLEY, do hereby covenant, grant and convey to and for the benefit of the CITY OF BELLINGHAM, GRANTEE, in perpetuity, a conservation easement on portions of their property legally described in Exhibit A, Township 38 North, Range 3 East, West one-half of Section 32, Whatcom County Washington, as follows:

1. In accordance with the provisions of Plat Resolution No. 19-94 which is associated with the "HAWLEY REPLAT" this Conservation Easement and subsequent dedications in fee, shall fulfill all conditions pertaining to Parks obligation, Wetland preservation and Open Space allocations.

2. This easement area and dedication in fee shall occasion a reduction in over unit density, as provided for by zoning of 100 dwelling units. The allowable density as computed by utilizing gross acreage shall therefore be reduced by 100 units by this grant and dedication.

3. This tract, which is now a natural part of the overall site drainage will also be incorporated into the projects mitigation and drainage controls in order to perpetuate the natural hydrologic functions.

These covenants and easements shall run with the land and be binding on successors and assigns.

Executed this 27 day of December, 1994.

GRANTORS

Irving Hawley
Joan Hawley

STATE OF CALIFORNIA

COUNTY OF SANTA

I certify that I know or have satisfactory evidence that Irving Hawley and Joan Hawley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED December 27, 1994

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, MY COMMISSION EXPIRES

Vol: 425 Page: 535
File No: 9412300088

Exhibit D - Hawley Replat Conservation Easement and Deed, December 30, 1994
EXHIBIT A

DECEMBER 1, 1994

CLIENT: EXXEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS

FOLLOWING:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 38, RECORDS OF THE WHATCOM COUNTY AUDITOR; THENCE SOUTH 1° 53' 42" WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19" EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET; THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET; THENCE SOUTH 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE SOUTH 1° 55' 01" WEST, 323.00 FEET; THENCE SOUTH 59° 45' 04" EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF FUGET STREET; THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 88.49 FEET; THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET; THENCE NORTH 62° 33' 50" WEST, 94.16 FEET; THENCE SOUTH 86° 12' 35" WEST, 39.88 FEET; THENCE NORTH 67° 59' 26" WEST, 87.62 FEET; THENCE SOUTH 54° 24' 26" WEST, 58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET; THENCE NORTH 70° 56' 02" WEST, 58.09 FEET; THENCE SOUTH 63° 51' 48" WEST, 82.09 FEET; THENCE NORTH 5° 31' 21" WEST, 158.72 FEET; THENCE NORTH 56° 29' 06" WEST, 366.08 FEET;

THENCE SOUTH 85° 50' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01' 18" WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE EASTERNLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITIATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)

/pb
exxe1201
91039

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File No: 941230088

Exhibit D - Hawley Replat Conservation Easement and Deed, December, 30, 1994
Statutory Warranty Deed

THE GRANTORS IRVING H. HAWLEY, JR., AND JOAN F. HAWLEY, HUSBAND AND WIFE, for and in consideration of One Dollar ($1.00) and Other Valuable Consideration in hand paid, conveys and warrants to CITY OF BELLINGHAM, A MUNICIPAL CORPORATION the following described real estate, situated in the County of WHATCOM, State of Washington.

SEE ATTACHED

DATED Dec 7, 1994

[Signature]

[Stamp]

STATE OF WASHINGTON
COUNTY OF

On this day personally appeared before me

______________

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that ________ signed the same

______________

true and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this day of ____________, 19__

Notary Public in and for the State of Washington, residing at

[Stamp]
DECEMBER 1, 1994

CLIENT: EXCEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38
NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION
OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF
"CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE
CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF
PLATS, PAGE 3B, RECORDS OF THE WHATCOM COUNTY AUDITOR;
THENCE SOUTH 1° 53' 41" WEST ALONG THE CENTERLINE OF NEVADA
STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID
CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE
POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19"
EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET;
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53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF
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SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00
FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE
SOUTH 1° 55' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04"
EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00
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33' 12" WEST, 50.49 FEET; THENCE SOUTH 78° 09' 03" WEST,
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28" WEST, 87.62 FEET; THENCE SOUTH 54° 24' 26" WEST,
58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET;
THENCE NORTH 70° 56' 02" WEST, 58.09 FEET; THENCE SOUTH 63°
51' 48" WEST, 82.09 FEET; THENCE NORTH 5° 31' 21" WEST,
158.72 FEET; THENCE NORTH 56° 29' 06" WEST, 366.08 FEET;
THENCE SOUTH 85° 58' 57" WEST, 125.84 FEET TO A POINT ON THE
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WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG
THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF
9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83°
13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON
THE RASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG
THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00
FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE
OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53'
41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF
BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM
COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sonoma

On 12/7/94 before me, Cindi L. Buell, Notary Public

personally appeared Irving H. Hawley, Jr. and Joan F. Hawley

☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindi L. Buell, Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER(S)
☐ LIMITED
☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSONS/ORG. ENTITLED

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

Vol: 425 Page: 533
File No: 941230009

SIGNER(S) OTHER THAN NAMED ABOVE

Exhibit D - Hawley Replat Conservation Easement and Deed, December 30, 1994
RESOLUTION 2002 - 24

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE PRELIMINARY PLAT OF CEDAR RIDGE, DIVISION 2, CONSISTING OF 48 SINGLE FAMILY LOTS, 1 DUPLEX LOT, 1 TRIPLEX LOT, 1 FOURPLEX LOT, A 50-UNIT MULTIFAMILY LOT, AND A RESERVE TRACT LOCATED IN AREA 17 OF THE PUGET NEIGHBORHOOD AND GENERALLY LOCATED ALONG THE EXTENSION OF NEVADA STREET BETWEEN EDWARDS STREET AND CONSOLIDATION AVENUE.

WHEREAS, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1); and

WHEREAS, said plat received City Council approval on May 10, 1994, by Resolution No. 19-94; and

WHEREAS, on December 30, 1994, the wetland/open space tract was dedicated to the City of Bellingham; and

WHEREAS, on May 7, 1996, Division 1, consisting of 7 single family lots, was recorded at the Whatcom County Auditor's Office (960507105); and

WHEREAS, on June 5, 1998 the Edwards Short, consisting of 9 single family lots, was recorded at the Whatcom County Auditor's Office; and

WHEREAS, on May 6, 2002, the City Council approved first and second reading of an ordinance for the vacation of the undeveloped portions of Nevada, Lopez, and alley rights of way associated with said plat; and

WHEREAS, the public improvement requirements associated with Division 2 have been installed or bonded for at time of approval; and,
WHEREAS, the Council has reviewed Division 2 of this plat and finds that the public use and interest will be served and that Division 2 of this plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 19-94 (Attachment 2),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

Cedar Ridge, Division 2, consisting of 48 single-family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 19-96, attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as attached.

PASSED by the Council this 15th day of JULY, 2002.

Council President

APPROVED by me this 22nd day of July, 2002.

Mayor

ATTEST: Theresie Ho
Finance Director

APPROVED as to form:

Office of the City Attorney

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-8903

CedarRidgeDiv2_finl
RESOLUTION NO. 19-96

ATTACHMENT 2

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY'S REPLAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exxell Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City’s Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 24th day of May, 1994.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

City of Bellingham

[Address]

290

[Phone Number]

Exhibit E - BCC Resolution No. 2002-24, July 15, 2002
GENERAL NOTES:

PLAT AREA: PHASE 1 - 16.55 AC. - PHASE 2 - 30.16 AC
LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI UNITS)
123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS PER ACRE
ALLOWABLE DENSITY 8.7 UNITS PER ACRE

ZONING RM - 5000

SEWAGE DISPOSAL CITY OF BELLINGHAM
WATER SUPPLY CITY OF BELLINGHAM

DEVELOPER CYPRUS PARTNERS

C/O EXXEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM, WA. 98226
PH. # 734-2872

ENGINEER/SURVEYOR RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA. 98225
PH. # 733-5760
EXHIBIT "E"

Hawley's Replat Conditions:

**General:**

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040. Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.050.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.13.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

**Circulation Access:**

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.
4. All cul-de-sacs within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac rights-of-way shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase 1.

**Signage and Pavement Markings:**

1. All street signs and pavement markings shall comply with Public Works Department standards.

**Lot Access:**

1. All corner lots shall access from the cul-de-sac street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

**Water Quality Treatment:**

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

**Transportation Impact Fees:**

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Sanish Overpass project.

**Surface Water:**

1. A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master Plan. The following elements must be addressed:
   a) A permanent water quality facility shall be provided.
   b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 676-6903
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

**Sanitary Sewer:**

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

**Water:**

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

**Fire:**

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

**Wetlands:**

1. Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

**Landscaping/Vegetation:**

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction.
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

Parks:

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

Future Phases:

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.
EXHIBIT C - LEGAL DESCRIPTION

PARCEL A:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL OF VACATED BLOCKS 27, 28, 31 AND 32, INCLUDING VACATED STREETS AND ALLEYS, ALL IN "CEDAR ADDITION TO NEW WHATCOM," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 403.64 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 411.04 FEET; THENCE WEST 543.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 313.04 FEET TO THE POINT OF BEGINNING; CONTAINING 8.06 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION
(CONTINUED)

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF
W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOTH,
BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211654, DESCRIBED AS
FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID
GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET,
WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY
AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
PLAT

NAME OF PLAT:
Cedar Ridge - Division #2

DECLARANTS:
Peoples Bank
Ivory H. Hawley Jr.
Joan Hawley

SURVEYOR:
Ronald T. Jepson & Assoc.

SECTION: 32 TOWNSHIP: 38 RANGE: 3E
Hearing Examiner
Summary and Decision

Hearing Examiner No.
Planning No.
Incident No.
Filing Date
City Contact
Hearing Date
Description
Decision Date
Decision Summary
HE-13-PL-007

02/08/2013
Kathy Bell
09/11/2013

Planned Development / Variance request of Ambling University Development re 4413 Consolidation Avenue (aka University Ridge)
10/23/2013
Approved subject to conditions. Boarding and Rooming Houses not allowed.

THE HEARING EXAMINER OF THE CITY OF BELLINGHAM

WHATCOM COUNTY, WASHINGTON

IN RE:

HE-13-PL-007

AMBLING UNIVERSITY DEVELOPMENT, APPLICANT
4413 Consolidation Avenue

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND ORDER

PDC2013-00002, VAR2013-00001, DRC2013-00006 &
CAP2013-00019 / Planned Development for University Sharon Rice, Hearing Examiner
Ridge

Hearing Date:

This matter came before the Bellingham Hearing Examiner for hearing on the 11th day of September 2013 on the application of Ambling University Development Group, LLC for Planned Development approval, height variance, Design Review approval, and a Critical Areas Permit for property located at 4413 Consolidation Avenue in Bellingham to construct and operate purpose-built student housing known as University Ridge consisting of four multi-residential buildings, a clubhouse and parking.

Testimony was received from Kathy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; Charles Perry, Applicant's representative; Glen Peterson, Applicant's architect; Brad Swanson, Applicant's legal counsel; Ron Jepson, Applicant's engineer; Joseph Carpenter, 4215 Adams Avenue; Don Diebert, 4414 Marionberry Court; Gaythia Weis, 1713 Edwards Court; Steve Abell, 1021 34th Street; Rod Dean, 848 Nevada; Madeleine Baines, 4417 Marionberry Court; Beth Fryback, 200 Milton Street; Ajit
Exhibit G

Rupaal, 805 Queen Street; Patty Bover, 4420 Marionberry Court; Jim Le Galley, 124 S. 44th Street; Dave Ivice, 1101 Nevada Street; Sandy Brown 1229 Toledo Street; Gene Marx, 810 Salmonberry Lane; Terri Marshall, 1125 Nevada Street; John Brown, 233 Terrace Place; Steve James, 1324 Whatcom Street; Anita Lee, 105 Nevada Street; Kathy Taylor, 814 Nevada Street; Sherry Schafer, 128 S. 44th Street; Rebecca Beilord, 813 Nevada Street; Erwin Lloyd, 1006 Kelley Ridge Court; Susan Bayer, 826 Queen Street; Jim Bachman, 134 43rd Street; Bill Langley, 4424 Marionberry Court; Jacob Deschene, 804 Salmonberry Lane; Dan McKinney, Transpo Group; Alan Danforth, 1108 Nevada Street; and Robert Wong, 208 Milton Street.

In addition to the Bellingham Municipal Code and Comprehensive Plan, the following documents were considered as part of the record: See Exhibit List.

The record was held open for public comment until September 23, 2013 and for responses from City staff and the Applicant until September 30, 2013. Materials relating to prior proceedings for the subject property (Plat of Cedar Ridge, Division 2) were requested on September 11, 2013 and received by the Hearing Examiner on October 11, 2013, at which time the record in this matter was closed.

I. FINDINGS OF FACT

PROPERTY LOCATION, DESCRIPTION & HISTORY

1. Ron Jepson, on behalf of Amblung University Development Group, LLC, applied for Planned Development approval, a Variance from height restrictions, a Critical Areas Permit, and Design Review for a proposed 104 unit, purpose-built student housing development with 576 beds in four multi-unit buildings and a clubhouse on property located at 4413 Consolidation Avenue.

2. The subject property is legally described as Tract F, Cedar Ridge Division 2. It is located in Area 17 of the Puget Neighborhood. This area is designated Residential Multi, Planned, 5,000 square feet per unit overall density. Special conditions include cleaning and view.

3. The property is owned by the Irving H. Jr. & Joan Hawley Trust.

4. The property is located north of Consolidation Avenue, west of Puget Street, east of Nevada Street and south of Marionberry Court. It abuts Area 13 of the Puget Neighborhood on the eastern boundary. Area 13 is designated Residential Single, Detached, 10,000 square feet minimum detached lot size, and is developed with single-family residences across Puget Street from the subject property. To the south, across Consolidation Avenue are Areas 3 and 4 of the Samish Neighborhood. Area 3 is designated Residential Multi, Planned, 5,000 square feet per unit. Area 4 is designated Residential Single, Detached, cluster detached, 12,000 square feet minimum detached lot size, one lot/12,000 square feet overall cluster density. The properties across Consolidation Avenue from the subject site are either undeveloped or developed with single-family residences. The properties to the west of the subject site are located within the same area as the proposal, Area 17 of the Puget Neighborhood, and are developed with single-family residences. The property to the north was dedicated to the City for open space purposes as part of the subdivision approval for the Hawley Re-Plat, also known as Cedar Ridge Plat, which included the site of the proposal. This open space area is approximately 16 acres and contains a Category I wetland and buffer. This area will not be developed. It was intended to satisfy the required open space for the Cedar Ridge Plat.

5. The subject site is approximately 11.15 acres, or 481,444 square feet, in size. The property is currently undeveloped and contains a mixed deciduous and coniferous forest canopy with an understory of shrubs and ground cover. The typical slope of the site is 20 - 22%, sloping down from east to west. The eastern portion of the site contains slopes in excess of 40% and is a geologically hazardous area, regulated by the City's Critical Areas Ordinance, BMC 18.55 (CAO). A 100-foot wetland buffer for the Category I wetland located on the City-owned open space property to the north, and along the northern property line of the property, extends onto the subject site.

6. The Hawley Replats, or Cedar Ridge Plat received Preliminary Plat approval in May 1994 in Bellingham Resolution No. 10-94. The plat included 46.71 acres and provided for a total of 123 units, including 64 single-family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50-unit multi-family tract. It also contained a 15 acre open space parcel that was dedicated to the
City and a tract that was labeled Future Development. The tract labeled Future Development is the subject property. The plat conditions provided that additional public review would be required prior to development of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat contained the seven single-family residences abutting Nevada Street north of Consolidation Avenue and immediately to the west of the subject property. Final Plat approval for Division 1 was granted in April 1968 in Resolution 28-98.

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

8. In October 2004, Cypress Ventures, LLC requested a Plat Alteration and Subdivision Variance for a portion of the property located in Division 2 of the Cedar Ridge Plat. Part of the proposal was to transfer three units from Tract F (the subject property) to Lot 12 and Tracts C and D. The plat alteration was approved to allow further division of Lot 12 (the duplex site) and Tract B (the triplex site) so that the units could be developed on lots that would be individually owned. Tract C (the 50-unit multi-family tract) was also altered to allow single-family attached, cottage, carriage and townhouse units on individual lots to provide an alternative to condominium or apartment development on the sites. The transfer of units from Tract F to Lot 12 and Tracts C and D was denied. The Order of November 28, 2004 indicates that the existing unit count for Tract F shall remain.

9. The maximum density for the entire 48.71 acre parcel included in the Cedar Ridge Plat under the Residential Multi, Planned, 5,000 square feet per unit designation was 406 units. If density was not clustered on the subject site by the Cedar Ridge Plat the subject property would be able to accommodate 97 units at 5,000 square feet per unit zoning.

PROCESS

10. The City conducted a pre-application conference for the proposal on December 11, 2012. A pre-application neighborhood meeting was conducted at Carl Cozier Elementary School on January 3, 2013.

11. On January 17, 2013 the Applicant submitted an application for a Variance from height restrictions. This application was put on hold by the Applicant on March 8, 2013.

12. On April 29, 2013 the Applicant submitted applications for the planned development, multi-family design review, a critical areas permit and a SEPA checklist. The variance application was amended and incorporated into the application submittal.

13. A Notice of Complete Application was issued on May 24, 2013. On May 28, 2013 the City issued a Request for Information. On June 18, 2013 the Applicant submitted a response to the Request for Information.

14. On June 10, 2013 the City issued a Notice of Application and Pending Action for the proposal, with a comment period ending June 25, 2013. The site was posted by the Applicant on June 14, 2013.

15. On August 8, 2013 the City issued a threshold Determination of Non-significance (DNS) pursuant to the State Environmental Policy Act (SEPA) for the proposal, with a public comment period ending August 23, 2013. The DNS is Exhibit G to the Staff Report.


17. The applications for Planned approval, Multi-family Design Review and a Critical Areas Permit are Type II processes pursuant to BMC 21.10. The application for the Variance from height restrictions is a Type III-A process. The Applicant requested a consolidated review
NOTE: The complete Hearing Examiners Report and Exhibits can be found at

Exhibit H - Project Lot Layout 1993
Exhibit H - Project Lot Layout 1993
Dear Ms. Bell:

The CityView Narrative (Section 20. last page) submitted by the Developer, states the allowed Unit Density for the Hawley Replat – Tract F, is 176 units, and states the proposed 106 unit development is less than the allowable Unit Density. Previously, the Puget Neighborhood Work Group has 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 surround residences. The Puget Neighborhood working group respectfully suggests it is time to start over.”

We are requesting the following:
1. An explanation of how the 176 count, Unit Density was calculated and the back-up materials which support the calculation.
2. An explanation of how the 176 count, Unit Density is “Vested”, under the timeframe provided for in BMC 21.10.260.

Sincerely,

Donald Diebert, Member
Puget Neighborhood Preservation Work Group

Attachment: Phillip Buri, Esq. Submission to City of Bellingham
February 6, 2020

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


Dear Ms. Bell:

I represent the Puget Neighborhood Working Group. 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. Unfortunately, both the name of the site and its location have had as many variations as the calculations. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

INTRODUCTION

This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance. On November 15, 1993, Jepson and Associates produced a set of project plans for Exel Development Company. (Exhibit H). On page 7 of the plans, an undeveloped portion of the site, labeled "Area B", noted a designation of 176 units. Neither the plans nor any accompanying documents explain where this number came from. It is the first mention of a density allocation, which reappears sporadically in plat maps that have never received public review, let alone approval.

The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham - Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive
investigation into the source of this mystery number. We ask that the City reject the phantom density for good and require CityView's proponent to provide an accurate density calculation.

Our review of the public record leads to three conclusions:

1. **THE CITY HAS NEVER CALCULATED OR APPROVED THE UNIT DENSITY FOR TRACT F.** Review of the public process and official actions involving the overall Hawley Replat starting in 1994, shows that assignment of a Unit Density to the current Tract F was never explicitly identified in the Bellingham City Council Agenda Bills or Resolutions. A review of public documents reveals that no Unit Density designation is explicitly defined by official action and filed for the subject property.

2. **THE CONFUSING PLAT MAPS MERELY REPEAT AN ERRONEOUS ASSUMPTION.** Since Unit Density was never explicitly defined for the current Tract F, the fallback has been to cite notations printed on the various plans (Plat Maps) as reporting Unit Density. Unfortunately, the notations on the Plat Maps are confusing, lack definition, or omitted from official filings. For example, the original Project Lot Layout includes a printed notation for "Area 'B' Future Development (176 Units)". However, Area "B" is not defined as to size, physical location or boundaries. Regardless of the size or configuration of the remaining undeveloped portion of the Hawley Replat, the developer puts the "176 Units" label on it.

3. **THE APPROPRIATE DENSITY CALCULATION ACCOUNTS FOR CURRENT CONDITIONS.** Since the original project plan was submitted, and resulting process, reviews and filings have occurred, additional issues have arisen. For example, the original proposal did not include multi-unit residential development in what is now Tract F. Other actions, such as the Wetlands/Open Space dedication, resulted in post hoc agreements that conflict with earlier actions. These all have impacts on Puget Neighborhood and the appropriate density for any development on Tract F.

The City has yet to conduct the required public process to determine the appropriate Unit Density for Tract F. Until this is completed, any review of the CityView proposal is premature.
Map 1 shows the original Hawley Replat boundaries (blue line) and the current Tract F boundaries (purple line).
1. UNIT DENSITY – NEVER DEFINED FOR TRACT F.

The City’s public records establish that the process required by the original Council Resolution for the Hawley Replat – Preliminary Plat (Exhibit C, page 8, Future Phases), never occurred for the subject area, Tract F.

Throughout the process, none of the City Council Agenda Bills included notice of a Unit Density designation for the portion of the Hawley Replat that would eventually be designated Tract F. All other portions of the Hawley Replat included an explicit Unit Density designation in the text of the Agenda Bills and resulting City Council Resolutions.

A. Planning Commission and Planning Department Report

The Agenda Bill (11302, April 25, 1994), Attachment A, presents the findings of the Planning Commission including Staff Analysis (Planning Department).

1) In the Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, “located in the eastern region of the Hawley Property, contains the most severe slopes on the property and will require additional review prior to development.” (emphasis added)

2) Under Applicable Comprehensive Plan Goals and Policies (Exhibit A, page 5, Vision for Bellingham Goals, paragraph 1) the report states, “Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.” (emphasis added)

3) Future Phases of Development (Exhibit A, page 7) states, “Because of the environmental constraints, development of future phases east of phase 1 will require additional staff and public review.” (emphasis added). From the same report (Exhibit A, page 9), “However, due to environmental constraints, it will be extremely difficult to achieve maximum density on the property.” (emphasis added)

The City recognized from the earliest stage that before Phase 2 is permitted for development, additional review would be required to assure the goals of the Comprehensive plan are realized. Careful determination of an appropriate Unity Density would be critical on a property that has significant environmental constraints.

Map 2 shows the original Hawley Replat boundaries (blue line) and the Phase 1 boundaries (western part of property) and Phase 2 (orange line).
1. UNIT DENSITY – NEVER DEFINED FOR TRACT F (continued)

B. City Council Agenda Bills and Resolutions

From 1994 through 2002, starting with the Preliminary Plat and ending with the Final Plat, the City Council reviewed and approved various developments within the Hawley Replat. The City Council never reviewed or approved a Unit Density for Tract F.

1) City Council Resolution (No. 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4) that the Hawley’s Replat Plat Area included Phase 1 – 16.55 acres, consisting of 123 units; Phase 2 – 30.16 acres, with no Unit Density.

2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, “A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [emphasis added] located in Area 17 of the Puget Neighborhood” (Exhibit E, page 1, paragraph 1). No Unit Density was included for Tract F.

3) City Council Resolution No. 2002-24, continues by reference the requirements of the Preliminary Plat Resolution 19-94, “attached hereto as Attachment 2, and made part hereof by reference as though set forth fully herein.” (Exhibit E, page 7, Future Phases), that additional public review is required before development.

In 2013, the Hearing Examiner (Exhibit G, page 3, sentence 2) restates that, “The tract labeled Future Development is the subject property. The plat conditions provide that additional public review would be required prior to development of the reserve tract.” (emphasis added)
2. PLAT MAPS – CONFUSION AND OMISSIONS

The various Plat Maps included with the Agenda Bills and Resolutions created the confusion over the allowed densities, incorporating notations that are inaccurate, lack definition, or omitted crucial information from filed documents.

A. Original Project Plan

The original Proposed Lot Layout (dated 11/15/93) for the Hawley Tract (see Exhibit H) has numerous notations that are undefined as to size, physical location or boundary.

1) The initial Proposed Lot Layout (Exhibit H, pages 2 and 6) for the Hawley Tract (46.71 acres), included two notations; “Area “B” Future Development (176 Units)”, and “Area “D” Future Development (50 Units)”, for a total of 226 units. No definition is provided for Area “B” or Area “D” as to size, location or boundaries.

2) The Agenda Bill (11302, April 25, 1994), Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), shows 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, “located in the eastern region of the Hawley Property.” The Proposed Lot Layout does not include a notation identifying Phase 1 or 2; no Plat Map attached to Agenda Bills or Resolutions includes these designations.

3) The printed notation for Area “B”, in the lower right corner, on the Proposed Lot Layout (Exhibit H, page 6), is likely the source of the assumption that the Unit Density for Phase 2 and eventually the smaller Tract F, is 176 units.

Map 3 on the next page shows the original Hawley Replat boundaries (blue line), with the Area “D” and Area “B” notations from the Original Project Layout.
MAP 3: AREA "B" AND AREA "D" NOTATIONS FROM PROPOSED LOT LAYOUT

Hawley Tract
(46.71 acres)

Area “D”
Future Development
(50 units)

Area “B”
Future Development
(176 units)
2. PLAT MAPS – CONFUSION AND OMISSIONS

B. Unit Density Reconciliation – Original Project Plan with Preliminary Plat Approval (1994)

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

1) The Original Project Plan (Attachment A, page 11) identified only 64 single family lots, leaving 100 lots (164 less 64 identified on the Plat Map) that were not identified as to location on the Hawley Plat.

2) This statement appears to preclude future development that is high-density since the plan being presented was for single family lots with a minimum of 5,000 square feet.

The following (Table 1) reconciles the Original Project Plan with the Preliminary Plat Approval (1994). As shown on Table 1, the Original Project Plan (Plat Map) printed Unit Density notations for Area “B” and Area “D” (226 units), match the total Unit Density presented to the City Council by the Planning Department (226 units).

**TABLE 1: ORIGINAL PROJECT PLAN UNIT DENSITY RECONCILIATION WITH CITY COUNCIL RESOLUTION**

<table>
<thead>
<tr>
<th>Original Project Plan</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area “B” Unit Density (notation on Plat Map)</td>
<td>176</td>
</tr>
<tr>
<td>Area “D” Unit Density (notation on Plat Map)</td>
<td>50</td>
</tr>
<tr>
<td><strong>Total - Proposed Unit Density</strong></td>
<td><strong>226</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Council Resolution No. 19-94, April 25, 1994 (Preliminary Plat Approval)</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Council Meeting - Planning Department Presentation</strong></td>
<td></td>
</tr>
<tr>
<td>Total Single Family Lots Planned (City Council Minutes)</td>
<td>164</td>
</tr>
<tr>
<td>Less: Single Detached included in Phase 1 (see below)</td>
<td>(64)</td>
</tr>
<tr>
<td><strong>Subtotal - Single Family Lots (not identified in Phase 1)</strong></td>
<td>100</td>
</tr>
<tr>
<td><strong>Agenda Bill 11302 - Phase 1</strong></td>
<td></td>
</tr>
<tr>
<td>Single Detached (units)</td>
<td>64</td>
</tr>
<tr>
<td>Duplex (2 units), Triplex (3 units), Fourplex (4 units)</td>
<td>9</td>
</tr>
<tr>
<td>Multiple (units)</td>
<td>50</td>
</tr>
<tr>
<td><strong>Subtotal - Phase 1 Units</strong></td>
<td><strong>123</strong></td>
</tr>
<tr>
<td><strong>Agenda Bill 11302 – Dedications</strong></td>
<td></td>
</tr>
<tr>
<td>Lots 5, 6, 7 dedicated to Rain Garden</td>
<td>3</td>
</tr>
<tr>
<td><strong>Subtotal - Dedications</strong></td>
<td><strong>3</strong></td>
</tr>
<tr>
<td><strong>Total - Proposed Allocation of Unit Density</strong></td>
<td><strong>226</strong></td>
</tr>
</tbody>
</table>
Area "B" included more than just the eastern portion (Phase 2) of the Hawley Tract; it included all the Single Detached lots on each side of Nevada Street. Map 4 below shows how Area "B" was misunderstood.

2. PLAT MAPS – CONFUSION AND OMISSIONS; (continued)

1) As noted earlier, the Original Project Plan, shows a notation for Area "B" in the lower, right portion of the Plat Map. No information is provided for Area "B" as to size, location or boundaries. As similar is found located left, center for Area "D", also without information as to size, location or boundaries.

2) The eastern portion of the Hawley Replat identified as "Phase 2" by the Planning Department, was apparently misunderstood to represent the boundary of Area "B", located to the east of the orange line.

3) City Council Resolution 19-94, when reconciled with the Original Project Plan, shows Area "B" would include all Single Detached units shown by the red line.
3. DENSITY SHOULD ACCOUNT FOR CURRENT CONDITIONS.

Since the initial plan was submitted, and the resulting process, reviews and filings have occurred, additional issues have arisen.

A. Single Family Lot Designation Issue

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

1) This statement appears to preclude future development that is high-density since the plan was for single family lots with a minimum of 5,000 square feet.

2) The original Proposed Lot Layout (Exhibit H), did not include multi-unit development in what is now Tract F, consistent with the statement in the Public Hearing.

3) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), has a printed notation, "Tract F – Multi Site," which conflicts with the earlier statements that single family lots were planned.

B. Final Plat – Cedar Ridge Division 2 (formerly Hawley Replat)

The final Plat filing for Cedar Ridge Division 2 (revised title for the Hawley Replat) introduced additional confusion and issues.

1) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), consists of one map, and an entry in the lower right-hand corner for "Tract F – Future Multi Site". This was the first time the notation "Tract F" appears on any document for the Hawley Replat.

2) No definition is included on the Plat Map (Attachment 1) for Tract F as to size, location or boundaries.

3) None of the City Council Agenda Bills or Resolutions ever included an explicit reference to Tract F.

4) Attachment 1 does not show a Unit Density. This is consistent with the text of the Resolution which states that, "Whereas, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1).

5) The Hearing Examiner Report (see Exhibit G, page 3, item 7) states, "The Final Plat Resolution shows a site plan identifying the
subject property as Tract F, Future Multi Site, see Sheet 4 of 4. *Sheet 4 is not attached to the Final Plat Resolution.* (emphasis added). Nothing in text of the ordinance or the plat map assigns a Unit Density to Tract F.

C. Discrepancies between Resolution 2002-24 and the Plat Filing

The Cedar Ridge Division 2 Plat was filed with the Whatcom County Auditor on July 23, 2002. This filing was done on behalf of Peoples Bank, Irving H. Hawley Jr. and Joan Hawley. The attached Plat Map shows a Tract F, with a notation of 11.16 Acres, Future Units – 176 units (Exhibit F, page 5).

1) The Hearing Examiner Report (Exhibit G, page 3, item 7) states, “The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution.” However, the text of Resolution 2002-24 did not include an explicit Unit Density to Tract F.

2) The Filing of the Plat Map was a separate action performed by the property owners and their representatives after Council approval of Resolution 2002-24. Unlike other Resolutions previously identified, there is apparently no record of Resolution 2002-24 having been formerly filed with the Whatcom County Auditor that included a Unit Density designation for Tract F.

D. Wetlands Dedication – Unit Density Reduction Issue

The agreement recorded in the Conversation Easement (Exhibit D, page 1), states that allowable Unit Density is reduced by 100 units. This raises numerous issues:

1) The net results of the reduction in Unit Density is unknown; the remaining units are defined as to size, physical location or boundaries.

2) The reduction of Unit Density due to the Wetlands Dedication is never referenced in future Agenda Bills or Resolutions.

3) It appears that no reduction of Unit Density has been applied to any portion of the Hawley Replat, in spite that it is part of the Wetlands Dedication that was required to gain approval of the Preliminary Plat Plan.
CONCLUSION

For 25 years, what is now the Hawley Replat Tract F has been a conundrum for all involved, the property owner, developers and especially the neighborhood. The phantom Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. This is truly an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn’t work.

The Hawley Replat was a multi-year process that in the case of Tract F, is still a major issue for the community. 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, using the City’s own Infill Toolkit to bring all parties together, to move forward with development that fits and expands housing in the City of Bellingham.

Sincerely,

BURI FUNSTON MUMFORD & FURLONG, PLLC

[Known handwriting]

Philip Buri

EXHIBIT LIST

A. Bellingham City Council Agenda Bill No. 11302, April 25, 1994
B. Bellingham City Council Meeting Minutes, April 25, 1994
C. Bellingham City Council Resolution No. 19-94, April 25, 1994
D. Conservation Easement and Deed, December, 1994
E. Bellingham City Council Resolution No. 2002-24, July, 15, 2002
F. Cedar Ridge – Division #2 Plat Filing No. 202703650, July 23, 2002
G. Findings of Facts, Conclusions of Law and Order, City of Bellingham Hearing Examiner, HE-13-PL-007, October 23, 2013
H. Proposed Lot Layout, November 15, 1993
Consideration of preliminary plat approval of a 123 unit subdivision commonly known as the Hawley's Replat. The subject plat is located along the extension of Nevada Street, between Consolidation and Edwards Streets.

**ATTACHMENTS**
- Planning Commission Findings of Fact
- Vicinity Map
- Proposed Plat Map
- Original Plat Design
- Neighbor's Letter

**CLEARANCES:**
- Patricia R. Decker, PCCD Director
- Joann R. Smith, Planning Manager
- Dawn Strurgis, Asst. City Attorney
- Rob May, Associate Planner

**IN INITIAL DATE**

**PUBLIC HEARING**

**SUMMARY STATEMENT**
Consideration of preliminary plat approval for the Hawley’s Replat, located along the extension of Nevada Street north of Consolidation Street and south of Edwards Street. The Hawley’s Replat consists of 64 single family lots, 1 duplex lot, 1 triplex lot, 1 four-plex lot, and a 50 unit multi-family tract (123 total units).

The Planning Commission considered this application on March 17, 1994 and unanimously approved the proposal subject to a minor plat re-design and open space dedication.

**RECOMMENDED ACTION**
Recommend approval of the Hawley’s Replat Preliminary Plat subject to the Technical Review Committee and Planning Commission conditions/requirements. Direct staff to prepare a resolution for review in committee.

**COMMITTEE RECOMMENDATION/ACTION**

**COUNCIL ACTION**
CITY OF BELLINGHAM  
PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS  
MARCH 17, 1994  

Re: HAWLEY'S REPLAT - PLANNED RESIDENTIAL SUBDIVISION  

OVERVIEW  

SUMMARY  
A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 60 unit multi-family tract.  

LOCATION  
The subject property is the old Hawley’s Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.  

MAJOR ISSUES  
Nevada Street extension, future development on up hill property.  

STAFF RECOMMENDATION  
Approve Phase 1 with conditions.  

PLANNING COMMISSION RECOMMENDATION  
Approval with conditions  

Background/Prior Hearings  

Historical Use of the Property:  

Since 1920 this site has been used for rural farming activity. For many years the Hawley’s Poultry Farm operated from the site. As early as 1920, the western half of the site (relatively flat) was cleared for farming activity.  

Neighborhood Meeting:  
The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.  

Documents Considered  

Staff Report, Public Testimony  

05.FFC (1)
Public Hearing

TESTIMONY

Please see the attached draft minutes from the March 17, 1994 Public Hearing.

STAFF/TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Approve the design of phase 1 subject to the conditions listed in Appendix A.

Based upon the application, record and public hearing held March 17, 1994, the Planning Commission makes the following:

FINDINGS OF FACT

1. Applicant/Initiator

Exxell Development
(Keven DeVries, Contact)
335 Telegraph Road
Bellingham, WA 98226

Ron Japson and Associates
Engineer
222 Grand Avenue, Suite C
Bellingham, WA 98225

2. Proposal

Exxell Development owns 46.71 acres located north of Consolidation, south of Edwards Street, east of Moore Street, and west of Pacific Street.

There are 123 units proposed in Phase 1 consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract. The project will extend Nevada Street between Consolidation and Edward Streets.

Future phases of development will require additional review by staff, the Planning Commission, and Council.

3. Site Description

LEGAL DESCRIPTION
See attached

COMPREHENSIVE PLAN DESIGNATION
PUGET NEIGHBORHOOD Area 11

This is a largely undeveloped area which includes wet areas, hillsides and areas which are relatively flat. The area is an ideal multiple housing area.
being convenient to town, parks, and commercial areas. As this area develops, warrants for a traffic light at Lakeway and Nevada should be analyzed. Higher densities should be allowed on the level, dry areas, while the wet areas and steep areas should remain open. Water lines for development within this area must be carefully designed to provide adequate fire flow.

General Use Type : Residential - Multi.
Use Qualifier : Planned.
Density : 5,000 square feet per unit overall density.
Special Conditions : Clearing, view, no access to Lakeway via Nevada or Puget Streets from that area south of Edwards Street, water distribution system design.

Prerequisite Considerations : Whatcom Street to Nevada Street and Nevada Street from Whatcom to Lakeway should be improved prior to development north of Edwards Street.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

* Residential Multiple Planned designation should accommodate a variety of residential uses in a manner which will allow property to be developed as a coordinated unit according to an approved detailed plan in order to achieve flexibility to solve site specific problems, minimize impact on surrounding properties, and maximize utilization of the land.

* Steep hillside areas and stream corridors or low wet areas are recommended as a general theme for open space patterns in future development.

* To preserve the visual integrity of the wooded hillsides which provide the backdrop for the City and many of the neighborhoods and to preserve the bluffs and slopes that reinforce the edge between water and City. Also to preserve the natural integrity of these areas by retaining vegetation, minimizing disruption of soils and slopes, maintaining drainage patterns, and encouraging wildlife habitats.

* Provide a functional, convenient, safe and pleasant bicycling and pedestrian transportation network in the City.
Visions For Bellingham Goals:

- Because Infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.

- Bellingham continues to retain its natural, green setting by protecting unique natural features and public open spaces, creating greenbelts and preserving wooded hillsides in and around the City. New development is encouraged to incorporate existing mature vegetation and additional trees and native vegetation.

SURROUNDING USES AND DESIGNATIONS

North: Single family development and zoning (8,500 square feet minimum lot size).

South: New single family development (Brierwood Subdivision a planned subdivision, Futurespec Development). Planned Residential zoning (5,000 square feet per unit).

East: Future Hawley’s Plat Phase 2. Forested hillside. Toledo Hill single family development and zoning.

West: Lakeway Mobile Estates. The Moore Street right-of-way unimproved, identified in the Comprehensive Plan as a buffer between the mobile home park and the single family zone to the east. Maple Park apartments. Residential multiple zoning.

4. Existing Site Conditions

Acreage: Phase 1: 16.55 Acres
          Entire Property: 46.71 Acres

Number of Lots: Phase 1 - 123 units:
                63 Single Family
                1 Duplex Lot
                1 Triplex Lot
                1 Four-plex Lot
                50 unit MF Tract

Minimum Lot Size: 5,000 Square Feet
                 (Largest SF Lot - 8,689 Square Feet)
Plat Density:

5,000 square feet per unit overall density required.

Phase 1 - 123 units on 16.55 acres = 7.4 units per acre.

Phase 1 Single Family - 64 lots on 12.37 acres = 5.1 units per acre.

Topography:

The entire property has a natural slope from east to west up to 30%. Phase 1 is gently sloped and is located in the lowest and flattest portion of the site. Phase 2, located in the eastern region of the Hawley property, contains the most severe slopes on the property and will require additional review prior to development.

Hydrology:

The Hawley site is located in the Lincoln Creek watershed. This watershed is 803 acres in size and drains the northwestern portion of Samish Hill. All surface water runoff collects in Lincoln Creek and empties into Whatcom Creek at its terminus.

The local geology consists of bedrock, primarily sandstone, overlain by glacial material. The springs and hillside seeps found here produce numerous intermittent streams in the area. This is the source of water, in addition to direct precipitation, that feeds the wetlands on the Hawley farm.

Infrastructure:

Nevada Street abutting proposed Lots 31-37 is 3/4 City standard with sidewalk, curb, gutter, and street lights on western side. Nevada Street south of Consolidation Avenue is improved to minimum City standards. Nevada Street north of the proposed development has approximately 16 feet of paved surface with open ditches.
6. **Staff Analysis**

**Land Use:**

Area 11 of the Puget Neighborhood is zoned for multi-family development at 5,000 square feet per unit (8.7 units per acre). The entire site (Phase 1 and 2) is comprised of 46.71 acres and current zoning would allow a maximum of 406 units. However, due to environmental constraints, it will be extremely difficult to achieve maximum density on this property.

Phase 1 consists of 123 units in a mix of single family and multi-family housing types. This meets the intent of the Residential Multiple Planned Land Use Designation.

**Streets:**

Nevada Street Dedication:

The Nevada Street right-of-way connecting Consolidation and Edwards Street was dedicated as a plat condition of the Briarwood Subdivision (see attached). However, this dedication was platted over a regulated wetland. The plat design under consideration will vacate the former right-of-way and dedicate a new Nevada Street right-of-way west of the original dedication. The new alignment will reduce the impacts to regulated wetlands. A City of Bellingham Wetland Permit and Army Corps of Engineer’s permit must be issued for impacts/fill to regulated wetlands. (See attached Memo from Chris Spens, Senior Environmental Planner.)

Nevada Street Connection:

It has been the position of the City that the Nevada Street connection is an important circulation element in the area. This link will allow an alternative route to I-5 without using Lakeway Drive. For additional background, please see attached memo from Tom Rosenberg, City Engineer.
Plat Vacation:

Once approved and filed with the Whatcom County Auditor's office, this subdivision will vacate portions of the Cedar Addition to Whatcom Plat and streets/alleys located within the plat. (The Nevada Street right-of-way was dedicated by the property owners with the understanding that this plat would be vacated and the owner would not have to compensate the city for vacated rights-of-way.)

Parks/Open Space:

The subdivision ordinance requires applicants to dedicate 100 square feet per lot within the plat boundary for parks and open space. In lieu of park dedication, a $300.00 per lot payment into the Park Acquisition Fund is allowed.

If dedication of open space occurs within the Hawley Replat boundary, the preferred location would be within Phase 2 along the wooded hillside. Staff would support dedication for the entire property at this time. Said dedication should occur within the boundary of future Phase 2 and should incorporate the forested hillside areas and identified wetland areas.

If dedication of open space for the entire property is not feasible at this time, staff would prefer payment into the park acquisition fund in lieu of dedication for Phase 1.

In addition, staff may propose an open space dedication upland as mitigation for wetland fill. Please see attached memo from Chris Spens.

Wetlands:

A wetland determination indicated there are 13.1 acres of wetlands on this site. Wetlands such as these that are located higher up in the drainage are very important for flood control downstream because they store water so effectively and then "meter" it out slowly. Wetlands of this size can be very valuable if a physical connection to other wetlands or open space is retained.

As more vegetation is removed from the watershed, particularly trees, drainage patterns are altered and there is a greater volume of runoff which can overwhelm downstream capacity. Greater runoff volumes can also have a damaging effect on the wetlands if the water level fluctuation is dramatic.
Future Phases of Development:

Because of environmental constraints, development of future phases east of Phase 1 will require additional staff and public review.

6. ADDITIONAL FINDINGS AND SPECIFIC SITE FACTS

1) The proposed layout of Lots 1-4 would require partial fill of a forested wetland.

2) The extension of Nevada Street would allow multi-dimensional circulation in this area.

3) Open space/parks dedication is preferred over payment in lieu of land dedication.

Based upon the above findings, the Commission makes the following:

CONCLUSION

1) The plat should be modified to redesignate or eliminate proposed Lots 1-4.

2) Nevada Street should be connected between Edwards and Consolidation Streets.

3) Open space/parks dedication for all phases of development should occur in the area designated within the boundary of future Phase 2.

4) Additional open space should be dedicated as mitigation for wetland fill.
From the above Conclusion, the Commission comes to the following:

**RECOMMENDATION**

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation, Appendix A.

ADOPTED this 14th day of April 19.

Chairperson

ATTEST: Jameson

Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney
RECORD OF PROCEEDING OF CITY COUNCIL
CITY OF BELLINGHAM, WASHINGTON

BELLINGHAM SENIOR ACTIVITY CENTER
Monday, April 25, 1994, 07:00 PM
Book: 48, Page: 1

REGULAR MEETING

Called To Order The meeting was called to order by Council President Arne Hanna with a salute to the flag.

Roll Call

Present:

First Ward Councilmember Don Glescher
Second Ward Councilmember Gene Knutson
Third Ward Councilmember Arne Hanna
Fourth Ward Councilmember Bob Hall
Fifth Ward Councilmember Pat Rowe
Sixth Ward Councilmember Bruce Ayers
Councilmember At Large Louise Bjornson

Excused:

ANNOUNCEMENT(S)


15 - MINUTE PUBLIC COMMENT PERIOD

1. Cry: Kemp, 2700 W. Connecticut, addressed the Haunun project in the Squalicum Parkway area and presented a handout from the Planning Commission dated August 1981 regarding the zoning definition of planned industrial for this site. She also requests that this area be given consideration for the placement of a park.

With no further comment, the public comment period was closed.

PRESENTATION

AB11301 BUILDING INDUSTRY ASSOCIATION (ART CASTLE)

Mr. Castle, Director of the Building Industry Association conveyed that he in relocating to Kittap County in one week and he introduced his successor, Valerie Smith. Mr. Smith has ten-years of experience in working with non-profit and trade associations in Denver before she and her family moved here a couple of years ago. She has been the Activities and Events Director who was largely responsible for the success of this year's Home Show. Mr. Smith spoke briefly and said that she looks forward to working with the community and learning about the issues before the Building Industry Association. Councilmember Ayers expressed his gratitude to Mr. Castle for bringing the organization into a leadership role in the community, and for his positive approach to the issues, and added that he would be missed. Councilmember Rowe praised Mr. Castle's energy level and also stated that he would be missed. Councilmember Hall gave a fond farewell to Mr. Castle and thanked him for the inspiration he provided. Councilmember
Council Matters for April 25, 1994 City of Bellingham, WA

Kathleen led a final farewell to Mr. Castle via a round of applause from all.

PRESENTATION(S)

PUBLIC HEARING(S)

AB11302 1. CONSIDERATION OF PRELIMINARY PLAT APPROVAL OF 123-UNIT SUBDIVISION, COMMONLY KNOWN AS THE HAWLEY'S REPLAY, LOCATED ALONG EXTENSION OF NEVADA STREET, BETWEEN CONSOLIDATION AND EDWARDS STREET.

Rob Nye, Planning Department, made the staff presentation. The plat consists of a 123-unit planned residential subdivision located along Nevada Street between Edwards Street and Consolidation Ave. The development of approximately 17 acres is planned with approximately 15 acres dedicated for park and open space. There are 164 single family lots planned, all of which satisfy the 5,000 square foot density requirement. In addition, one duplex, one triple and one four-plex, and a 50-unit multi-family tract are planned which will require planned residential review by staff once they are presented for approval. The project includes full standard improvements of Nevada Street within the property (28-foot full standard street with curbs, gutters, street lights, and street trees on both sides), and realignment of the existing Nevada Street right-of-way (slightly west of the current designated centerline, which is part of the Brianwood Subdivision). The realignment of Nevada Street is suggested in order to mitigate minimal impacts to wetlands that are in the area. In addition, vacation of the Cedar addition is proposed, which is located in the northern most part of this property. The Planning Commission recommended approval of this application subject to minor changes such as pursuing an open space dedication in the future Phase II area, and relocating a small bar of lots on the eastern side of Nevada Street. One of the issues facing this subdivision deals with the extension of Nevada Street between Consolidation and Edwards Streets to the neighborhood do not want to see this as a through street and some thought it would remain a dead-end street. Another issue is the drainage and wetland impacts of the subdivision.

Ron Lippin, the engineering consultant for the applicant, Excell Development, stated that this project has been before the City for approval for 2 years. Of concern is the traffic considerations at the I-5/Sunnich overpass area. The Brianwood development had obtained approval for these development with the condition that they obtain a right-of-way to connect the development to the north with Nevada as it was platted at that time. Mr. Hawley, then-owner, dedicated a 60-foot strip to the alignment which was approved by the Public Works Department, connecting the existing-platted Nevada with Consolidation on the south. Brianwood was constructed under those terms. The traffic impact ordinance was then adopted which opened up the opportunity for developed areas that created traffic impacts to be assessed an impact fee for each lot being developed at the time of building permit issuance. A detailed wetlands analysis was performed and the alignment that was previously dedicated for Nevada went through wetlands more than was necessary. They asked the City to modify the alignment which is a current condition of this plat. There were approximately 11 acres of wetlands identified in this project and during discussions with Planning Staff, it was determined that the upland area between the wetland area identified and Puget Street, could be preserved. Mr. Hawley agreed that he would add the wooded area from Puget Street to the wetlands already designated, making a total of 1.5 acres dedicated for park and open space. The proposed alignment of Nevada Street, which connects the existing 44th Street in Brianwood, is an alignment which circumvents the wetlands area. The Hawley residence is a larger parcel connected to this development. The neighborhood meetings held to date revealed an issue relating to the Nevada Street connection and may be a misunderstanding in that Nevada Street is desired by the City to connect Lakeview Drive with Consolidation. The plan for connecting Nevada was decided by Public Works at the time of the Brianwood Subdivision approval. The drainage issues will be handled with the wetland dedication and retention requirements.

The public hearing was opened.

1. Luc Hawley, owner of the property and partner in the development of the property, stated that his family has waited for many years before selling the property until an acceptable plan came forth that they could be involved in and be proud of. He stated that this development is such a plan and he asks for Council approval of this development.

Councilmember Hamlin asked for the dollar figure of the transportation impact fee imposed for each lot. Clark Williams, Public Works, answered that each lot would be assessed $270 for the Sunnich I-5 interchange improvements.

2. Mike McNerney, P.O. Box 1026, East Sound Washington, the Vice President of Future Spec Homes, relayed that he is currently developing 50 homes on 44th and 45th Streets and that they have developed 10 homes in the Brianwood Subdivision. He suggested not continuing Nevada and stepping it before it comes into Brianwood if the street is only going to serve 10-12 units on the east side of Nevada Street. The traffic impacts on the neighborhoods would be a detriment to the community.

3. Ronnie Johnson, 1020 Puget, expressed concern over the proposed traffic at Puget and Lakeview and potential problems with the children traveling to school and using the crosswalks due to limited sightlines distance where Edwards meets Puget. It appears to be...
an accident potential and a hazard for the children. The local access only signs in Pacific View are not helping and the average speed is 45 mph in that area with some speeds close to 50 mph when they reach Edwards and Puget.

Clark Williams, Public Works, responded that there is a one block length (about 2 blocks south of Lakeway Drive) that connects Nevada Street with Puget Street, but this length is not a public street, it is a private access road. If this became a cut-through route for motorists, the City would mitigate the traffic as this is not a City street.

4. Shawn Dooley, 805 Nevada, understood that Nevada would be a through street, but with green space and the wildlife corridor preserved. Briarwood residents are concerned with the clearing from recent developments (such as Minster Heights). They believe this to be "bad planning and development" and ask that City staff enforce the regulations and that the letter of the law with monitoring of the development. He does state a concern for the security of the residents of Nevada Street and Briarwood were told at neighborhood meetings that the connection from Lakeway through Nevada to 44th will not connect with the Samish/3-5 overpass at Edweis.

5. Cindy Fieger, 804 Salmon Berry Lane, stated that when she went to the Planning Department she was not shown a plotted map, but was shown a large section map and was told it would be difficult for the development to proceed. She is not opposed to development, but she bought her property with the understanding that it would remain quiet so that she could enjoy the wildlife. There are other alternatives to the through street of Nevada such as routing half of the Hawley development traffic south on Nevada to Consolidation and the other half through Lakeway.

6. Joyce Fischman, 1058 Nevada, talked to the Planning Dept. before she bought her property at Nevada and was told that at that time there were no plans to make Nevada a through street. She presented a petition of 25 signatures of Nevada Street residents who are opposed to Nevada becoming a through street. She expressed frustration that the development and traffic access routes seem to be not a proposal, but a done deal.

7. Barry Wadling, 1061 Nevada, spoke in opposition to the connection of Nevada Street and asked that future speed studies be performed. The many different zoning uses surrounding the area will cause great traffic increases.

A discussion ensued between Councilmembers and staff regarding traffic patterns and access routes of the current and future developments in that area. Councilmember Knutson asked when the decision was made to make Nevada a through street. Jack Garner, Public Works responded that the decision was made when the Briarwood development was approved, in approximately late 1988.

8. Nancy Wupper, 821 Nevada, expressed concerns over the traffic patterns and stated that people are going to be zig-zagging all over to get to Lakeway.

Chris Spenst, Planning Department, reiterated that there would be no connection with the View/Sanish connector and urged Council to consider the possible aspects of road access in that when roads are accessible and open, it relieves traffic pressure and offers more options to residents. This naturally shows the traffic because more options are available to commuters. A through road gives traffic alternatives regardless of destination and for fire and police access it also offers more options. In response to wetlands, the project started out with 13.2 acres of wetlands. They would need to fill slightly less than an acre, and the City has maintained every square foot of wetland acreage either in the form of absolute wetlands or newly gained uplands; upclose of this large system. The shape of the system is designed to minimize tree clearing on the property to link up wet meadow, brush and forested wetlands with their necessary counterpart, forested uplands. The parcel was 46 acres and the park dedication is approximately 1/3 of the property plus rights of way to be dedicated, so the public benefit of this project is great. The development is proposed on a downslope side of the wetland which is good because the disturbances would drain away from the wetland. The wetland configuration is solid with a net acreage of what was onsite plus the required 50-foot buffer which has been averaged and reallocated to gain a greater, more harmonious system.

Councilmember Knutson emphasized that the traffic situation is not going to go away and that he personally sold a house to get away from traffic which has now edged to his new house. There are adjustments that need to be made on all sides and that this is a city-wide problem.

9. Cindy Fieger, 804 Salmon Berry Lane, asked if all the barriers in town could be taken down tomorrow so that everyone could adjust appropriately. She states that if she has to adjust, then everyone else should also.

10. Ron Jesper, clarified that the Comprehensive Plan during the Briarwood Subdivision approval process indicated that the area south of existing Nevada should exit south. That was because the Byron Consolidation Parkway was under consideration, with Byron going over the freeway (now Denby's) and Consolidation being the main thoroughfare so that traffic in this area would exit to the major thoroughfare. In 1988, it was obvious that Consolidation had moved south and was now the San Juan Boulevard alignment to Nevada Street because the required street to go through. The Hawley's dedicated that right-of-way to allow the

Exhibit B - BCC Meeting Minutes, April 25, 1994
Council Minutes for April 25, 1994 City of Bellingham, WA

Briarwood Subdivision to occur. The owner stated that they did not know of Nevada being made a through street, could have looked at the drawing showing the alignment as it was one of the exhibits for Briarwood which showed Nevada to be a through street.

11. Lloyd Axtin, 1838 Lakeside, has adjoining property to the development for sale and states that for any questions about wetlands, talk to him about it as he remembers he used to row his boat where Lakeview Estates is now. It has been filled in, and he does not see any bad results in Bellingham because of it.

With no further comments forthcoming, the Public Hearing was closed.

AYERS MOVED HALL SECONDED approval of the preliminary plat subject to the Technical Review Committee and Planning Commission conditions and requirements. Staff is directed to prepare a resolution for review in committee. MOTION CARRIED 7-0.

AB11103 2. UTILITY SERVICE ZONE #219

CB 11956 AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSION, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF AN AREA LOCATED EAST OF DEEMER ROAD AND SOUTH OF E. BAKERVIE ROAD, TO THE CITY'S SEWER SERVICE ZONE AS EXTENSION NO. 219, PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

Geoff Smythe, Public Works, made the staff presentation. There are 29.4 acres involved in the application with 7 pieces of land desiring to come into the City system. The development is adjacent to city limits and is contiguous to other areas with utility service zones and is within the urban service boundary. There are no proposed developments for the land involved, only existing structures and the City has imposed several stipulations which are included in the ordinance language. The resident applicants have indicated concerns over some of the stipulations.

The public hearing was opened.

1. Doreen Smith, 585 E. Bakerview, an applicant, stated that he does not want to be responsible for future LID’s to improve the streets due to increased traffic caused by the retail development. The City has planned to upgrade the Deemer and Bakerview Roads and this cost would be too great for the sewer service zone applicants to bear. He does not think it is fair for the City to make the neighbors compensate for the lack of road investment on the part of the County, or for an increase in traffic caused by the retail development. When he discussed this with the Planning Commission, they did not respond and he appeals to Council to give the neighbors a break.

2. Larry Clark, 945 E. Bakerview, the owner of Bakerview Nursery, also stated his opposition to the stipulations for future LID commitment to improve the streets.

A discussion ensued between the applicants and Councilmembers regarding the stipulations of the ordinance and the implication of future LID assessments. Jack Gerner, Public Works, responded that the stipulations are applied because the property is outside city limits and are not under city control for subdivision, building permits, financing, etc. The stipulations are applied as if the property were in the City to provide some City control over land use, subdivision, permits, transportation impact fees, drainage controls, etc. If a short plat or subdivision were applied for in the City, the adjacent roads must be improved. If the subject land parcels were subdivided, these stipulations ensure the improvements. It is difficult to impose an LID to an area outside the City limits, so they use the terminology “agreement”. If the improvements are approved in the future, it would come before the Council to decide the method and degree of assessment and participation.

3. Hank Wask, 629 E. Bakerview, has owned his 5 acre property since 1983 and supports the utility service zone. He stated that when future property development occurs, it would be right to pay the proper fees and costs, but he would want clear instructions at the time. He asks that Council act on this service zone extension.

4. Lloyd Austin, 1838 Lakeside, relates his theory of assessing LID’s city-wide rather than to individual neighborhoods as the city as a whole uses all streets. He does not feel that this idea should extend to neighborhoods clear to the Canadian border, however. He also asks how much capacity our current sewer is set up for.

Jack Gerner responded that the City has a 20 year growth cycle for sewer and 50 year cycle for water.

With no further comments forthcoming, the public hearing was closed.
KNUTSON MOVED, GISCHER SECONDED the approval of the service zone extension. MOTION CARRIED, 7-0.

A five-minute break was taken at this point in the meeting.

REPORTS OF COMMITTEES

FINANCE AND PERSONNEL
MEMBERS: DON GISCHER, CHAIR; BOB HALL; PAT ROWE
Monday, Apr 25, 1994, 1:00 PM - 1:20 PM, Library Lecture Room, 210 Central

AB11304 1. BID #33-94: LOADER/BACKHOE

On April 7, 1994, bids were opened to purchase two new loader/backhoes for the Sewer and Water Department. Three bids were evaluated, and Committee recommends the low bid from Western Power & Equipment Co. of Everett.

This bid was approved as part of the consent agenda.

AB11305 2. BID #33-94: FIRE STATION #5 REMODEL

This project is funded from the Real Estate Excise Tax (REET) fund. Five bids were received and evaluated. Committee recommends awarding the bid to Ebenal General, Inc.

This bid was approved as part of the consent agenda.

AB11306 3. BID #34-94: ENGINEERING OFFICE PANELS

Bids were opened on April 14, 1994 for wood office panels for the Public Works Engineering Division office. The Committee recommends awarding the bid to Regal Office Supply of Lynden, Washington.

This bid was approved as part of the consent agenda.

AB11307 4. RECREATION PROGRAM FUNDING APPROPRIATIONS FOR SPECIAL POPULATION PROGRAM AND ARCO JESSE OWENS GAMES

CB 11957 AN ORDINANCE RELATING TO THE 1994 BUDGET AND APPROPRIATING $15,000.00 IN ADDITIONAL FUNDS IN THE GENERAL FUND FOR THE PURPOSE OF PROVIDING FOR A $5,000.00 GRANT FOR THE DEVELOPMENTAL DISABILITY PROGRAM AND $10,000 FOR THE ARCO JESSE OWENS GAMES, FROM UNANTICIPATED REVENUE.

This ordinance is a "pass-through" ordinance with Arco providing $10,000 for the Jesse Owens Games, and a State grant providing $5,000 for programs for developmental disability programs.

GISCHER MOVED, BJORNSON SECONDED that Council Bill 11957 be read a first time. MOTION CARRIED. Upon motion, said bill was read a second time. MOTION CARRIED 7-0.

PLANNING AND COMMUNITY DEVELOPMENT
MEMBERS: PAT ROWE, CHAIR; LOUISE BJORNSON; BRUCE AWERS; DON GISCHER
Monday, Apr 25, 1994, 1:20 PM - 1:45 PM, Library Lecture Room, 210 Central

AB11308 1. CONSIDERATION OF FINAL PLAT APPROVAL FOR DIVISION 1 AND 2 OF THE MT. BAKER FOREST RESIDENTIAL SUBDIVISION

RES #16-94 A RESOLUTION GRANTING FINAL PLAT APPROVAL TO MT. BAKER FOREST RESIDENTIAL DIVISION 1 (WYCLIFFE PARK) AND DIVISION 2 (TANGLEWOOD). WYCLIFFE PARK, DIVISION 1, CONTAINS 31 SINGLE FAMILY CLUSTER LOTS. TANGLEWOOD, DIVISION 2, CONTAINS 23 SINGLE FAMILY CLUSTER LOTS. MT BAKER FOREST RESIDENTIAL IS GENERALLY LOCATED NORTH OF BARCLAY BOULEVARD AND WEST OF THE TWEED...
TWENTY AND BRENT WOOD SUBDIVISIONS.

Councilmember Rowe reported that this final plat approval was requested by the applicant prior to completion subject to bonding. Committee recommended 3-1 to approve the subdivision. The bonding consists of 15%.

Councilmember Grueter expressed concerns over granting final approval prior to completion due to the risk to the City. Other councilmembers also mentioned concern over the approval prior to completion and it was suggested to add this as a topic for discussion at the Committee of the Whole.

ROWE MOVED/AYERS SECONDED approval of final plat approval. MOTION CARRIED 5-2 (Grueter, Hall opposed).

COMMITTEE OF THE WHOLE
ALL COUNCIL MEMBERS, ARNE HANNA, CHAIR
Monday, April 25, 1994, 1:45 PM - 4:30 PM, Library Lecture Room, 210 Central

AB11109 1. PRESENTATION: URBAN RESIDENTIAL VACANT LAND SUPPLY

Councilmember Hanna reported that a presentation was given at the committee meeting by Roger Almack, Bill Henchaw, Daryl McClelland, Joe Burton, and Bill Geyer who discussed the land supply. This was informational only, no action was required. The staff will be forthcoming with a presentation on land management.

AB11310 2. CONSIDERATION OF PARKING PLAN AND DISTRICT FOR FAIRHAVEN

Councilmember Hanna reported that council made recommendations regarding the plan and that staff will be bringing a resolution forth at the next meeting for approval regarding the parking plan in Fairhaven. Councilmember Ayers reported that they voted to approve the recommendations of the Planning Commission.

AB11311 3. CONSIDERATION OF PROPOSALS PREVIOUSLY PRESENTED AT PUBLIC HEARINGS HELD MARCH 25TH AND APRIL 18TH ON POSSIBLE SURPLUS ACTION AND DISPOSITION OF A NUMBER OF CITY-OWNED PROPERTIES INVOLVED IN A COMPLEX RESPONSE TO THE REQUEST FOR PROPOSALS FOR REDEVELOPMENT OF THE WASHINGTON GROCERY BUILDING

Councilmember Hanna reported that New Whatcom Improvement Company removed the 40-acre Lake Padden parcel from their proposal. In addition, Council talked with Catholic Community Services and Critical Ventures regarding their respective proposals.

Councilmember Ayers reported that the committee action was to send all the proposals to the Real Estate Appraisal Committee for financial considerations (return on investment) and suitable downtown use and to provide recommendations back to Council within 2 weeks.

BJORNSON MOVED/KNUTSON SECONDED the removal of the 40-acre Lake Padden parcel from the New Whatcom Improvement Company proposal. MOTION CARRIED. 7-0.

Councilmember Hanna recognized the following citizens to speak:

Reg Williams, 2636 Franklin, questioned why issues are always referred to staff for recommendations when staff does not always have the complete background and information. He suggested that if staff is to make recommendations, that they be given access to persons involved in the proposals. Further, the city charter specifically prohibits the sale of the Lake Padden parcel, yet the idea was entertained by staff as a part of the New Whatcom proposal.

Steve Horsbom, New Whatcom Improvement Co., addressed the issue regarding the proposal process and stated that he did come up with the exchange idea and that the charter stipulates how properties are to be disposed and sold. There is a special provision for disposition to take in consideration deals which are unique or can't be presented for sealed bids. In fact, you can not put out an RFP requesting an exchange process for property that is owned by someone else.

Bruce Dierick clarified that city staff has not entered into any negotiations with any parties who have made proposals; but there have been discussions with all the proponents to get clarification on the terms and conditions of their proposals. Councilmember Ayers reiterated that point also and stated that they have been working on the development of each of the proposals for preparation to Council.

Mr. Williams stated that he was more interested in an opinion from the City Attorney regarding an interpretation of the charter. He also congratulated Mr. Horsbom for coming up with an offer that included an art center. His main concern was for the Lake Padden
Council Minutes for April 25, 1994 City of Bellingham, WA

 parcel in that he did not feel it was in the best interest of the City to dispose of that property.

CONSENT AGENDA

All matters listed under CONSENT AGENDA are considered to be routine to the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

AB11304 1. BID #2-94: LOADER/BACKHOE
AB11305 2. BID #33-94: FIRE STATION #5 REMODEL
AB11306 3. BID #34-94: ENGINEERING OFFICE PANELS

GISCHER MOVED/BIORNSON SECONDED the approval of all items listed on the consent agenda. MOTION CARRIED 7-0

MAYOR'S REPORT

CONSENT AGENDA

FINAL CONSIDERATION OF ORDINANCES

OTHER BUSINESS

ADJOURNMENT
There being no further business, the meeting was thereupon adjourned at approximately 9:55 PM. ARNE HANNA, COUNCIL PRESIDENT

ATTEST: Deputy City Clerk
APPROVED:

This is a digital copy of an original document located at Bellingham's City Hall. The City of Bellingham specifically disclaims any responsibility or liability for the contents of this document. The City of Bellingham does not verify the correctness, accuracy, or validity of the information appearing in this document.
RESOLUTION NO. 19-94

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY'S REPEAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exxall Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City's Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 289

Exhibit C - BCC Resolution No. 19-94, April 25, 1994
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 16th day of May, 1994.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney
GENERAL NOTES:

PLAT AREA: PHASE 1 - 16.55 AC. - PHASE 2 - 30.16 AC.
LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)
123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS PER ACRE
ALLOWABLE DENSITY 8.7 UNITS PER ACRE
ZONING RM - 5000
SEWAGE DISPOSAL CITY OF BELLINGHAM
WATER SUPPLY CITY OF BELLINGHAM
DEVELOPER CYPRUS PARTNERS
C/O EXXEL DEVELOPMENT CO., INC.
335 TELEGRAPH RD.
BELLINGHAM, WA 98226
PH. # 734-2872

ENGINEER/SURVEYOR RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA 98225
PH. # 733-5760
EXHIBIT "B"

Hawley’s Replat Conditions:

General:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:
   
   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040. Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.
   
   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.
   
   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

Circulation Access:

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28’ with concrete curbs, gutters, 5’ foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 676-6903
4. All cul-de-sacs within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac rights-of-way shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase 1.

**Signage and Pavement Markings:**

1. All street signs and pavement markings shall comply with Public Works Department standards.

**Lot Access:**

1. All corner lots shall access from the cul-de-sac street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

**Water Quality Treatment:**

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

**Transportation Impact Fees:**

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

**Surface Water:**

1. A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master Plan. The following elements must be addressed:

   a) A permanent water quality facility shall be provided.

   b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

**Sanitary Sewer:**

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department Improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

**Water:**

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshal.

**Fire:**

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City’s overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

**Wetlands:**

1. Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

**Landscaping/Vegetation:**

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

**Parks:**

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

**Future Phases:**

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.
PARCEL A:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL OF VACATED BLOCKS 27, 28, 31 AND 32—INCLUDING VACATED STREETS AND ALLEYS, ALL IN "CEDAR ADDITION TO NEW WHATCOM," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR’S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR’S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 403.84 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 433.04 FEET; THENCE WEST 543.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 311.04 FEET TO THE POINT OF BEGINNING; CONTAINING 8.05 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION
(CONTINUED)

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 18 NORTH, RANGE 3 EAST OF W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOTH, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET, WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
CONSERVATION EASEMENT

GRANTORS, IRVING AND JOAN HAWLEY, do hereby covenant, grant and convey to and for the benefit of the CITY OF BELLINGHAM, GRANTEE, in perpetuity, a conservation easement on portions of their property legally described in Exhibit A, Township 38 North, Range 3 East, West one-half of Section 32, Whatcom County Washington, as follows:

1. In accordance with the provisions of Plat Resolution No. 19-94 which is associated with the "HAWLEY REPLAT" this Conservation Easement and subsequent dedications in fee, shall fulfill all conditions pertaining to Parks obligation, Wetland preservation and Open Space allocations.

2. This easement area and dedication in fee shall occasion a reduction in over unit density, as provided for by zoning of 100 dwelling units. The allowable density as computed by utilizing gross acreage shall therefore be reduced by 100 units by this grant and dedication.

3. This tract, which is now a natural part of the overall site drainage will also be incorporated into the projects mitigation and drainage controls in order to perpetuate the natural hydrologic functions.

These covenants and easements shall run with the land and be binding on successors and assigns.

Executed this 27 day of December, 1994.

GRANTORS

[Signature]

STATE OF CALIFORNIA
COUNTY OF SANTA

I certify that I know or have satisfactory evidence that Irving Hawley and Joan Hawley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED December 27, 1994

[Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, MY COMMISSION EXPIRES

Exhibit D - Hawley Replat Conservation Easement and Deed, December 30, 1994
EXHIBIT A

DECEMBER 1, 1994

CLIENT: EXXEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION
OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 38, RECORDS OF THE WHATCOM COUNTY AUDITOR; THENCE SOUTH 1° 53' 41" WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19" EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET; THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET; THENCE SOUTH 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE SOUTH 1° 55' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04" WEST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 86.49 FEET; THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET; THENCE NORTH 62° 33' 50" WEST, 94.16 FEET; THENCE SOUTH 86° 12' 35" WEST, 39.88 FEET; THENCE NORTH 67° 59' 28" WEST, 87.62 FEET; THENCE SOUTH 54° 24' 26" WEST, 58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET; THENCE NORTH 70° 56' 02" WEST, 58.09 FEET; THENCE SOUTH 63° 51' 48" WEST, 82.09 FEET; THENCE NORTH 5° 31' 21" WEST, 158.72 FEET; THENCE NORTH 56° 29' 06" WEST, 366.08 FEET; THENCE SOUTH 85° 59' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01' 18" WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE EASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)

/pb
exxe1201
91039
Vol: 425 Page: 536
File No: 941230008

Exhibit D - Hawley Replat Conservation Easement and Deed, December, 30, 1994
Statutory Warranty Deed

THE GRANTORS IRVING H. HAWLEY, JR., AND JOAN F. HAWLEY, HUSBAND AND WIFE, for and in consideration of One Dollar ($1.00) and Other Valuable Consideration in hand paid, conveys and warrants to CITY OF BELLINGHAM, A MUNICIPAL CORPORATION the following described real estate, situated in the County of WHATCOM, State of Washington,

SEE ATTACHED

DATED Dec 7, 1994

[Signature]

STATE OF WASHINGTON
COUNTY OF,

On this day personally appeared before me

________________________

Notary Public in and for the State of Washington, residing at

LFD-10 (6/94)
LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 38, RECORDS OF THE WHATCOM COUNTY AUDITOR;

THENCE SOUTH 1° 53' 41" WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19" EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET;

THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET;

THENCE SOUTH 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET;

THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE 1° 56' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04" EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET;

THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 399.78 FEET;

THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 88.49 FEET;

THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET;

THENCE NORTH 62° 33' 50" WEST, 94.16 FEET;

THENCE SOUTH 68° 12' 35" WEST, 39.88 FEET;

THENCE NORTH 67° 59' 28" WEST, 87.62 FEET;

THENCE SOUTH 54° 24' 26" WEST, 58.75 FEET;

THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET;

THENCE NORTH 70° 56' 02" WEST, 58.09 FEET;

THENCE SOUTH 63° 51' 48" WEST, 82.09 FEET;

THENCE NORTH 5° 31' 21" WEST, 158.72 FEET;

THENCE NORTH 56° 29' 06" WEST, 366.08 FEET;

THENCE SOUTH 85° 58' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01' 18" WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET;

THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE RASTERLY LINE OF NEVADA STREET;

THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 6° 52' 39" AN ARC DISTANCE OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 1° 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sonoma

On 12/7/94 before me, Cindi L. Buell, Notary Public

personally appeared Irving H. Hawley, Jr. and Joan F. Hawley

☐ personally known to me - OR - ☑ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that he/she/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindi L. Buell, Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER
☐ INDIVIDUAL
☐ CORPORATE OFFICER

☐ PARTNER(S)
☐ LIMITED
☐ GENERAL

☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON/FIRM ENTITLED:

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT
Vol: 425 Page: 539
File No: 941230009

SIGNER(S) OTHER THAN NAMED ABOVE
RESOLUTION 2002-24

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE PRELIMINARY PLAT OF CEDAR RIDGE, DIVISION 2, CONSISTING OF 48 SINGLE FAMILY LOTS, 1 DUPLEX LOT, 1 TRIPLEX LOT, 1 FOURPLEX LOT, A 50-UNIT MULTIFAMILY LOT, AND A RESERVE TRACT LOCATED IN AREA 17 OF THE PUGET NEIGHBORHOOD AND GENERALLY LOCATED ALONG THE EXTENSION OF NEVADA STREET BETWEEN EDWARDS STREET AND CONSOLIDATION AVENUE.

WHEREAS, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1); and

WHEREAS, said plat received City Council approval on May 10, 1994, by Resolution No. 19-94; and

WHEREAS, on December 30, 1994, the wetland/open space tract was dedicated to the City of Bellingham; and

WHEREAS, on May 7, 1996, Division 1, consisting of 7 single family lots, was recorded at the Whatcom County Auditor’s Office (960507105); and

WHEREAS, on June 5, 1998 the Edwards Short, consisting of 9 single family lots, was recorded at the Whatcom County Auditor’s Office; and

WHEREAS, on May 6, 2002, the City Council approved first and second reading of an ordinance for the vacation of the undeveloped portions of Nevada, Lopez, and alley rights of way associated with said plat; and

WHEREAS, the public improvement requirements associated with Division 2 have been installed or bonded for at time of approval; and,
WHEREAS, the Council has reviewed Division 2 of this plat and finds that the public use and interest will be served and that Division 2 of this plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 19-94 (Attachment 2),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

Cedar Ridge, Division 2, consisting of 38 single-family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 19-96, attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as attached.

PASSED by the Council this 15th day of JULY, 2002.

[Signature]
Council President

APPROVED by me this 22nd day of July, 2002.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director

APPROVED as to form:

[Signature]
Office of the City Attorney
RESOLUTION NO. 19-96

ATTACHMENT 2

RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAWLEY’S REPLAT

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exzell Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to Section 18.16.040 of the Bellingham City Code, the applicant met with the City’s Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 734-2890

Exhibit E - BCC Resolution No. 2002-24, July 15, 2002
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 24th day of May, 1994.

[Signature]
Mayor

ATTEST:
[Signature]
Finance Director

APPROVED AS TO FORM:
[Signature]
Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie St
Bellingham, 98225
Telephone (206) 676-6903
GENERAL NOTES:

PLAT AREA: PHASE I - 16.55 AC. - PHASE 2 - 30.16 AC
LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT)
4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)
123 UNITS TOTAL

LOT SIZE (TYPICAL SINGLE FAMILY)........................................... 5000 S.F.

GROSS DENSITY .......................................................... 3.65 UNITS PER ACRE
ALLOWABLE DENSITY ...................................................... 8.7 UNITS PER ACRE

ZONING.............................................................................. RM - 5000

SEWAGE DISPOSAL ............................................................. CITY OF BELLINGHAM
WATER SUPPLY ................................................................. CITY OF BELLINGHAM

DEVELOPER.................................................................. CYPRUS PARTNERS

C/O EXCEL DEVELOPMENT CO. INC.
335 TELEGRAPH RD.
BELLINGHAM, WA. 98226
P H. # 734-2872

ENGINEER/SURVEYOR...................................................... RONALD T. JEPSON & ASSOC.
222 GRAND AVE. SUITE C
BELLINGHAM, WA. 98225
PH. # 733-5760
EXHIBIT "E"

Hawley's Replat Conditions:

General:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040.
   Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in
   Chapter 20.32.050.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter
   20.38.050 B.

3. Two street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of
   street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees).
   Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal
   Code 20.13.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

Circulation Access:

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated
   connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks,
   street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it
   is substandard.
4. All cul-de-sacs within the plat shall be constructed to
   24' with rolled curb, 6 inch thick concrete sidewalk,
   street lighting, and enclosed storm drainage on both
   sides. Cul-de-sac rights-of-way shall be a minimum of 50
   feet.

5. Consolidation Avenue shall be improved to 3/4 City
   standards of a 28' street adjacent to Phase 1.

**Signage and Pavement Markings:**

1. All street signs and pavement markings shall comply with
   Public Works Department standards.

**Lot Access:**

1. All corner lots shall access from the cul-de-sac street.

2. All Nevada Street driveways shall meet minimum stopping
   sight distance standards at 25 miles an hour.

**Water Quality Treatment:**

1. All street impervious surfaces are subject to water
   quality treatment prior to discharge to the existing
   public transport system.

**Transportation Impact Fees:**

1. A transportation impact fee for off-site impacts shall be
   collected at the time of building permit issuance. The
   fee shall include a cost component for the Sanish
   Overpass project.

**Surface Water:**

1. A stormwater management plan shall be submitted and
   approved by the Public Works Department and Planning
   Division. The plan shall be in accordance with the State
   Dept. of Ecology Stormwater Technical Manual and the City
   of Bellingham Watershed Master Plan. The following
   elements must be addressed:

   a) A permanent water quality facility shall be
      provided.

   b) A stormwater detention facility meeting DOE criteria
      shall be provided. Alternative measures as outlined
      in the City of Bellingham Watershed master Plan may
      be substituted. Any alternative measures must be
      designed and implemented prior to final plat
      approval.
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

Sanitary Sewer:

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

Water:

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

Fire:

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City’s overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetlands:

1. Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,
and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.

**Parks:**

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant’s open space/park dedication requirement for the entire Hawley’s site.

2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

**Future Phases:**

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

2. Additional public review will be required prior to development of Area B as shown on the attached site plan.

3. Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor’s Office.
EXHIBIT C - LEGAL DESCRIPTION

NO. 41125

PARCEL A:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL OF VACATED BLOCKS 27, 28, 31 AND 32, INCLUDING VACATED STREETS AND ALLEYS, ALL IN "CEDAR ADDITION TO NEW WHATCOM," NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEFT FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 403.04 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 911.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 411.04 FEET; THENCE WEST 543.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET; THENCE NORTH 313.04 FEET TO THE POINT OF BEGINNING; CONTAINING 8.06 ACRES MORE OR LESS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

(CONTINUED)
EXHIBIT C - LEGAL DESCRIPTION  
(CONTINUED)

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF
W.M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOH,
BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211654, DESCRIBED AS
FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID
GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET,
WHICH IS TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1," AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY
AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
PLAT

NAME OF PLAT:
Cedar Ridge - Division #2

DECLARANTS:
Peoples Bank
Irvig H. Hawley JR
Joan Hawley

SURVEYOR:
Ronald T. Jepson & Assoc.

SECTION: 32 TOWNSHIP: 38 RANGE: 3E
Hearing Examiner Summary and Decision


02/08/2013 Kathy Bell 09/11/2013

Planned Development / Variance request of Ambling University Development re 4413 Consolidation Avenue (aka University Ridge)
10/23/2013

Approved subject to conditions. Boarding and Rooming Houses not allowed.

THE HEARING EXAMINER OF THE CITY OF BELLINGHAM

WHATCOM COUNTY, WASHINGTON

IN RE: HE-13-PL-007

AMBLING UNIVERSITY DEVELOPMENT, APPLICANT FINDINGS OF FACT
4413 Consolidation Avenue CONCLUSIONS OF LAW
AND ORDER


Hearing Date:

This matter came before the Bellingham Hearing Examiner for hearing on the 11th day of September 2013 on the application of Ambling University Development Group, LLC for Planned Development approval, height variance, Design Review approval, and a Critical Areas Permit for property located at 4413 Consolidation Avenue in Bellingham to construct and operate purpose-built student housing known as University Ridge consisting of four multi-residential buildings, a clubhouse and parking.

Testimony was received from Kathy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; Charles Perry, Applicant's representative; Glen Peterson, Applicant's architect; Brad Swanson, Applicant's legal counsel; Ron Jepson, Applicant's engineer; Joseph Carpenter, 4215 Adams Avenue; Don Diebert, 4414 Marionberry Court; Gaythia Weis, 1713 Edwards Court; Steve Aelle, 1021 34th Street; Rod Dean, 848 Nevada; Madeleine Baines, 4417 Marionberry Court; Beth Fryback, 200 Milton Street; Ajit
I. FINDINGS OF FACT

PROPERTY LOCATION, DESCRIPTION & HISTORY

1. Ron Jepson, on behalf of Ambling University Development Group, LLC, applied for Planned Development approval, a Variance from height restrictions, a Critical Areas Permit, and Design Review for a proposed 164 unit, purpose-built student housing development with 576 beds in four multi-unit buildings and a clubhouse on property located at 4413 Consolidation Avenue.

2. The subject property is legally described as Tract F, Cedar Ridge Division 2. It is located in Area 17 of the Puget Neighborhood. This area is designated Residential Multi, Planned, 5,000 square feet per unit overall density. Special conditions include parking and view.

3. The property is owned by the Irving Jr. & Joan Hawley Trust.

4. The property is located north of Consolidation Avenue, west of Puget Street, east of Nevada Street and south of Marionberry Court. It abuts Area 13 of the Puget Neighborhood on the eastern boundary. Area 13 is designated Residential Single, Detached, 10,000 square feet minimum detached lot size, and is developed with single-family residences across Puget Street from the subject property. To the south, across Consolidation Avenue are Areas 3 and 4 of the Samish Neighborhood. Area 3 is designated Residential Multi, Planned, 5,000 square feet per unit. Area 4 is designated Residential Single, Detached, cluster detached, 12,000 square feet minimum detached lot size, one lot/12,000 square feet overall cluster density. The properties across Consolidation Avenue from the subject site are either undeveloped or developed with single-family residences. The properties to the west of the subject site are located within the same area as the proposal, Area 17 of the Puget Neighborhood, and are developed with single-family residences. The property to the north was dedicated to the City for open space purposes as part of the subdivision approval for the Hawley Re-Plat, also known as Cedar Ridge Plat, which included the site of the proposal. This open space area is approximately 16 acres and contains a Category I wetland and buffer. This area will not be developed. It was intended to satisfy the required open space for the Cedar Ridge Plat.

5. The subject site is approximately 11.18 acres, or 485,444 square feet, in size. The property is currently undeveloped and contains a mixed deciduous and coniferous forest canopy with an understory of shrubs and ground cover. The typical slope of the site is 20-22%, sloping down from east to west. The eastern portion of the site contains slopes in excess of 40% and is a geologically hazardous area, regulated by the City’s Critical Areas Ordinance, BMC 18.55 (CAO). A 100-foot wetland buffer for the Category I wetland located on the City-owned open space property to the north, and along the northern property line of the property, extends onto the subject site.

6. The Hawley Replat, or Cedar Ridge Plat received Preliminary Plat approval in May 1984 in Bellingham Resolution No. 19-84. The plat included 40.71 acres and provided for a total of 123 units, including 64 single-family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50-unit multi-family tract. It also contained a 15 acre open space parcel that was dedicated to the...
City and a tract that was labeled Future Development. The tract labeled Future Development is the subject property. The plat conditions provided that additional public review would be required prior to development of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat contained the seven single-family residences abutting Nevada Street north of Consolidation Avenue and immediately to the west of the subject property. Final Plat approval for Division 1 was granted in April 1998 in Resolution 28-98.

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

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

9. The maximum density for the entire 48.71 acre parcel included in the Cedar Ridge Plat under the Residential Multi-Planned, 6,000 square feet per unit designation was 406 units. If density was not clustered on the subject site by the Cedar Ridge Plat the subject property would be able to accommodate 97 units at 5,000 square feet per unit zoning.

PROCESS
10. The City conducted a pre-application conference for the proposal on December 11, 2012. A pre-application neighborhood meeting was conducted at Carl Cozier Elementary School on January 3, 2013.

11. On January 17, 2013 the Applicant submitted an application for a Variance from height restrictions. This application was put on hold by the Applicant on March 8, 2013.

12. On April 29, 2013 the Applicant submitted applications for the planned development, multi-family design review, a critical areas permit and a SEPA checklist. The variance application was amended and incorporated into the application submittal.

13. A Notice of Complete Application was issued on May 24, 2013. On May 28, 2013 the City issued a Request for Information. On June 18, 2013 the Applicant submitted a response to the Request for Information.

14. On June 10, 2013 the City issued a Notice of Application and Pending Action for the proposal, with a comment period ending June 25, 2013. The site was posted by the Applicant on June 14, 2013.

15. On August 8, 2013 the City issued a threshold Determination of Non-significance (DNS) pursuant to the State Environmental Policy Act (SEPA) for the proposal, with a public comment period ending August 23, 2013. The DNS is Exhibit G to the Staff Report.


17. The applications for Planned approval, Multi-family Design Review and a Critical Areas Permit are Type II processes pursuant to BMC 21.10. The application for the Variance from height restrictions is a Type III-A process. The Applicant requested a consolidated review
NOTE: The complete Hearing Examiners Report and Exhibits can be found at

Exhibit H - Project Lot Layout 1993
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.

Sincerely

Donald Diebert, Member
Puget Neighborhood Preservation Work Group
Donald Diebert  
4414 Marionberry Ct.  
Bellingham, WA 98229  
360-778-1531  
dondiebert@outlook.com  
May 5, 2020

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

Project location: 4413 Consolidation Avenue/ Area 17

Dear Ms. Bell:

The CityView dormitory development will have a profound Impact on the Puget Neighborhood, especially due to its size, impact on views and neighborhood compatibility. Yet these issues are not fully addressed in the developer’s application.

Thus, I am writing to expand the View Analysis to include all parts of the neighborhood, provide an example of a similar height local building for comparison and review how the proposal fails the City of Bellingham Comprehensive Plan.

Failure to Document View impacts upward from Nevada St. and Marionberry Ct.

Unfortunately, the proposal fails to show how the CityView dormitory will have major impacts on the Puget Neighborhood, especially the surrounding homes. The Site View plan fails to address the major visual impact (View) to the surrounding neighborhood.

The CityView View Analysis (Site Plan Analysis) purports to show little impact to those homes located to the South (Consolidation St.) and uphill to the East (Puget St.) of the development. However, there is no Site Plan Analysis showing the visual impact to the homes to the West (Nevada St.) and North (Marionberry Ct.) of the development. Yet, by far, Nevada St. and Marionberry Ct. are the most severely impacted by the development that towers a hundred feet over homes in the neighborhood!

The Area 17 Zoning (Puget Neighborhood) chart includes a special condition for View. As presented, only part of the View impacted by the CityView development is analyzed; to complete the application, all impacts must be analyzed and fairly presented.
**Projected View from Nevada St – Buildings B & C.** The following visual (based on the developer’s submission) shows the visual impact of constructing 3 and 6 story buildings on a steep hill, above one to two story homes. As you can see, the buildings effectively tower over existing homes.

![Site Lines facing East](image1)

**Projected View from Marionberry Ct and southern Nevada St – Building C.** This visual shows the impact of Building C only, which will be the view from Marionberry Ct. (to the north) and Nevada St. (farther south), where Building B will not be directly in front of Building C.

![Site Lines facing East](image2)
A Local Example of a building 110 feet tall (Mathes Hall at WWU). Below is a picture from ground level of a 110 foot tall building here in Bellingham, the Mathes Hall dormitory at Western Washington University. This will be similar to the view of the CityView buildings from the north and west of the neighborhood. Clearly, a few deciduous trees in front of this building cannot hide its scale and impact on the surrounding homes!

CityView Fails the Comprehensive Plan

The Comprehensive Plan includes numerous directives for consideration of new development within existing neighborhoods as follows:

- **Policy CD-7 (Community and Character)** Ensure that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods. While compatibility is more of an issue in established neighborhoods, new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood.

- **GOAL CD-3 (District and Neighborhood Identity)** Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.
Policy CD-22 (Site and Building Design) Use design standards and design review to accomplish the following:

- Ensure elements of design, proportion, rhythm, scale and massing are appropriate for proposed structures and sites and contextually compatible with surrounding development.
- Encourage the use of low impact development practices where feasible.
- Minimize negative impacts such as excessive lighting and glare and unsightly views of parking.
- Provide reasonable solar access and privacy to adjacent property.
- Where feasible, preserve significant trees and mature vegetation.

Policy CD-33 (Appropriate Infill Development and Renovations) Encourage the construction of innovative small-scale housing types that fit the context of single-family neighborhoods such as accessory dwelling units, cottage housing, cohousing, townhomes, zero lot line homes, and small lot housing.

Comprehensive Plan Goals

These goals state, that development must, “Ensure that Bellingham has a sufficient quantity and variety of housing types and densities to accommodate projected growth and promote other community goals.”

- GOAL H-2 Foster housing that is safe, healthy, livable, and affordable for all income levels in all neighborhoods.
- GOAL H-3 Promote sense of place in neighborhoods.
- GOAL H-4 Support housing options for special needs populations.

Summary

The CityView dormitory proposal, by failing directives of the Comprehensive Plan, imposing an oversize structure, thus negatively impacting views and neighborhood compatibility, should not be approved.

Sincerely

Donald Diebert, Member
Puget Neighborhood Preservation Working Group
Dear Mr. Sepler and Planning Commission,

I am opposed to a development the size of what is proposed for the Cityview apartment complex in this location. A six-story apartment building is not only completely outside the neighborhood's existing nature and traffic patterns, but to offer only 250 parking spaces for upwards of 300 students is almost certain to create traffic problems for the surrounding single-family neighborhood -- which already sees considerable problems from the boarding house-style homes across Ashley from the new student apartments there. The fact that students live in those houses is not the problem: the problem is that parking is inadequate along Ashley, leading to unsafe driving and parking conditions. I can only imagine what will happen to the single family neighborhoods around Consolidation and Nevada, if this project is allowed to proceed as planned. It should be scaled back by 50% at least. And there should be a significant effort to preserve as much of the woods in the vicinity as possible.

Thank you for your consideration of my concerns,

Sincerely,

C. Virginia Herrick
3909 Fielding Ave
Bellingham, WA 98229

--

she-her-hers
Kathy Bell, Senior Planner

Dear Kathy,

This letter is in response to a development application for 4413 Consolidation Ave known as CityView. My wife and I object to the plan as presented and offer the following points for your consideration.

1) Parking on site: does not seem adequate for the number of bedrooms. The fear is that the excess cars will try to park on Nevada or Consolidation. The overflow from the Maple Park apartments onto Ashley is an example.

2) Traffic: Nevada and Consolidation already seem to be at their maximum for residential streets. Adding 300 cars will definitely make the situation worse. There are two main exits from the area. Turning left onto Lakeway is difficult and dangerous most of the time. The lack of enforcement of the 25 MPH speed limit only exacerbates the situation. Turning left onto Lincoln from Ashley is also difficult at times of the day and turning right can also be impossible because of being blocked by the cars ahead wanting to turn left.

3) Noise: This is two-fold. The ongoing noise from “plopping” 300 plus people and cars into the area and the noise and disruption to the area during construction. Suggest that construction be limited to 8am – 5pm Monday thru Friday with no work on Saturday or Sunday

4) Water: Springs run continuously northerly and westerly during the winter. Removing 50 percent of the vegetation will worsen the situation.

5) Density: The question is how many people will be able to live on site? The developer would have us believe that 318 bedrooms equals 318 people. What about married couples? Small children? This could skyrocket the density to 1000 people and many more cars.

6) Access: Consolidation Ave will not adequate for the traffic and building a ¼ extension is laughable. It would need to be widened with sidewalks all the way to Lincoln.

7) Appropriateness: This is a single-family neighborhood. It is simply not appropriate and will totally change for the worse the nature and quality of the area.

Regards,
Rod and Susan Dean
848 Nevada St
Dear City of Bellingham:

My wife and I are writing to provide comment on the proposed CityView Apartment Complex, which would be NE of our home located at 224 Milton Street.

We OPPOSE this proposed development of variety of reasons. The following are just a few of our concerns:

1. The development as we understand it would be a two to three level apartment complex in what is now a peaceful and relaxing single-family residential area. It simply does not belong in the proposed location or fit into the existing development.
2. The increased traffic alone would be of great concern. We fail to see how the existing City street network would accommodate such an increase.
3. Multi-family housing, as this is proposed, is better suited on Lakeway, Bill McDonald Parkway or other similar City streets. Again, we don’t feel this development is a good fit for our existing single-family residential neighborhood.

Honestly, we’re somewhat astonished that this proposal has gotten this far as it is so inappropriate.

We don’t oppose a developers desire to make money and develop property that they own, but it should be appropriate development. If this particular developer wants to develop this property, then we would suggest that he/she comes up with a single-family residential concept, which would be more appropriate for this neighborhood.

Better yet, we’d like to see the property retained as a greenspace, but we understand that the City of someone else would have to compensate the developer for the property.

Frankly, this proposal reeks of developer greed and overreach. They want to develop and leave us with a neighborhood eyesore that simply doesn’t fit with the existing landscape. PLEASE, don’t let them get away with it, because in the end if you – the City permits this development, we’ll all regret it!

Sincerely yours,

John and Susan Keates
224 Milton Street
Bellingham

Sent from Mail for Windows 10
Dear Bellingham City Planning Department,

I am a long time resident of the 800 block of Nevada Street. I strongly oppose the City View Apartment project currently being considered by the city planning department. This project is just plain wrong for the Nevada Street neighborhood.

To begin, it does not comply with Bellingham’s own Comprehensive Plan, which states: “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.”

In what way does City View (buildings 5.5 / 6 stories tall placed on a steep incline) fit the scale, orientation and design of a neighborhood with mostly single family, one or two story, homes? The City View buildings are so out of proportion to existing homes, they are going to loom, tower over and overwhelm the homes on Nevada Street.

The comprehensive plan also states: “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,”

In what way does this massive building project take into account the context of our area or improve the character, aesthetics and livability of our neighborhood? Will the neighbors on Nevada Street enjoy having a monstrous complex right behind that dwarfs their homes? Are the neighbors looking forward to the lack of privacy, increased noise, traffic, light pollution, parking problems and crime? We all know the answer is no. No one in our neighborhood wants City View, because we are going to have to live with the negative effects.

I would like to mention one other negative impact to our neighborhood- home values and marketability. Last summer as news of the City View proposal was coming to light, a home on Nevada Street sat on the market for months with no buyer. It just so happens that that house backs right up to the City View property. Buyers were not flocking to buy a home knowing they could be living with a huge, looming, loud apartment complex in their backyard.

I am attaching some photos. The first two are of an apartment complex currently being built on Nevada Street. Please note how well the buildings fit into the existing neighborhood, their size, proportion, rooflines. These buildings are wonderful examples of good planning and development. We need more of this kind of development in the Nevada Street neighborhood. The last photo is of City View and how it will loom over our neighborhood- out of proportion, out of character, and wrong for this location.

I respectfully request that the City View application be denied on the basis that it does not follow the Bellingham Comprehensive Plan. Thank you!
To the Planning Commission

We are of the opinion that City View is an inappropriate project for many reasons. The topography, a steep and wooded hillside with adjacent wetlands, besides being a wild life corridor, was not intended for "multi family" dwelling. The ground has wet seeps, a potential for landslip. There will little to no protective screening for the Nevada Street residences from the project especially in fall and winter when the line of deciduous trees shed their leaves, raising privacy issues for those residents.

The term multi family is a misnomer, it is more properly a multi dormitory project, that does not fit in a predominantly single family area that already has more than its share of apartment buildings.

We urge you to retain the Puget Neighborhood plan of preserving wooded areas between developments intended to enhance the overall aspect of the city. There are also social aspects to consider. In addition to increased traffic, on street overflow parking, night noise, there will be some kind of post virus shutdown depression likely affecting college attendance, and probable affordability of college and accommodation, a likely increase in vacant homes. On a personal note, groundwater beneath our house has required the installation of a crawl space sump pump, as is also the case in several neighboring properties, located as we are, at the foot of the hillside.
The proposed multi-story buildings are no different than similar height buildings at Western Washington University. The developers should be held to the same geo-technical requirements as applied to construction on the Western Washington University campus, because of similar bedrock and overburden geology.

Where are the cross sections showing the bottom of all the excavations, especially the deep excavation to accommodate a 5-story building?

How high will the retaining wall need to be on the east?
How much loose soil will need to be excavated on the west?

The community needs to know how big an excavation project this will be.
What will the impact of the excavation/fill be on the road infrastructure?
What will the carbon footprint be for these large excavations?
| EMAIL       | alanhui@yahoo.com |
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations

2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
Statement Concerning Lack Of Geotechnical Boreholes On This Site

The geologic setting of the proposed development is basically the same as that of similar-scale construction at Western Washington University campus. Both sites lie atop Eocene-age Chuckanut Formation sandstone overlain by glacial deposits. This buried and often deeply weathered post-Eocene, pre-glacial topographic surface can present many problems for construction of large buildings if not correctly predicted and mitigated. Construction of multi-story buildings on the Western Washington University campus were predicated on geotechnical boreholes which reached solid bedrock. No such geotechnical borings were undertaken anywhere on the proposed development site. The only subsurface investigations were via test pits excavated to a maximum depth of about 12-feet, far less than the proposed depth of excavation required for the proposed multi-story buildings. This is worrisome because there is no history of such deep construction excavations on this ridge of Chuckanut Formation anywhere in the area of the proposed development.

The geotechnical investigations to date are simply not deep enough on this site.

The proposed multi-story buildings are no different than similar height buildings at Western Washington University. The developers should be held to the same geotechnical requirements as applied to construction on the Western Washington University campus, because of similar bedrock and overburden geology.
Geologic Hazards and Mitigation

Erosion Hazard Considerations

As currently envisioned, the proposed development will require cut and fill slopes and retaining walls. The slopes will be configured at 2H:1V (horizontal:vertical) or flatter, which will be stable at the site. Any disturbed slopes will be re-vegetated to provide resistance to erosion on these surfaces. Accordingly, in our opinion the constructed project will maintain or reduce the overall soil erosion potential.

Where are the cross sections showing the bottom of all the excavations, especially the deep excavation to accommodate a 5-story building?

How high will the retaining wall need to be on the east?

How much loose soil will need to be excavated on the west?
Where is the drawing of the excavation bottom beneath this tall building?

This is because no proper geotechnical borings were undertaken in the area of the building footprints. True subsurface conditions remain unknown below 12-foot depth beneath this proposed development.
e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. +/- 5.73 acres of the 11.15 acre site will be cleared and excavated for site improvements. Haul in sand / gravel / pit run +/- 30,000 yards.

show cross sections based on geotechnical boreholes to support the volume amount of excavation and fill for this project

The community needs to know how big an excavation project this will be.

What will the impact of the excavation/fill be on the road infrastructure?

What will the carbon footprint be for these large excavations?
This letter report presents the results of GeoEngineers’ geologically hazardous areas site assessment for the proposed CityView development located at the northeast quadrant of the Nevada Street and Consolidation Avenue intersection in Bellingham, Washington. We previously completed a Soil Conditions and Preliminary Findings Memorandum dated April 9, 2013 and a Geologically Hazardous Area Site Assessment report dated April 29, 2013 for a previous development proposal. A geotechnical engineering report for the project will be completed at a future date as the project goes to design. Our geotechnical services for this new geologically hazardous area site assessment letter report were completed in general accordance with our Services Agreement dated August 16, 2019.

A future geotechnical engineering report is promised. This is where we will find out how deep the excavations need to be to accommodate the 5-story buildings at the east portion of the site.

The current status of our understanding of what lies beneath this proposed development is based upon 12-foot deep test pits, two of which encountered Chuckanut Formation bedrock beneath glacial sediments (TP-2 and TP-6).

The risk of over-excavation on this hillside is huge if the geotechnical investigations are not sufficient. The City will be forced to approve more excavation/fill volumes than predicted once this project begins. There are no buildings this size anywhere else along this ridge, and we don’t have a clue as to the details of the bedrock topography. We don’t know the nature of the Chuckanut Formation bedrock with regard to its hardness and amenability to excavation.
There is risk of needing significant over-excavation if irregularities in the buried Chuckanut Fm. paleotopography are found within the depths of the proposed foundation excavations on this hillside. Irregularities in this buried Chuckanut Formation paleosurface in the Bellingham region are typically large cracks between blocks of sandstone, often several feet wide, indicating that the downhill block has moved. Chuckanut Fm. sandstone is often deeply weathered, and in this condition, it is not considered to be a good foundation bedrock. Irregular paleosurfaces were found and mitigated at WWU campus, this development must be held to the same geotechnical level of study because the proposed buildings are of similar scale to those on the Western Washington University campus.

Proper geotechnical boreholes are needed to investigate subsurface conditions to the bottom of these proposed excavations. Shallow test pits are totally inadequate.
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Consolidation Ave Loss of Parking

2020 Hawley Development--Consolidation Ave Loss of Parking.pdf

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
Only two access/egress routes exist for this very large development.

- Access via Nevada Street
- Access via Consolidation Ave.
Excavation for proposed development will require several thousand truck trips.

Large haul trucks will not be able to travel on Nevada Street due to recent City of Bellingham construction of traffic calming fixtures.
Neighborhood parking is already scarce on Consolidation Ave and side streets, and parking spaces are filled most days.

Consolidation Ave, looking downhill to the west, just before Ashley Street.

No bicycle lanes exist on Consolidation Ave.
A large haul truck will barely fit in this steep section of Consolidation Ave., and there is a school bus stop at the base of the hill.

Our community will lose all parking spaces on Consolidation Ave. due to increased haul truck traffic if this development is allowed.
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
The area directly east and west of the site is developed into residential subdivisions. Puget Street is located on the eastern property boundary. The areas to the north and south are undeveloped forest. A trail is located along the south boundary of the site, the unopened Consolidation Avenue right-of-way (ROW), connecting Nevada Street and Puget Street. (Critical Areas 2013 UR.pdf, p3)

Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride

Environmental studies must take these unpermitted, primitive foot trails into account. Pedestrians are currently trespassing on private property on these steep, muddy trails, with no practical way to prevent access, creating danger to themselves and causing damage to riparian habitat. The City of Bellingham currently lacks any policy on this issue.
Permitted development of the Ashley Street Apartments in 2017 failed to take into consideration the risk of pedestrians shortcutting through the Lincoln Creek Critical Area.

This is an ongoing problem, and the unpermitted, primitive foot trail cutting through the 75’ riparian buffer zone continues to be used when WWU is in session.
Existing Primitive Trail Shortcut From Puget Street To Consolidation Ave Will Continue To Attract Pedestrian Foot Traffic

Pedestrians will always take the shortest route, especially downhill. The proposed gravel foot trail would be short-cut daily by pedestrians in favor of the existing unimproved trail going straight downhill towards the WWU park-and-Ride.
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Proposed Gravel Foot Trail On Steep, Unstable Hillside

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
from: SEPA Environmental Checklist

B. Neighborhood Connections – This standard does not appear to be met. Pedestrian facilities to Puget Street are needed and required though the planned development regulations.

A pedestrian trail to Puget St. (via Consolidation Ave.) will be provided.

See Preliminary Engineering Trail Plan showing the proposed location and design of this pedestrian facility.
Why Has the Southern Portion of the Steep Hillside Lost Its Proposed Conservation Easement Protection in this Foot Trail Design?
The First Priority To Protect Critical Area Slopes Is To 
**Never** Cut the Trees At The Top!

Critically Steep, Unstable Surficial Deposits
How Many Trees Will Have To Be Cut In Order To Construct This Gravel Foot Path?

After construction of this gravel footpath, the formerly tree-covered, steep, potentially unstable slope will be largely denuded.
the over-steepened, potentially unstable spoil banks left over from Puget Street construction can be seen at the northern end of S 46 Street.
The City of Bellingham must protect this tree-covered slope!

The proposed gravel foot trail construction would destroy most of the vegetation on this Critical Area slope.
The only realistic pedestrian link from Puget Street to the WWU Park-and-Ride would be a stairway, along the existing unimproved foot trail, constructed in the least-invasive manner possible, with minimum destruction of trees on this steep, tree-covered slope!

A stairway would be the only way to protect this Critical Area steep hillside!
In the meantime, the landowner must not bulldoze roads into this steep hillside for geotechnical drilling. This would potentially affect slope stability and drainage.

Don’t repeat the June 2011 debacle when 12 acres of forested wetlands at Cherry Point were disturbed by unpermitted geotechnical work in support of the (failed) Gateway Pacific coal terminal.

http://www.cascadiaweekly.com/cw/currents/15514
Entry Details

NAME
Kimberlye Bachman

CHOOSE TOPIC
CityView Project

COMMENT
A logistical nightmare for all involved. Street is steep. Without adequate parking they will try to park on the street making it more narrow. This is a disadvantage for all involved. Signs would need to be posted for no street parking. Then will where they park? Walking down that hill, or driving down that hill in snow/icy conditions is treacherous. This is an accident waiting to happen! In addition, more younger families have been moving into these neighborhoods. Students racing up and down the streets is also an accident waiting to happen. Young children at play ... It’s already at a disadvantage with the existing population of renters.

EMAIL
bachmans1@comcast.net
1. Neighborhood Scale -- Not just the building height but the elevation
The height of the proposed buildings—Building A and B 2.5-story 35 feet tall and Building C 5.5-story 65 feet tall are built at a slope, with the taller building located at an even higher elevation. Building B is closest to the existing single family homes along the east side of Nevada Street. It is built at 300 feet above sea level. The top of this building is at 340 feet. To the east of this building is Building C—a 5.5 story high, built at 340 feet and tops at 410 feet above sea level. A view looking east towards this site is a wall of buildings 110 feet high. In contrast, homes along this section of Nevada Street are built at an elevation of around 150-180 feet—at least 120 feet lower than Building B. This dormitory complex will dwarf the whole neighborhood below, completely off scale and incongruent with this neighborhood.

2. No Hillside Forest Transition
No buildings—commercial or residential has 5.5 stories east of I-5 in the Bellingham area. Just because the Building C is 65 feet tall and located beyond the 200-feet of site line does not mean it should be built. This proposed 5.5 stories building is built at an elevation of 340 feet—over 150 feet towering above the neighborhood homes west of Puget Street. At this imposing elevation plus its height, there is no stand of native trees tall enough or dense enough to “soften the edge with a hillside forest,” prided by the City of Bellingham. Besides, the proposed setback and Common Usable Area are too narrow to sustain enough native trees to grow to maturity.

3. Out of Proportion
In the revised CityView dormitory application, the developer conveniently left out mentioning its business model of renting out the apartment by the room. Each apartment unit is configured with 3 bedrooms, each having its own bathroom. It is easy to conclude that the developer intends to rent out the apartment by the room in a dormitory style. Within 500 feet of the project site, there are about 160 single family homes, around 320 residents. The proposed dormitory complex alone will add 318 residents with nearly the same number of vehicles. One dormitory complex resulting in doubling of residents and vehicles is out of proportion. This CityView for-profit dormitory complex is suited in an Urban Village, a laudable initiative promoted by the City. CityView dormitory should not be in the midst of our neighborhood.

4. The proposed City View dormitory complex will not have enough parking to accommodate the college students who will live there, resulting in unacceptable off-site on-street parking on neighborhood streets.
It is clear from the proposed floor plan (318 bedrooms each with private bath) and likely market-based rent ($800-$900 per month) that the City View apartments will function as a dormitory residence for college students. The proposed 249 on-site parking spaces will not be enough for future residents’ vehicles resulting in permanent parking overflow of up to 70 cars onto neighborhood streets. No provision has been made for
parking for visitors or guests which will require even more off-site on-street parking. In my opinion this will lead to neighborhood streets cluttered with parked cars. It also raises the likelihood of car prowls, noise, litter, minor accidents, property damage, and obstruction of emergency vehicles. I strongly request that the developer of this project, Madrona Bay Real Estate Investments LLC, be required to provide at least enough on-site parking to accommodate the 300+ tenants of the buildings he proposes to construct. Absent that, he will be dumping substantial and hazardous overflow parking onto neighborhood streets many of which are not designed to take on such a parking load.

The attached pictures are standing at the intersection of Consolidation and 43rd Street looking both East and West. There is limited parking already in current conditions without considering the potential spill over from this "multi-family" project. This is a single family residential area with young children. The increase in traffic on this already congested street would be harmful to the families and children already living in this neighborhood.

Thank you for hearing these concerns,

Resident at 106 43rd Street

Drew Young
This revised Storm Report continues to refer to the 2013 survey prepared for the University Ridge proposal. While the soil profile would not have changed since, the patterns of ground water running through this area could have. With the amount of rainfall we receive in this corner of the Washington State, ground-water runoff and its impact on soil stability should be a paramount concern to the City, the County and the State. A resident on the east side of Nevada Street reported and videoed a creek formed and flooded her yard this past winter.

In the Revised Site Plan, it proposed the construction of a 8’ wide gravel trail, connecting Consolidation Avenue with Puget Street. Along this 8’ wide gravel trail is a set of walls, ranging from 2’ high to 5’, stretching over 80% of trail. Near the Puget Street end, this trail runs north-south. This section of the trail cuts through a steep slope. As the report pointed out: ground-water runs in a east to west direction over this area of the property. One can anticipate this section of the trail to be washed off often, rendering it useless. More importantly, one can expect a large
volume of ground-water forced to flow in a SSW direction, channeled towards the eastern end of Consolidation Avenue.

Consolidation Avenue is known to carry a sheet of water on the road surface during a heavy winter rain, overwhelming the storm water drainage on one side of this street, while rushing off gravels and dirts into the culvert on the other side. As configured, this trail has the potential to exacerbate the speed and volume of ground water running towards the eastern end of Consolidation Avenue. Without a survey that is based on the proposed site plan, unintended consequences could cause harm to the properties and lives of residents downhill. The City must require the developer to provide a new survey, accounting for the impact of the proposed trail construction.

FILES
Consolidation & Ashley Street Corner.jpg

EMAIL
alanhui@yahoo.com
looking east along Consolidation Ave. from the corner of Ashley Street
ENTRY DETAILS

NAME
Alan Hui

CHOOSE TOPIC
CityView Project

COMMENT
CityView is too big! From homes on Nevada Street, Building C (6 floors) will tower 110 feet over the neighborhood. It will command the view over the Samish and York Neighborhoods just like Mathes Hall at WWU (also 110 feet tall) does over downtown Bellingham!

(Here is the paragraph that residents can copy, edit (optionally), and paste into the public comment form going to cityview@cob.org.)

CityView fails to adhere to the Comprehensive Plan, which directs, “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.” Further, “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,” and, “Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.”

CityView fails these requirements (Policy CD-7 - Community and Character) and (Goal CD-3 - District...
and Neighborhood Identity) of the City of Bellingham Comprehensive Plan.

CityView is an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn't work!

FILES

CityView Dormitory Complex.jpg

EMAIL

alanhui@yahoo.com
Entry Details

<table>
<thead>
<tr>
<th>NAME</th>
<th>Connie Karsunky</th>
</tr>
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<tbody>
<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
</tr>
<tr>
<td>COMMENT</td>
<td>I oppose the building of this size of n the middle of a residential area and the parking is definitely inadequate. Infill yes but hopefully in a thoughtful way and not Willy nilly</td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:conniekarsunky@gmail.com">conniekarsunky@gmail.com</a></td>
</tr>
</tbody>
</table>
May 5, 2020

Bellingham Planning Department
To Mr. Sepler and Ms. Bell,

I am opposed to the City View Dormitory Housing project proposal located in the Puget Neighborhood being considered by the City of Bellingham Planning Department. I believe this proposal comes now as a result of a failure to mitigate the situation with appropriate zoning clarifications five years ago when we had a very similar ‘rooming house/dorm’ dwelling project called University Ridge proposed. The current City View project is even more objectionable than University Ridge by virtue of it’s out of bounds size and height. Our neighborhood has been, with few exceptions, an established single family home residential community for more than 50 years. These are decidedly middle income houses occupied by middle income earners. It is a family centric neighborhood. It is a neighborhood where we know our neighbors, their children and if they are elderly, what their special needs are. We help each other. I said this in my communications to the City five years ago and I repeat it now: Puget Neighborhood is the quintessential example of the middle class American dream. Veterans, teachers, attorneys, GP workers, nurses, police and fire staff, Western staff, contractors and small business owners are some of the types of achievers and taxpayers who saved and saved for their down payments. They are the backbone of the economy locally and nationally. They aren’t speculators or ‘house flippers’. They are the 40+ hours a week working families who strive to make a home and community the best place they can. They and I did not do all this for a lifetime only to find a massive dormitory/transitory housing project sprouting up and towering over our homes being approved as appropriate by the Planning Department.

I watch nearly all the City Council Meetings, County Council Meetings and some Planning Commission Meetings on BTV. I am, as are my neighbors, grateful for the efforts of those who serve our community. We are all very familiar with the non-stop drumbeat of “infill” for Bellingham. We are more than familiar with the “build more low income housing” chorus. There has never been a time in history when more affordable housing was needed than what was available just about anywhere. I am a big fan of the efforts for infill in Vancouver BC with a strategic eye for well planned urban living for families. It has been a success except for the pesky issue of affordability. I do favor more buildings going up in height especially for low income/mixed income (preferably) housing where the location is decidedly urban and appropriate to the needs of the population.

I am also supportive of former Governor Christine Gregoire’s Challenge Seattle group. Their focus is toward the rarely mentioned at Council Meetings affordable middle income home building. While I realize the brass ring as far as Planning’s mission is DENSITY, I favor the efforts by Kulshan Land Trust to build single family starter homes at the most affordable price possible. The land where City View is proposed to be built on would be ideal for such housing. Two story duplexes or row style multi houses would also be appropriate for the neighborhood and would not be objected to by area residents. Unfortunately, the property owners seem hell bent on cultivating buyers for their land who wish to
destroy the long established character of this neighborhood. Greed at the expense of so many valued citizens of Bellingham is not acceptable and should not be rewarded.

Realistically there is not a current shortage of buildable land for a project like City View even closer to the University. There is land perfectly suited on Lincoln Street. There will be properties on Samish for such projects. (In my opinion Samish construction should all be many more floors in height) There is land west of I-5 and I understand that Western is endeavoring to build more student housing. Additionally, one more consideration that should be made is the impending influx of ADU/DADA’s in and around this area and throughout Bellingham. I hope to find it in my budget at some point to convert this house to accommodate a separate living quarters in my lower level with a two bedroom rental unit. One of my neighbors recently remodeled and added a new ADU for rental purposes. This is the future for many homeowners and will have a positive impact on reducing housing shortages for persons who would like to reside in a residential neighborhood away from dense apartment living at a reasonable price.

While Mayor Linville lamented that the Puget Neighborhood “was zoned multi-family/single family many many decades ago”, it was never intended to be a student dormitory style housing location. There is a long list of valid and serious concerns including but not limited to: slope, wetlands, fire response, excessive traffic, lack of adequate parking and cars parking and blocking area private properties, noise, invasion of privacy due to the height and position of the structures, flooding and instability from the construction on such a steep slope, not to mention that it would be a hideous out of place eyesore.

I am not anti student or anti renter. I’ve been both as have my children. Several houses surrounding mine are currently occupied by renters. I am fortunate that the property owners are mindful and considerate when choosing rental applicants. I welcome them as my neighbors no differently from a property owner. My strong opposition to City View is based on the structure and nature of the housing type. In no way will this complex do anything to assist the City of Bellingham toward low income/density housing. It is geared to be a highly profitable private pricy dorm-style temporary residence/massive structure amongst humble single family beloved homes.

We are the people who have strived to be good and contributing community members. For decades we have voted to approve school, park, EMT, and projects levies for the ‘greater good of our Bellingham’ even though dollars are limited. There must be a best intentions compact with and from the City. Please don’t lose sight of basic values of respecting the residents. We are not asking for anything costly or unreasonable from our City. I urge the Planning Department to make every possible careful and kind consideration of the long time residents and ask that you not approve the City View application.

Very truly,

Susan Bayer
825 Queen Street
Bellingham, WA 98229
As a 17 year Real Estate agent and broker/owner of John L Scott Real Estate in Bellingham, I've studied and blogged about all of the Bellingham neighborhoods for years. I've worked with hundreds of buyers/sellers/investors in the Bellingham market, and I've obviously been a strong advocate for our community to buyers relocating to our area as well. I have to say unequivocally, this project would stick out like a sore thumb, and have a negative impact on housing in the Puget neighborhood. Particularly the homes nearby this, and all of the homes in route to this building. From a planning perspective, it does not fit in at all to what is a quiet residential area. So not only would reflect poorly on the neighborhood, but generally be a head scratcher to buyers wondering about how a college dorm made it into a residential neighborhood so far away from the campus or even the WWU park & ride. So I do oppose this project for this location.

paulbalzotti@johnlscott.com
To the City of Bellingham,

I write you today, once again, to protest the very dense development of the Hawley Tract. You are aware, no doubt, of the serious issues this development poses for the traffic, quality of life, and environment of the Puget Neighborhood. This is simply the wrong project in the wrong place.

New, however, to this discussion is that this is also the wrong time. With the economy of our city, state and country in a precarious position and with no known timeline for a return to normal -- should that ever really occur -- the city stands to be left with skeletons of buildings and scars on its landscape. WWU is not expected to be able to meet full enrollment numbers this coming fall. Nor, probably, are WCC and WTC. This developer has additional residence projects associated with institutions of higher learning in other parts of the country that surely will be affected by a downturn in student enrollment. Should the CityView project be interrupted mid-construction or be left only partially rented following completion, the city will be forced to accommodate the developer's requests for mitigation of certain requirements, whether they be financial or physical.

I urge the city to deny the requested development permits for this project. Do your due diligence in processing the application, as well as your due diligence to the citizens of Bellingham, particularly the Puget Neighborhood where I reside, and do not allow this project to proceed.

Respectfully,

Elizabeth Mason
Thank you, Kathy.

Please also add this to the record for public comments on CityView submitted before May 8.

With your reply below, I have now set up and sent communications to the Puget Neighborhood Association (PNA), far later than what any of us would like. The public comment period process has been a bit confusing, and with what seems like misleading statements. Fortunately, individuals and citizens groups have been active as well, so perhaps many Neighbors are aware of the fast approaching deadline for their most effective participation.

As I noted below, and with what you’ve confirmed, there are other process questions and concerns that may need to be addressed.

But first, let me clarify my perspective. I’m not a member of the Puget Neighborhood Preservation Work Group, nor do I participate in their discussions or tasks. I applaud their active involvement on an issue of concern, but I may not share all of their views. My main concern is process and communications, and supporting the efforts of the Puget Neighborhood Association to engage Puget Neighbors with accurate information for their effective participation,

Also understand, I lived and worked for nearly 4 decades in a university community larger than Bellingham, and with a land-grant state university much larger than WWU. I understand what it’s like having students (…even undergrad students), student housing, student traffic, student neighbors, and student activities around; and honestly that causes me no great concern. I understand Bellingham will grow and change, has housing issues (for students as well), and will even push in-fill for density goals. And, it all may be uncomfortable at times.

My personal concerns with this development are the site conditions, traffic, fire/safety, infrastructure, zoning, and published Puget Neighbor plan issues; all the issues I believe raised in written comments by PNA with the University Ridge proposal. I’m concerned, if those issues also apply to CityView, they are probably not being addressed. With University Ridge, I don’t think we tested how we could, if we could, get to the mitigation of those real concerns.

Specifically, my process questions and concerns raised now are:

1. You say: “municipal code does not give the city authority to extend the comment period”. What does that mean? Does it specifically say the City cannot “extend the comment period” even under special guidelines, circumstances, and provisions; and through a designated authority? This situation may not warrant an extension, but I find it very amazing that there may be NO PROVISION to extend FOR ANY REASON or circumstance. That seems like a process flaw.
2. CityView is a complicated project, many documents are involved, there is a history, the developer has had many extensions, and many in the community (not just neighbors on Nevada) have an interest in the outcome. Why did you decide to set the public comment period to the absolute minimum?

3. We’re in the middle of a worldwide pandemic. Everyone in our community is affected by this. In my immediate neighborhood, we’ve had perhaps 4 or more incidents of weapons violation, vehicle prow, theft, package theft, vandalism (graffiti), and property damage (window shot) in about the last month in our area. Incidents seem to be running higher than normal. I’ve been focused quite a bit on working with our W Pacificview Block Watch group (26 homes), and we’re trying to expand it to include E Pacificview. We’re even trying to organize a network of home security cameras for mutual benefit. My point is, I’m a bit distracted, and haven’t reviewed the University Ridge concerns for what may apply to CityView. I doubt I’m alone. I bet other areas in Puget Neighborhood and elsewhere are distracted by crime, bored kids, COVID concerns, family issues, jobs, bills, etc., etc. Again, why did you decide to set the public comment period to the absolute minimum?

4. Governor Inslee has extended the stay-at-home order through May 31. You indicate the public meeting won’t happen before then. Perhaps public gatherings will not be allowed for some period after May 31. I doubt you’ll soon know exactly the form and format of the “public meeting” venue. Wouldn’t it be better to let the public know how the meeting will be conducted to then make a choice on how to participate? Again, more reason to question why you decided to set the public comment period to the absolute minimum. And, it’s more reason to be concerned about why a deadline can’t be changed for any reason.

5. How can a process (plan) originally be set on April 24 with a date (May 8) for written comments, later the process (plan) is changed apparently under BMC authority, but then there is NO provision or authority within the City to revise a date set within the original plan. That seems like a major process problem or flaw.

6. I’m guessing it could be a month or more before there is a public meeting with the Planning Commission, and perhaps weeks after that for whatever authority to make a decision. So the application is packaged with written comments from May 8 or before, and then the package is frozen with the assumption nothing relevant will change. Again, there is NO provision under any circumstance, through any authority to extend the deadline or to add public input to the package, regardless of how many weeks or months before a public meeting and decision? That seems like a problem or a flaw.

7. In your reply you said: “code does give the city authority to accept public comment after the public comment period expires”. But experience tells us it may not be use or somehow made available. So, how will these comments be considered and by whom, and how will that work within the decision-making process? I know you can’t guarantee decision-makers will consider or even read post-May 8 comments, but you can’t guarantee that for those from May 8 or before. How are comments in each group, May 8 or those after) handled?

8. BTW, can the developer submit a revised application, additional information, more information at your request, requested “corrections”, or anything for any reason? If the answer to any of this is “yes”, and there is no opportunity or provision for public review and comment on that material, that seems like another process problem or flaw.

It feels like there may be a lot of process problems and flaws, or at least questions to be answered. What am I not understanding?
Again, please also add this to the CityView record as public comments submitted before May 8. I’ve included cityview@cob.org in the distribution which should satisfy procedural requirements.

I welcome any reply.

Thank you.

Greg McKinney
813 W Pacificview Dr
Bellingham

Good afternoon Greg.

Thank you for your follow up email. This email will provide additional information that you can take back to your constituents.

The municipal code does not give the city authority to extend the comment period for the proposal and, therefore, it has not been extended beyond May 8th. The city recommends all parties wishing to comment on the proposal to do so by this deadline. Providing public comment within the public comment period ensures your comments will be included in the city’s environmental review and staff’s technical report submitted to the planning commission.

The code does give the city authority to accept public comment after the public comment period expires. The city typically accepts public comment until a permit decision is issued or up to the close of a public hearing. The city intends to proceed with this status quo for this proposal and accept public comment on the proposal up to the close of the planning commission public meeting. The city can say with certainty that the public meeting will not occur in May and any public comment received in May will very likely be included in the city’s environmental review and considered by the planning commission.

This following is the code section that establishes the 14-day comment period and authorizes the city to accept public comment outside of the 14-day public comment period:

BMC 21.10.210 (B):

The minimum comment period shall be 14 days following the date of notice of application, except for shoreline permits and Type V-A applications, which shall have a minimum comment period of 30 days; and except for short subdivisions consisting of five or more lots, which shall have a minimum comment period of 20 days. The city may accept public comments at any time prior to the close of the open record public hearing, or if there is no public hearing, prior to
the decision on the project permit. Except for a determination of significance (DS) under the State Environmental Policy Act and Chapter 16.20 BMC, the city shall not issue a final SEPA threshold determination or issue a decision or recommendation on a permit application until the expiration of the minimum public comment period.

Please let me know if you have additional procedural questions.

Take care.

Kathy Bell, Senior Planner
City of Bellingham
Planning and Community Development
Tel: (360) 778-8347
Website: www.cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

Tell us how we're doing!
 Permit Center survey

Due to COVID-19 and in compliance with City and Health Department guidance the Permit Center is closed to walk-in customers effective Monday, March 16th until further notice.
Please utilize the Permit Center’s online resources via https://www.cob.org/services/permits
For information regarding Construction Restrictions, please see announcement.

From: Greg McKinney <greg1@purdue.edu>
Sent: Monday, May 4, 2020 11:30 AM
To: Sepler, Rick M. <rmsepler@cob.org>
Cc: Bell, Kathy M. <kbell@cob.org>; Anderson, Lisa A. <laanderson@cob.org>; Hammill, Daniel C. <dchammill@cob.org>; Huthman, Hollie A. <hahuthman@cob.org>; PNA Board <board@pugetneighborhood.org>
Subject: CityView - Your Reply to Puget Neighbor Association’s Request

Mr. Sepler,

Attached is Kevin Jenkins’ request, submitted on behalf of the Puget Neighborhood Association (PNA), for an extension of the CityView public comment period.

Also attached is your reply.

It has been my job as Puget Neighborhood Association Board Secretary, web site administrator and content editor, and email administrator to collect information, compose and distribute communications to the Puget Neighborhood. I try to be complete, informative, and accurate to keep our Neighbors informed and involved on issues that may be important to them. I’m not representing the PNA Board here, but I’m raising concerns that I may not be able to do my job for the Board.

The request was to “extend the comment period (from May 8) to 23rd of May 2020” for various reasons.
Your reply indicated that the Planning Commission Chair and you agreed to require a public meeting before the Planning Commission, which “effectively extends the public comment period up to the close of the public meeting”, and “This meeting will be conducted after the requested extension date of May 23.” Also, you said: “The Planning Commission meeting date has not been established at this time”.

That sounds to me like an extended comment period requested was granted, and the actual public comment period duration (deadline) is yet to be determined. I have verbally communicated that to neighbors who have come to me expressing concerns about the short notice especially in these times.

Now I’m hearing that the cut-off for written comments effectively remains May 8. I’m also hearing written comments submitted after May 8 will not bundled with the application materials. And I’m hearing that the City online comment submission form for CityView may not be available after May 8.

_is any of this true?_

If so, it feels that the reply to the Puget Neighborhood Association's request was misleading. Additionally, it raises several other questions and concerns that may need to be addressed.

Greg McKinney
813 W Pacificview Dr
Bellingham
Hello, my name is Drew Anderson and I live at 840 Nevada St, Bellingham, WA. My home is directly in front of this proposed development. Building C (6 floors) will tower 110 feet over my home. This is unacceptable. Our neighborhood cannot handle the increased traffic, noise, parking, parties, and college students. Our neighborhood is more of a family neighborhood. where people walk their dogs and small kids ride their bikes on the sidewalks. The Cityview developer may be calling this multi-family construction, but it is in reality a dormitory for college students.

Our daughter and her husband and child currently live with us because they have been unable to find a house to buy. What Bellingham needs is more affordable single family houses- not apartments. When you have a child and a dog you need a home, not an apartment.

Our daughter is also a college professor at Boise State University. She has been informed by the Boise State Office of the Provost that "forecasts predict a 15-20% drop in matriculation across higher education. Longer term, strengthened online and adaptive capacity will position Boise State to better meet the needs of those who may prefer online or flexible learning after pandemic conditions subside." Western Washington University would be in a similar situation where college students will not be returning to traditional classroom based education, but prefer online study. Western is currently building its own dormitory, as you know, and several new complexes have opened on Samish Way for college housing. These should be sufficient to meet the needs of the college. Besides, the middle of a residential neighborhood is not the place for this proposed project.

City View fails to adhere to the Comprehensive Plan, which directs, “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.” Further, “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,” and, “Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.” City View clearly misses all these marks.

There are other problems for this development including unstable soils, water run-off, not enough parking spaces, and the increase in traffic. Contrary to what the developer would have us believe, everyone who lives there will drive their car down to the park and ride to catch the bus to school because the grade on Consolidation Avenue makes it too hard to walk up on the return trip. I have seen neighborhood kids go to catch the bus at the bottom of this hill for years and the parents always pick them up on the return trip because of the incline. Additionally, Nevada Street has been designated as a safe biking route to avoid traffic on Lakeway and Lincoln Streets. This will no longer be a viable option with all the cars coming out of City View. Sight is limited at the intersection of Consolidation and Nevada and one has to proceed carefully. How long until a biker gets taken out at this intersection? The stop sign at this intersection is frequently run down (just last week, again, in fact) and I think that's an indication of how traffic functions now- at a 3 way intersection - just wait until it is a 4-way.

We want to remain in our home. We do not want 3 giant buildings looming over us blocking the sun. The rendering the developer sent in makes it look like this project is in the middle of a woods. It is not. There is not sufficient space for much of a buffer between our house and the buildings. No trees will grow high enough to offset the slope of the property and the height of the buildings on that property. This is not an appropriate use for this property. The Zoning plan needs to be amended so that density conforms with the neighborhood. The outlying areas are where the apartment complexes are now and that's where they should remain.
Sincerely,
Drew Anderson
I live at 821 Nevada st Bellingham wa 98229. Across the street from the proposed development.

This development is not the right place to put in 106 3 bedroom units in a family built neighborhood. The picture of the proposed buildings are completely out of character for our neighborhood. We are a family neighborhood with children playing in the yard and seniors working in there gardens, I am the first owner of my home purchased in the summer of 1992.

Please do not let this be built in a family neighborhood.

Thank you
Nancy Wopperer
Kathy Bell, Planner

Dear Ms Bell

I am saddened to see that another permit has been filed to construct a large student housing facility on (Tract F, Cedar Ridge Div 2). Puget neighborhood has been through two previous attempts to place similar facilities on this tract, Amcal, University Ridge (Ambling) and now City View. The area around the Cedar Ridge site presents unique challenges to the development of the site under its current designation as Residential, planned, 5000 sq ft per overall unit density. It is not clear in the record how the current density designation of the site was established. While the surrounding properties are similarly zoned, the neighborhood has been predominately built out with single family homes. In permitting the area to be developed in this manner, the city has allow the neighborhood to have the look and feel of a single family neighborhood when in fact it is not zoned as such. Many home owners in the area were surprised when they that learned under the current zoning, a large housing development, the 2013 proposal 547 residents and now 400+ residents, could be built abutting their single family home. Not to mention the design of the apartments, each with separate lockable bedrooms each having a separate bath, does not lend itself to family occupancy but is actually a de facto student dormitory. There are apparently many unanswered questions around many issues regarding this development including but not limited to traffic, parking and hydrology. It is not my intent to delve into any of these. I’m sure others will provide detailed input.

The current character of the area is consistent with the Puget Neighborhood Plan. That observation and the history of how the area grew to its current configuration is cited in the HE (Hearing Examiner) decision regarding the application by the Ambling Corp to develop the site into Student housing for 547 students in 2013. In their final decision the HE noted that development of that site must be done in a way that is consistent with the character of the neighborhood. While I respect the right of the property owner to develop their property as allowed by code, I feel that if in doing this type development on this site negatively impacts the neighborhood, the greater good which I feel is the existing neighborhood should be protected.

I not opposed to providing decent housing options for our student population. I am pleased with the addition of the North by Northwest facility that was built in our neighborhood on Lincoln Street adjacent the Fred Meyers. That facility is appropriately located and proving to be a viable solution to providing safe affordable housing for students. However, I do not see building a similar facility in the middle of what is essentially a residential neighborhood as a positive.

Throughout the city, I am seeing applications to infill similar properties located in Residential areas using a variety of development tools now available. “Cottage House” developments, with greater density than single family, have been proposed on Edward St in Samish Neighborhood and with the DOT property in Sunnyland. Both of these developments are utilizing the city’s “infill toolkit” available to developers and both are designed to protect neighborhood character.

BMC20.38.050 provides the standards applicable to planned development proposals. This section provides that the standards are minimum standards and may be increased for a
particular planned proposal where more stringent standards are necessary to protect neighboring properties, conform with existing development in the area, preserve natural resources or sensitive environments, provide for orderly development or conform with the comprehensive plan. Planned developments must conform to any more stringent minimum standards provided within the applicable neighborhood plan.

I am therefore requesting that the city restrict any proposed development on the Tract F, Cedar Ridge Div 2 site to a density that protects the current character of the neighborhood by reducing the density allowed for by the current unit density to a number more appropriate for the immediate neighborhood. I am not advocating a rezone but rather a more clear definition of permitted density for that particular site. I am also asking that the city encourage the property owner and any developer to utilize the tools such as the infill toolkit to design a more appropriate development than has been proposed with this and previously attempts at development for this site.

Respectfully,

Steve James,
1372 Undine St,
I oppose the proposed City View dormitory complex above Nevada Street. This complex is much too big to be in a multi-family neighborhood. It would tower over the area and create erosion and drainage problems for the homes below. There is not enough parking with only 70 slots and would increase off street parking in the neighborhood. I have concerns about increased traffic flow especially given that there is a bus stop at the base of the hill. Students partying and the inevitable dumping and leaving of items on the street when they move out will devalue a lovely neighborhood.

I am hopeful the city will NOT allow the construction of this complex in the Nevada neighborhood.

Thank you.

Annie Welch
360-756-7502
Dear Ms. Bell,

I appreciate your timely response and information. While the Planning Department will be guided by existing codes and guidelines, it appears that I will need to make every possible extra effort to observe the Stay Home guidelines and still reach out to my neighbors on Puget and Queen Street. This community was deeply invested in coming together to actively protest the University Ridge proposal. I have no doubt that they will want the opportunity to communicate their positions regarding the City View Dorm project. I will do my best to let them know of the information pertaining to the timelines which you have kindly provided.

Thank you again for all that you do.

Very truly,
Susan Bayer

On Wed, May 6, 2020 at 3:40 PM Bell, Kathy M. <kbell@cob.org> wrote:

Hi Susan.

I wanted to clarify the city’s response to the Puget neighborhood’s request to extend the 14-day public comment period for the CityView proposal.

The municipal code does not give the city authority to extend the comment period for the proposal and, therefore, it has not been extended beyond May 8th. So the city is recommending all parties wishing to comment on the proposal to do so by this deadline. Providing public comment within the public comment period ensures your comments will be included in the city’s environmental review and staff’s technical report submitted to the planning commission.

The code does give the city authority to accept public comment after the 14-day public comment period expires. The city typically accepts public comment until a permit decision is issued or up to the close of a public hearing. The city intends to proceed with this status quo for this proposal and accept public comment on the proposal up to the close of the planning commission public meeting. The city can say with certainty that the public meeting will not occur in May and any public comment received in May will very likely be included in the city’s environmental review and considered by the planning commission.
City staff recognize that these are trying times and we are all having to adapt to this ‘new normal’. Since we are not able to engage with the same social manners given the Stay Home Stay Healthy order, may I suggest that you reach out to the Puget Neighborhood Association representative with your concerns to see how this organization can provide assistance. The city will also continue to provide updates on the CityView webpage and I encourage you to occasionally visit this web site for any updates: [https://www.cob.org/services/planning/neighborhoods/Pages/puget-cityview.aspx](https://www.cob.org/services/planning/neighborhoods/Pages/puget-cityview.aspx)

The city will mail a notice of the planning commission public meeting to the property owners adjacent to the proposal and to those who have provided comment once a date and venue have been set for the meeting.

Please let me know if you have additional procedural questions.

Take care.

Kathy Bell, Senior Planner
City of Bellingham
Planning and Community Development
Tel: (360) 778-8347
Website: [www.cob.org](http://www.cob.org)

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

**Tell us how we're doing!**

[Permit Center survey](https://www.cob.org/services/permits)

Due to COVID-19 and in compliance with City and Health Department guidance, the Permit Center is closed to walk-in customers effective Monday, March 16th until further notice.

Please utilize the Permit Center’s online resources via [https://www.cob.org/services/permits](https://www.cob.org/services/permits)

For information regarding Construction Restrictions, please see [announcement](https://www.cob.org/services/permits).
Dear Mr. Sepler and Ms. Bell,

I would like to convey my disappointment over the decision to allow Public Comment submissions for the record only until May 8, 2020. It is not a reasonable position. Puget Neighborhood should be granted an extension for this issue. During this current self quarantine crisis, allowances should be made for the difficulty we have with respect to notifying our community of your deadline.

Please do not assume that the majority of our neighborhood is 'in the loop' through social media like Nextdoor or the BNC Facebook page. The majority of my neighbors are not. Additionally, while I know many, I do not have their email addresses or phone numbers. In the past we have gone old school. We prepare a written alert or notice which we go door to door with to inform each other of such an issue like City View. Creating a mailing list with postage would be costly to me. I don’t know if I can even make copies at Copy Source or if it's closed now.

By not allowing adequate and reasonable time for COVID 19 creative contacting, you are in fact betraying the trust the community has a right to expect of the Planning Department. I respectfully urge you to extend the comment period until the end of May.

Very truly,

Susan Bayer

825 Queen Street
**From:** noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>

**Sent:** Wednesday, May 6, 2020 6:12 AM

**To:** G.Proj.City View

**Subject:** Public Comment - Annie

**Attachments:** Public Comment - 167.pdf

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**City of Bellingham**

**Public Comment**

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**Entry Details**

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<td>CHOOSE TOPIC</td>
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<td>COMMENT</td>
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<td>EMAIL</td>
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I do not think it is a good idea to build a large apartment complex in an otherwise quiet neighborhood of single family homes. The traffic and pedestrian infrastructure does not currently exist to manage that many more residents, and it would drastically change the nature of the neighborhood. There are better places in Bellingham to build large housing developments that do not require destroying neighborhood green spaces or changing the character of an otherwise quiet neighborhood.
<table>
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<td>CHOOSE TOPIC</td>
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<td>COMMENT</td>
<td>Just because the applicant requests a variance to build a 5.5 story building in a residential neighborhood does not mean that the COB needs to agree with nor support such a major development. If all three bldgs were 2.5 stories high, I believe this would be more fitting of the neighborhood. If the applicant cannot make enough profit from three 2.5 story apt complexes, perhaps he should choose another site.</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:renuremodelingco@comcast.net">renuremodelingco@comcast.net</a></td>
</tr>
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</table>
The proposed CityView apartment complex at 4413 Consolidation Avenue can & would have many deleterious effects on the Puget Neighborhood and the adjacent Samish Neighborhood. Aside from its negative impact on the peace & tranquility of neighbors in nearby single-family homes, it will bring a stream of automobiles to & from this complex through a neighborhood of families with elderly citizens and young children.

Given the design features of these apartments (3 bedrooms each with a private bath) and the anticipated rental costs ($700 x 3), this complex is clearly targeting temporary college students who desire an off-campus living arrangement. The entire rationale for such a sizable project (318 individual rental "units") likely assumes a continuing trend of an ever-increasing student population at WWU. The onset of COVID-19 and other societal pressures is causing a huge disruption to such assumptions that underlie the enrollment trends for all colleges & universities. This entire undertaking seems like a poor use of this otherwise peaceful neighborhood site.
that may not even prove out to be a successful venture for its developers / owners.

| EMAIL       | tokadohma@gmail.com |
City of Bellingham
Public Comment

Entry Details

NAME
Stacie Erfle

CHOOSE TOPIC
CityView Project

COMMENT
I live on South 42nd Street, right off consolidation. I feel that a five-story, 300 plus apartment complex at the top of consolidation is a complete mismatch for the area and the neighborhood. I am greatly concerned at what it will do for the safety of consolidation street, with so many additional cars traveling on it. Because of the way the streets are aligned, my daughter has to go on consolidation street to get to her bus stop. I would not feel safe having her do this with so much additional traffic. There is also the significant issue of noise in what is, and should remain, a quiet residential area. outside of financial gain, I see no positive or benefit to adding a monstrosity such as this. We live in Bellingham to obtain a certain quality of life and maintaining neighborhood integrity and feel is a big portion of that.

EMAIL
stacie.erfle@gmail.com
Entry Details

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<tr>
<th>NAME</th>
<th>Andy &amp; Petcy Yan</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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| COMMENT       | To Whom It May Concern Regarding the CityView Apartment Project,

I would like to add my comment to the growing number of people concerned that the approval of the CityView Apartment project will be a grave mistake. Please deny the application and do not build this complex.

As was the case in 2013 when Ambling University Development tried to permit the University Ridge development in this location, this large development is out of character for this location. The controversy remains: it would destroy our quiet, peaceful neighborhood, that the surrounding homeowners have spent their lives to maintain. There are some provisions in the development to abate a few of the concerns from the University Ridge fiasco, such as additional parking spots and "the building design plans would minimize noise impacts and car headlights." However, the fact of the matter remains that if more people and cars are added to the area, there is more of everything, including: (most
importantly) crime, noise, accidents, disturbances, calls to police and emergency personnel, the list goes on and on. Roads in the area will need more maintenance due to increased traffic, and there may need to be other infrastructure improvements needed to accommodate such a large and domineering building and it's residents. Who pays for that? My guess is the homeowners in the area, that did not want this in the first place, which is not equitable to the homeowners in the area, myself included. This is all after a long and laborious destruction of the natural ecosystem in this location. The construction alone will be a huge disruption, and the disruptions continue indefinitely.

I sincerely hope the city will follow the precedent set by the variance request denied by the Whatcom County Hearing Examiner in late 2013 for the University Ridge project and not allow the dormitory complex to be built in our neighborhood.

Thank you for your time and careful consideration,

EMAIL

petcyyan@yahoo.com
Entry Details

NAME
MARIA Nardella

CHOOSE TOPIC
CityView Project

COMMENT
I’m so disappointed that this absurd proposal has continued to advance. Why should this neighborhood have to tolerate the addition of a university dormitory so distant to the WWU campus? Why should they have to absorb the impact of 249 parking spaces and so much new traffic through the neighborhood? Why is the city so willingly giving up such a beautiful city forest and the connections to trails? The common thread is unleashed capitalism and greed.

EMAIL
mnards@comcast.net
To Whom it May Concern:

I want to express my extreme hope that the proposed development does not happen. My family of 5 (2 adults, three kids ages 7, 5 and 4) live at 825 Nevada St., Bellingham, WA 98229, across the street from the proposed development.

This development would not be an appropriate location to build 106 three-bedroom units in a neighborhood filled with families. This development would wreck our neighborhood, the sense of safety and camaraderie that is currently enjoyed. We know each other, feel comfortable having our young kids cross the street to say hi to neighbors on the other side, ride bikes, tricycles and scooters up and down the sidewalks, shoot water guns across the street, etc.

We also have a nice mixture of retired senior citizens who live in the neighborhood. For me and my family in particular, the neighbor to our south is a sweet, single, retired lady who’s like a second grandmother.
to my children. The family directly north of us is a family with two parents, and two young kids. Directly across the street is a family with one small child, and next to them is a kind, retired couple. This is an accurate picture of our neighborhood.

I know I speak for all of us when I say that this proposed development is very scary for us. We fear for the breaking up of relationships as the traffic becomes MUCH busier down Nevada, Consolidation and Byron Streets. I won't be able to allow my kids the same freedom to ride their bikes and scooters up and down the street or to be able to safely cross the street to greet their neighbors coming home from work. Bellingham is a city committed to building and fostering authentic relationships, and this development would strike at the heart of this.

My three kids LOVE walking up the trail into the woods (the exact area of the proposed development), pretending they’re hunting for pirate treasure, looking for good sticks to roast marshmallows, searching for different kinds of animal droppings are on the trail, or looking for interesting bugs. Even though we live in the city limits, these woods have become a sacred area to our family, as well as to others in our neighborhood. It gives us a chance to slow down from the hustle and bustle, breathe deeply and truly notice the unique treasures to be found in the woods. When my children heard that the woods might be taken down for apartment buildings, they were appalled and couldn't understand how anyone would do that. Please, listen to our children. They ARE our future. Show them we care about them and their development.

Visitors to our home often comment how nice of a neighborhood we live in, and it can be all too easy to take that for granted. We are fighting now for the chance to keep our neighborhood as it is, as a safe, trusting, life-giving space for families to thrive and for senior citizens to enjoy the quiet mornings and days, punctuated only by the happy shrieks of children playing tag or hide and seek. We beg you to reconsider your proposed development.

We bought our home in 2009 and have lived here for almost 11 years. We have truly enjoyed being part of this community.

Thank you for taking the time to hear our concerns.
With great appreciation,

Cody and Naomi Bormuth

EMAIL

naomijkooi@yahoo.com
City of Bellingham
Public Comment

Entry Details

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<tr>
<th>NAME</th>
<th>Jacqueline Barnett</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<td>COMMENT</td>
<td>I am writing as a very concerned citizen that will be directly impacted by the inappropriate proposal for the City View apartment complex in the Puget Neighborhood. We bought our house 4.5 years ago at 802 Nevada Street, right below the south end of the proposed project. I have two young children and my greatest concern is for the safety of my own family as well as the safety of others regarding this project. Currently, the intersection of Nevada and Consolidation streets is dangerous. I have been nearly hit in my car and while walking by motorists that fail to stop or even yield at posted stop signs. Just the other day one of the stop signs was hit as people use the intersection improperly. I greatly fear that the massive increase in traffic will certainly result in accidents and I fear for the safety of my own children and that of others that live and play along Nevada Street. If this project is to go through something major would need to be done to address the safety of this intersection. Furthermore, I worry that the connecting streets cannot handle the increased traffic and further safety issues will ensue. People already illegally park on Consolidation</td>
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Avenue often causing dangerous conditions where visibility is limited and there is not enough room for cars to safely pass by. With increased use the dangers of this street and others will only be increased.

My next concern is that this project is not consistent with the neighborhood and the density of the project is inappropriate given the single-family nature of the neighborhood currently. It is my understanding that compatibility with surrounding property is outlined in the city’s codes, this in no way is compatible with the way the Puget neighborhood, Nevada Street in particular, was developed. The housing options outlined in the city’s infill toolkit would be much more appropriate development of this land. As it would maintain the feel of the neighborhood and would not overwhelm already troubled streets. The proposed dormitory style units would house over 300 individuals overwhelming our neighborhood and drastically changing the culture of the place we call home. I also feel that the need in Bellingham is for affordable family housing to ensure Bellingham remains a family friendly community as currently the housing market continues to price out families of low or median income. I want to live in a community where everyone can be successful and can afford to live. I want to live in a place that celebrates equity and does not promote capitalistic endeavors to benefit wealthy investors.

My final concern is the environmental impacts this project may have including hydrology and the impact that may have on surrounding habitat as well as current drainage systems. While I have limited experience with the hydrology, I do have an environmental studies degree and know that an impact to one aspect of an environment can have profound impacts to the rest of an ecosystem. I worry that the proposed project will affect groundwater flows and will in turn affect the trees that will be left standing as can be seen with another development just down the road. Some of the trees that could be affected are very large and should they become weakened or die could fall on our house harming my family. This is a genuine fear I have after seeing the tree die-off at the bottom of Consolidation Avenue in relation to the new apartment complex on Ashley Street, a complex that is much smaller than the proposal for City View.

I beg of you to not approve this proposal. We love our
home and our neighborhood and want to provide a place where our children can feel safe growing up. We were barely able to afford our home when we purchased it and would not be able to afford another home in Bellingham given current market prices. I love Bellingham, my husband grew up here and we would be devastated if we were no longer felt safe or comfortable in our home due to an inappropriate development. Please understand and hear our voices and do whatever you can to maintain the culture of our neighborhood, we are a diverse group of people that care deeply about where we live.

Thank you.

EMAIL
jraff@uw.edu
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<tr>
<th>NAME</th>
<th>Tim C Erfle</th>
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<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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| COMMENT      | I have lived in this neighborhood for 10 years, right off of consolidation street on South 42nd. I do not believe that consolidation can safely accommodate so much additional traffic as would be generated by a huge apartment complex. My daughter has to walk on consolidation to get to her bus stop, and I do not feel that it would be safe for her to do this with the additional traffic. we have occasional prowls in our vehicle in stolen property and feel like this apartment complex would not help with that issue. A development of this size, in this area, provides no positive aspects or benefits the neighborhood in any way.

Please reconsider this development. |
| EMAIL        | tim.erfle@gmail.com  |
Entry Details

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<tr>
<th>NAME</th>
<th>Deborah Hernandez</th>
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<td>CHOOSE TOPIC</td>
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<td>COMMENT</td>
<td>We just moved into the neighborhood on 42st. I think this new development will cause a lot of traffic and make it unsafe for myself and my children for going on walks. It will also increase the noise in the neighborhood. The development will also impact geology removing mature trees om the hill. I strongly believe this will impact the overall character, and our quality of life.</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:ddalvarez2@gmail.com">ddalvarez2@gmail.com</a></td>
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<tr>
<th>NAME</th>
<th>Kristen Behrends</th>
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<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<td>COMMENT</td>
<td>Concerned about the impact this will have on my neighborhood. Many families in this neighborhood and with two young children I am concerned about traffic, safety, noise and overall character and quality of life to the neighborhood.</td>
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<tr>
<td>EMAIL</td>
<td><a href="mailto:kristen.behrends@gmail.com">kristen.behrends@gmail.com</a></td>
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Hello- I am writing in opposition to the CityView project. As a Nevada Street resident, I believe CityView will cause irreparable harm to me and my family, and to all those who call the Nevada Street neighborhood home. I am not against new development. On the contrary I support new homes and complexes which fit the character, proportions and aesthetics of the neighborhood, ones that IMPROVE our neighborhood. The problem is, CityView does not meet this criteria in the least. Six story buildings towering over 2 story single family homes with a few trees acting as a barrier... Who sees that as an improvement? According to the Bellingham Comprehensive Plan, new development should improve the existing neighborhood. We would not even be discussing such a massive complex in our neighborhood if it wasn't for the DENSITY being allowed by the city of Bellingham for the property. My question is, HOW, WHEN and WHY was the density determined ? WHAT was the basis for that determination? There are serious questions that must be answered about the historical record when it comes to density. If the City of Bellingham cannot
produce the historical record and validate the density, then a new density study MUST be done. The addition of CityView will DOUBLE the number of residents in the neighborhood. Double, overnight. Is that a reasonable rate of growth for one neighborhood? Does that fit the Bellingham Comprehensive Plan? I do not believe that one complex should be allowed to impact the size and character of a neighborhood in such a radical and sudden way. The quality of life for those who already live there should be seriously taken into account. The current proposal by the developer does not include adequate planning for the cars that will be going in and out of the neighborhood, and for the parking for all the residents. NO parking is provided on site for visitors and party-goers who will be coming by. What is CityView and the City of Bellingham planning to do to mitigate the neighborhood impacts to parking, traffic levels, street capacity, noise, light pollution, and crime? The current plans are inadequate at best and nonexistent at worst. My last point has to do with the supposed purpose of CityView as a multifamily housing complex. Let's be honest. CityView units will not be rented to Bellingham families. It will not be helping to ease the affordable housing shortage in town. Few to no families will ever live there. CityView's business model shows what it really is - a college dormitory, rented BY THE BEDROOM, and the target residents will all be college students. It is disingenuous to call these "multifamily residences." I respectfully ask that the City of Bellingham Planning Department deny the CityView proposal and perform a new density study for that area, so that appropriate development can be planned for the future, development which will enhance and improve the neighborhood. Thank you! Sincerely, Murray Cunniff

EMAIL
cmcunniff@yahoo.com
Last minute views accepted.

We have come this far in the whole discussion of yet another horrendous, unnecessary building becoming an eye sore in this beautiful city of Bellingham without any one, it seems, even worrying or looking into the question of water. Not drinking water, but water running out of the ground under the basements of single family homes. Some requiring sump pumps. Water saturating the woods behind my home on Marionberry Court, and flowing like small waterfalls into the ditch dug for the purpose of keeping the water away from my home. We had to have special pipes inserted under our house and into our back lawn so it wouldn't become yet another wet lands. There are cracks in the road infront of our house from which water regularly seeps onto the road. These puddles freeze in the winter.

Where is this water coming from? This water comes from the hill where the new buildings hope to be built. How safe is that? Any chance of a land slide do you think?

Do you even know?
For give me if I sound upset about the possibilty of City View being built up there. Yes, I am very upset.

Two major undreamed of nightmares are disturbing our lives these days. The Coronavirus and the plans to build these monstrous buildings in our peaceful neighbourhood. There is definitely hope and a possibilty that the Corona virus can be cured. Unfortunately, once City View is built it will be there for ever.

Please, please consider carefully.

Thank you.

Clara Kelly.
May 7, 2020

To whom it may concern:

The concept of urban planning places entities of similar interests together so as to avoid conflict. The concept of the proposed City View apartment that will be built/placed into the Puget/Samish neighborhood without issues is beyond me. A layperson could tell you there would be plenty of problems.

It is my basis, having lived in area for over 24 yrs., that I oppose City View development for this and the following below listed reasons:

1. **Increased Traffic**. The residential streets of Byron/44th St/Consolidation cannot handle additional load of more traffic. Already cars are sometimes parked on both sides of street restricting traffic flow. Adding more cars creates a public safety and health hazard to both pedestrians/bicyclists.

2. **Speeding traffic/Noise**. This has been occurring for years now where culprits are students who have no regard for traffic laws or public safety. Speed bumps should be installed to calm traffic. There has not been any COB police enforcement to my knowledge.

3. **Narrow residential streets**. 44th St. has no curb/gutter and is very narrow with no sidewalks. As such, cars park on-street where both pedestrians, bicyclists and other cars have to navigate creating a public safety and health hazard. Pulling out of driveway, either by bicycle or car, on these narrow streets with high traffic load will present a challenges that will lead to increased risk for collisions. This city street will carry a high load of cars to City View. It’s current condition is substandard until either COB or developer upgrades this street making it both wider with curb/gutter.
4. **Car Creep** Since East Ridge apartment complex was built in 2019, there has been an immediate car parking on residential Byron because car parking was inadequately underestimated by COB planning. If City View is built, I guarantee you there will be car creep onto Consolidation, 44th St and also Nevada.

5. **Increased Frequency Student Parties** Students do not share the same values as surrounding persons who work, own and maintain their properties. Not invested into the community, they do whatever they want in a careless/reckless manner. Many times in my 24 yrs. living here I have had to call COB police to break up all-night parties. Check the record yourself! Many students were cited by police for underage drinking. Trying to break up a party myself almost resulted in a fistfight with a drunken student. I am tired of this!!!

6. **Neighborhood demise** if City View is built, there will be long term residents like myself that will just leave. Given that neighborhood is dominated by a massive apartment complex, only investors will buy the single family homes turning them into college rentals. With lack of care, the neighborhood will become blighted and ghettoed-guaranteed!!!

7. **Loss of property values** See above. Our collective home values will be destroyed by our new neighbor City View as most single family buyers will not want to locate near a large college dorm as they do not share the same values. This is a no brainer!!!

8. **Byron/44th bicycle side street** COB has a designated these streets as a low trafficked route for cyclists and as such, been marked with bicycle sharrows. This designation will be meaningless once City View has been built due to increased traffic. I bicycle about 3200-3400 miles/year here in Bellingham and about 1200-1500 miles/year on tour. The loss of easy cycling access will frustrate me forcing me to move.

9. **Increased crime** With an increase in student population, there will be a subsequent increase in crime. Case in point, about/around 2005, I had to call police about somebody trying to break into my home while I was sleeping. It was a drunk student who could not figure out where he lived. In my 24 yrs. here, I had students fire a pellet gun to my front window causing a crack and then with various incidents of urination and throwing beer bottles and cat litter onto my driveway/yard for being angry with me reporting them to either local police or public health.

10. **Too many apartments in area** No matter where I go in this area, there are apartments. I'm literally surrounded by them!!! Its high time developers start looking into Edgemore or consider Marine drive and west Bellingham. Because of historic COB poor planning, it could not decide whether this area should be apartments or single family houses. Just how could you not expect pushback from home owners about these intrusions?

11. **Lack of homeowner knowledge** If homeowners had knowledge of the Harley Parcel that was COB historically planned for students as multifamily apartments, they would have not purchased their single family homes. I for one, would not have purchased my house 24 yrs. ago. In my view, COB failed to communicate this information/intention to all parties at/or before time of home purchase. When I bought my home, the internet was just developing. On this basis, I believe COB could be negligent/liable for any/all homeowner damages including pain and suffering from moving/buying into a new area if City View is built. The COB has a responsibility here and failed to share its intention with all prospective home buyers. This could be pursued by either individual or class action law suits.

If City View is built, I will dread it along with other homeowners. I will tolerate this until my wife retires. During this time, I will be contact local police, COB neighborhood compliance for any deficits I notice. If intolerable, I will most likely move out of Bellingham feeling betrayed by the city, out of state to a nearby state or even out of the country. I believe the COB, as mentioned above, could be liable for any financial damages/pain suffering as a result my move associated with their decision to approve/allow City View apartments to be built.
Again, it is with this and other things that I cannot even yet imagine, that I am opposed to this City View apartment project.

If you have questions, please contact me at 360/421-6909.

Jim E. Le Galley

124 S. 44th St.

Bellingham, WA 98229
Dear City of Bellingham Planning Department,

As the former president of the Puget Neighborhood association at the time of the previous University Ridge proposal I strongly feel that relying now on the geohazard study done in 2013 is a big mistake.

My opinion at that time was that the geohazard study prepared for University Ridge seemed inadequate. It is my understanding that the neighboring property, Hawley Open Space was set aside because it contains wetlands. In other words, highly likely to be undevelopable. These wet areas, obviously on the side of a ridge, may exist because of springs originating from aquifer containing rock layers that become exposed to the surface there. There is a seasonal stream that runs down through the property proposed for development. All this moisture seems to be making the large trees, with underlying ferns and other moisture requiring vegetation, on these properties very happy, and they, in turn slow and absorb some of this water that would otherwise continue to flow down towards Lincoln Creek. Lincoln Creek already has flooding issues. So large scale development here has the potential to affect areas downstream from the Puget neighborhood.

These same rock layers and their associated groundwater aquifers seem to me to be highly likely to extend beneath the property proposed for development. It was my concern back then that the soil depth sampling done seemed to me to be designed to stop just as or just before that aquifer layer was unequivically detected. And, as I recall, the depth sampling did not even extend to the depth of some of the proposed footings for the buildings and associated retaining walls. Thus I was concerned that the developer was avoiding finding out much about the stability of the ground beneath the proposed buildings. On a steep slope, that might even include potential for landslides. This new developer ought to be reaquired to do a new and very complete geohazard survey.

(While I do have an undergraduate degree in geology, I am not a geohazards expert, which is exactly why I believe that the developer should hire someone with that recognized expertise, and that City officials charged with evaluating reports from those with such expertise ought to do so carefully and completely.).

I think that the City of Bellingham could also do a better job at functioning as an overall community. It does students no favors to have the housing designed for them to be so far from campus and related services and activities. It defeats important aspects of the college experience, making after class and evening campus activities much more difficult. These sorts of activities could be as important for their social and intellectual development as attending classes.

High density is appropriate and makes for desirable living space if done as part of an overall urban plan that encompasses daily life needs and activities. But not if it is plopped willy nilly here and there at the whims of a developer who has managed to pick up property at a lower price than would be the case if it were more reasonable to develop. Outlets at such an urbanized location could include a vibrant commercial district that could absorb the energy otherwise expended on loud parties at distant housing locations. Thus making Bellingham a more vibrant community for all. (Once the virus issue is over, obvously).

I believe that there are some obvious conclusions that ought to be drawn from the fact that this property has remained undeveloped for so long, that lead directly to the conclusion that it ought to remain that way. Or at the very least, be developed at very low density.

Sincerely,

Gaythia Weis
I have fond memories of Bellingham, and hope to return someday. I now reside in Longmont, CO, a City with city owned electric and fiber optic internet!!!  [https://www.longmontcolorado.gov/departments/departments-e-m/longmont-power-communications](https://www.longmontcolorado.gov/departments/departments-e-m/longmont-power-communications) Huge for software development businesses.


Prevention, by careful evaluation of natural hazards and zoning accordingly is the much better course of action.
City of Bellingham
Public Comment

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<th>NAME</th>
<th>Bill Green</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<tr>
<td>COMMENT</td>
<td>This project will destroy a neighborhood. It should not be approved. The city should not be considering this now, and should especially not be trying to rush this through without a public meeting.</td>
</tr>
<tr>
<td>EMAIL</td>
<td><a href="mailto:wdkg@wdkg.org">wdkg@wdkg.org</a></td>
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Dear Planners -

I am writing in opposition to the proposed City View apartment complex on Consolidation Avenue. I would be happy to see this project built, as proposed, in the appropriate location - which is smack-dab in the middle of the WWU campus. It is plainly apparent that this will be yet another hideous, colossal dormitory for Western students, built at the expense of a private contractor for the benefit of the landlord, and at the tangible inconvenience of residents of the neighborhood in which it lands, uninvited. And it doesn’t even address the issue of affordable housing. I’d gladly support a high rise apartment building on campus; Western can pay it’s own way for future dormitories instead of transforming Bellingham into Smokey Point or Tacoma.

Thanks.
Fritz Brune
859 Democrat St.
Bellingham
In response to PDP2019-0015/DR2019-0036/CAP2019-0037/SEP2019-0039 I am not in favor in the development of this multifamily project for the following reasons:

- I believe we should conserve the current living condition in our neighborhood including forestry and wildlife
- Increasing traffic will potentially endanger road conditions for our friends and families, especially under extreme weather conditions
- Increase in noise will make environment unfavorable
- I believe we need to preserve the privacy of our homes
- We would be depreciated from having direct sunlight
- I strongly believe that such a project would affect our community as a whole, as an essential healthcare provider, I believe we need to come together as a community and look at things from a holistic perspective.

Thank you for considering our opinions

The Hernandez Family
138S 42nd st
The property seems to have many unique geologic, groundwater, and arboreal aspects to it. It would be good to preserve it something like the Sehome Arboretum. While at it, more wildlife corridors and stream restorations should be promoted. The rush to haphazardly plop boxy dormitories around town as fast as possible seems unwise for a host of reasons. It is environmentally destructive. The buildings are ugly. They are highly inconsistent with neighborhood character. Such large populations of student tenants have the potential to create undue noise, litter, vehicular problems and other questionable activities. Enabling developers and the University seem to be misguided purposes; serving the entire public without bias would be more equable. Leaving a legacy of moral caretaking of durable land and life would impress ethical young people and grandchildren more than buildings of time-limited value and lacking in aesthetics. The president of WWU said on tape in a City Hall meeting that 25% of the students have mental health problems. The student population should be decreased by that much if applications cannot be better screened. Because of the pandemic and economic depression, many students will not return to campus. If the university endures, there may be social density provisions that do not align with such unpleasant buildings. Was it Aldo Leopold and Theodore Roosevelt who conveyed such thoughts as: One shouldn't tinker with nature without saving all the parts? I saw an interview with a microbiologist who said Covid-19 is a dress rehearsal for bigger pandemics. So besides the imperative to not obliterate every existence of nature in the urban environment, I would think pandemics and other emergency preparedness should dominate planning thinking rather than bowing to WWU and developers. Posterity matters, if it happens. I thought this BBC article is on point:

Best wishes,

Liz Marshall
98225
CityView will provide a tremendous influx of traffic and decrease safety in our neighborhood. CityView will pose environmental impacts, provide additional noise and light pollution, and illegal dumping of unwanted and broken furniture in our neighborhood.

1. Increased traffic and overflow off-site street parking, decreased safety. Overflow street parking due to CityView will reduce the visibility of crossing pedestrians and drivers accessing their parked vehicles. This is especially of concern at the narrow, hilled, curved portions of the roadways traversing our neighborhood where vehicles are already parked on one or both sides of the street and/or where sidewalks are unavailable. The narrow roadways and roadways with street parked cars forces drivers to travel in the center of the roadway. With the added traffic and street parking due to CityView, an increase in vehicular accidents is definite. In addition, overflow street parking from CityView will create undue burden on the nearby households with multiple drivers utilizing street parking.

2. Environmental impacts. Loss of wildlife habitat. Loss of trees and the addition of impermeable surfaces pose water runoff and soil erosion hazards. The development of CityView may cause structural and drainage problems to the surrounding homes. A number of Nevada Street residents already have at least one sump pump in their crawlspace and yard drainage issues. The City of Bellingham prides itself on being an environmentally conscious city. 3 bathrooms in a 3 bedroom unit is unnecessary, contributes to our city’s carbon footprint, and most importantly, the space used to provide an excessive number of bathrooms could have been used for additional bedrooms. The 3 bedroom and 3 bathroom design of CityView exacerbates our city’s crisis for affordable housing. This “multi-family apartment” is in no sense affordable for a middle income family or a single parent. Basic math indicates a monthly mortgage for a no-frills home would cost less than the monthly rent for a unit at CityView. Student housing needs to be placed along an arterial roadway, which will promote the use of the bus system, sidewalks, and bicycle lanes. Proper placement of student housing will reduce vehicle dependency, congestion, and our city’s carbon footprint.


4. Increased litter and illegal dumping. Beverage containers, food wrappers, etc. Unwanted, worn out, broken sofas, mattresses, tables, lamps, chairs, shopping carts, etc. This is already a problem in the neighborhood, particularly around the apartments and rental houses.

Thank you for considering my comments.
Lani Gabriel

-drainage, runoff, and lack of sidewalks on S 44th St and east end of Byron Ave (photo 1 and 2).

-drainage, runoff on Consolidation Ave (photo 3).

-318 units, 249 on-site parking spaces. A number of tenants will double up per room to save money, there will be live-in boyfriends/girlfriends/partners, and regular overnight guests. Overflow street parking will increase the areas and frequency of driving in the center of the road (photo 4).

-poor visibility due to street parked cars, illegally parked cars, intersection design, and vegetation. 2-way stop intersection, vegetation, illegally parked cars at Byron Ave and Ashley Ave (photo 5, 6, 7); narrowing corner and street parked cars: Byron Ave and S 44th St (photo 4); blindspot from the hill, illegally parked cars, street
parked cars narrow Consolidation Ave and block the visibility of people at mailboxes: Consolidation Ave and Ashley St (see phone 8), Consolidation Ave and 43rd St, Consolidation Ave and S 42nd St/Blueberry Ln; blindspot from the hill, street parked cars narrow Byron Ave and block visibility of people at mailboxes: Byron Ave and Milton Street, Byron Ave and Jerome St. See photos. CityView will increase traffic and street parking, reducing visibility and safety.

-one of several dump sites in the neighborhood. (photo 9)

Photo 1
Dear Planning and Community Development Department,

I write to appeal to you to stop this latest proposed threat to the well being of the citizens of the Puget and Samish neighborhoods. While it is obvious to anyone possessing both honesty and intelligence that the project proposed by the applicant, Morgan Bartlett, is not at all suitable for the proposed location, we live in uncertain times in which government officials sometimes permit immoral and unjust acts. It doesn't matter how some group of idiots (or crooks) may have zoned the parcel, to build 106 three bedroom units of STUDENT HOUSING right in a family neighborhood would be an unconscionable act. My neighbors and I would welcome more houses and duplexes on the land, in accordance with the character of the neighborhood, but please forgive us for not wanting our well-being and property values destroyed. Despite what April Barker would have you believe, ownership of a single family dwelling is not a crime (yet) nor is it racist. Our neighborhood of families is amazingly racially diverse - as I look out my window I see families of European, African, Asian, and East Indian descent - all living in single family dwellings.

Now, aside from the moral and ethical objections alluded to above, there are practical reasons for not approving this behemoth. 249 parking spaces for 318 bedrooms is not nearly enough, no matter what your little slide rule might tell you. Every one of those bedrooms will house a driver and they will have visitors. The parking is already a nightmare along Consolidation and Ashley Streets. Much of the time traffic can only be one way on Consolidation due to cars parked on both sides. The amount of traffic this will add will be enormous. Also, **Don't accept any traffic impact study conducted while school is not in session or during the Corona outbreak** - it will give an inaccurate picture of what is normal in the area. If you do accept such a study, we will know that this entire process is a dishonest sham. The added noise from these apartments will make living in the homes nearby almost unbearable. Loss to property values will be severe. It just seems wrong to punish innocent citizens this way when it can easily be avoided.

I am hopeful that this letter reaches someone in the planning department who stills cares at least a little about the quality of life of the citizens of Bellingham - someone who will help us fend off this latest assault.

Sincerely,
Christopher Jensen
4204 Honeysuckle Place
Bellingham, WA 98229
Dear Planning and Community Development Department,

My wife and I are writing to you in opposition of the CityView (CV) development proposal. Following are reasons why we are against the project.

During a Q&A session with Morgan Bartlett Jr. in the summer of 2019, he stated that he wanted to create the development to add more affordable housing in Bellingham. When asked what he would charge for rent, he said that at the current time in 2019, the approximate rent would be $700 per bedroom, or $2,100 per unit, and that it would probably be more by the time the project was done. This is more than the mortgage payment for our house. According to the US Census Bureau, the median household income in Bellingham is $50,844, based on 2018 estimates. Paying $2,100 for rent over 12 months would equal $25,200 per year—in rent—almost 50% of the median income! How is this affordable housing? Clearly, this is catered to individuals who will pay rent separately for each room, and not families, which Mr. Bartlett would not admit.

Regardless of who these apartments are meant for, the development is not the right fit for this neighborhood. Destroying a nice greenbelt that is home to local wildlife and putting a large apartment complex in the middle of a housing development will hurt the character of the neighborhood, and the apartment complex will look out of place. We purchased our home because it was the right house, in the right neighborhood, and we love where we live. Many of our neighbors love where they live, too, but the neighborhood dynamic will change if CV is built in the proposed location. This, among other factors which I mention below, will contribute to a decrease in our property values. It is not fair to those of us that have invested in our homes, and in our neighborhood. The home values of my neighbors whose homes back up to the greenbelt that will be eradicated, and that will have apartment residents with a clear view looking into their back yards and windows, will be hurt the most.

The Maple Park Apartments (MPA) at the corner of Ashley Ave. and Lincoln St. are located nearby. According to apartments.com, there are one, two, and three-bedroom units, totaling 184 units, with two parking spots per unit, for a total of 368 parking spots at MPA. However, the streets near the apartment complex are still lined with cars (see attached photos Ashley-1 and Ashley-2). While Maple Park has more units than the proposed 106 three-bedroom units for the CV project, there are only 249 parking spots at CV. Not everyone will have a car, obviously, but there will be some renters that will average more than one car per room, and the residents will have guests over that will take up parking spots, leading to more people parking on Consolidation Ave.

At times, there have been cars parked on both sides of Consolidation Ave., even on parts of the hill with No Parking signs. When this occurs as cars are going in opposite directions, cars have to go up and down the hill one at a time. This is dangerous and should not be allowed, but this will become a regular occurrence if the CV project is constructed (see attached Consolidation pictures). This even occurs on the other road leading up the hill from Lincoln St., Byron Ave. (see attached Byron picture).

There is often junk and old furniture dropped off across the street from MPA—instead of disposing of it properly by selling it, donating it, or taking it to the garbage dump, items remain there until they are finally picked up, which can take weeks. This is unpleasant to look at and reflects poorly on the neighborhood. This is occurring because the renters
lack the ‘pride of ownership’ that exists in people who own homes in this neighborhood. This has also happened on Byron Ave. (see Mattress by road picture), and is likely to happen on Consolidation Ave. if this project is approved.

Consolidation Ave., Nevada St., the other nearby neighborhood roads, and the intersections with Lakeway St. and Lincoln St. are not equipped for this. Have you ever tried to take a left onto Lakeway from Nevada around 5 p.m. during the work week? With all the traffic on Lakeway, it could easily take over 10 minutes. How do I know? I used to drive on Nevada St. on my way home from work, and many times it took over five minutes to turn left from Lakeway onto Nevada, which forced the cars waiting to take a left from Nevada onto Lakeway to have to wait for me. This causes drivers to get frustrated and take risks to merge into traffic – I have seen many near-miss collisions there. I have also made the mistake of trying to take a left from Nevada onto Lakeway around 2:00 p.m. during the work week, and it has taken me over five minutes – I don’t take lefts there anymore.

Instead, I drive to Lincoln St. On a normal weekday during the academic school year, if you try to turn left onto Lincoln St. at around 7:45 a.m., you may have to wait for multiple minutes. Additionally, traffic backs up at times from the stop light at Lincoln St. and Samish Way – making the wait even longer. This will get worse, even if only a small percentage of the 249 CV cars commute at that time. Speaking of Samish Way, it gets backed up on the overpass and when taking a left onto Bill McDonald Parkway in the mornings, but it is even worse in the evenings. From roughly 4:00 p.m. to 6:00 p.m. (sometimes earlier and later), I’ve seen Bill McDonald back up to Sehome High School, and if you try to head towards I-5 from Samish Way, it can take multiple stop light cycles to get through the Samish Way and Bill McDonald intersection – I’ve sat there for three light cycles before I was able to make it through the light. This is because the traffic is backed up from motorists waiting to head north on I-5.

Are there any plans to address the traffic issues on Samish? I’ve heard that a “road diet” is planned, where a lane will be removed to add a bike lane – this isn’t working on other streets it has already been tried on, and it won’t work on Samish, so I hope this is a false rumor. Please do not try that. The already-bad traffic will only get worse if the CV project is approved. People are not going to stop driving their cars. There are a lot of hills in Bellingham, and many folks do not want to ride bikes to work and get so sweaty that they need to take a shower.

I understand that the owner of the land where CV is proposed wants to cash-in and make a profit. While I do not want to see the greenbelt go, I would be much more open to a new housing development. This would be a smaller overall footprint, less traffic, less people, and less likely to hurt our property values than the apartment complex.

Thank you for taking the time to read this. Please feel free to reach out to us if you have any questions.

Sincerely,

Jared and Megan Havens
Re: Development of 4413 Consolidation Ave

From:
Taimi Dunn Gorman
1011 Queen St
Bellingham, WA 98229
taimi@gormanpublicity.com
360 201-8884

I am writing to offer my comments on the proposed development of a large apartment complex in my neighborhood.

Other groups have attempted to build on this land but withdrew their proposals. But the same problems that existed then exist now.

1) Parking. Although the project claims to create more parking spaces than required by the city, 249 vehicle spaces for 106 3-bed units is not nearly enough. By taking a drive around the area, it’s obvious to see that every apartment complex causes parking overflow into the nearby streets. An example of this may be viewed on nearby Blueberry Lane, where both sides of the street are crowded with student cars due to lack of onsite apartment parking. 318 bedrooms likely means 318 cars, and although the project claims to be open to other occupants besides students, the buildings are a few blocks from the WWU park and ride, and students will be the major tenants.

2) Residential Area. Nevada Street is an area with nicely kept up single family homes. People have invested everything they own into living in a quiet neighborhood without expecting that a large “dorm” complex was going to be built in their backyard.

3) Traffic. Studies of the traffic increase on Consolidation and Nevada Streets confirm that these residential areas will be subject to more cars driving through the neighborhood. Children play ball in these streets and pets walk. The nature of this area will be forever changed.

4) Noise. Students are notorious for making noise all times of the day and night. This very quiet area will be subject to late night arrivals when the bars close, conversations in the parking lots and deck gatherings.

5) Litter. A trip around the side streets is all one needs to compare the litter level of the apartment occupants to the clean, kept up sidewalks and streets of the residential neighborhood.

6) Views. Neighbors on Puget St above the complex will have a view of these multi-story buildings and all-night parking lot lights. The homes on this street are expensive and single family. They didn’t buy into this area assuming they would be looking down at a “dorm”.

7) Wildlife. The forest torn down for this apartment is home to hundreds of small animals and birds. There are few wild places left for them in our growing city.
In closing, I would like to add that I was a student at WWU from 1973 to 1977. At that time, only about 50% of us owned cars. That has changed. There were also specific neighborhoods where students lived, and residential areas where families could live without the noise that accompanied the student population. When we bought our home on Queen St., we were attempting to live in a single-family area. This development brings multi-unit challenges and traffic just down the street from us.

I request the City of Bellingham deny this project and that the land be rezoned single family in keeping with the neighborhood around it.

Thank you

Taimi Dunn Gorman
NAME: Erin Chervenock-Johnson

CHOOSE TOPIC: CityView Project

COMMENT: Regarding the proposed 4413 consolidation, I am absolutely opposed to this project. This area is all single home residential, with many young families, small unlined streets with no sidewalks, and children that have been safe to ride their bikes in the neighborhood. We see many deer and other gentle wildlife from the greenbelt. This project absolutely destroys all of that. I am absolutely opposed to this project.

EMAIL: echervenock@gmail.com
Entry Details

NAME
Bill Green

CHOOSE TOPIC
CityView Project

COMMENT
This project will destroy a neighborhood. It should not be approved. The city should not be considering this now, and should especially not be trying to rush this through without a public meeting.

EMAIL
wdkg@wdkg.org
City of Bellingham
Public Comment

Entry Details

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<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<td>COMMENT</td>
<td>Please do not let city view a 106 3-bed units go into a family neighborhood. This is not the place for this to be built. The parking spaces planned at 249 is not enough so cars will be parked on both sides of Nevada and on Consolidation which will not be safe for the neighborhood children playing in their own yards or owners backing out of their driveways. Stop city view from building in a family neighborhood.</td>
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<td>EMAIL</td>
<td><a href="mailto:nancywopperer@gmail.com">nancywopperer@gmail.com</a></td>
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**Entry Details**

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<tr>
<th>NAME</th>
<th>Charles Marcks</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<tr>
<td>COMMENT</td>
<td>Please carefully consider how this project will impact all the quiet single family residences that surround it. Aside from placing monstrous apartment buildings in the middle of houses (creating a &quot;cliff&quot; of buildings), it will bring an enormous amount of additional traffic deep into a residential area, for which the streets were not originally designed. I live on 41st Street (off of Consolidation), so I am deeply concerned that there will daily be hundreds of cars that would be driving up and down Consolidation to get to this complex. Because of all the cars that already park directly on Consolidation, you generally have to pull to the side to let another car drive the opposite direction (if you have not driven up Consolidation, I HIGHLY recommend you do so to get a feel for this safety issue). I imagine someone has already forwarded the attached &quot;homemade&quot; photoshop rendition of the project, but please take a look at it and think about if this was your own backyard, view from your bedroom, street that you lived on that will now have all this additional traffic etc. - thank you so much for</td>
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your consideration of our quiet little neighborhood and your help to Bellingham's residents!

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<th>FILES</th>
<th>CityView Dormitory Complex.jpg</th>
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<td>EMAIL</td>
<td><a href="mailto:cm.bhm.wa@gmail.com">cm.bhm.wa@gmail.com</a></td>
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I am not in favor of the CityView Project. If this 3-building, 318 bedroom student dormitory complex with only 249 parking spaces for most likely 300+ college student renters with cars will create huge amounts of traffic and parking problems that will affect Consolidation and Nevada not to mention the neighboring streets that are not built for that kind of traffic volume or congestion. With only one entrance and exit onto the streets around the CityView project there is really now way the streets around the project could handle all the volume this would generate. Please do not allow this project to go forward as is.
To Whom It May Concern,

I am a homeowner in the Puget Neighborhood, and in the six years since we bought our home on Blueberry Lane, I’ve watched the neighborhood slowly morph from being filled with single families, to the equivalent of an off campus dormitory. What had been single family homes on my cul-de-sac are now almost all rentals where rent is charged by the room. While I would like to tell you all of this has devalued my property, the sad fact is that the property value has actually increased as a result of the demand for single family homes that are then turned into rent-by-the-room short-term student rentals. The reality, however, is that it’s only our quality of life that has gone down. We have gone from having friends and knowing our neighbors to having them change out every semester or so. There are many downsides associated with these changes to the neighborhood:

- In the past 6 years, my son went from having other kids in the neighborhood to play with to being alone, as more and more houses rent to Western students.
- We can’t let him play on the sidewalk of our cul-de-sac anymore, because the Western students drive far too fast and aren’t looking out for kids.
- There is no longer any street parking at all on my street. Many lawns have been turned into unofficial parking spots, because houses rent by the room.
- Driving on Blueberry Lane has become difficult, because what had been a two-way road is now reduced to an unofficial one-way road due to all the cars parked on both sides of the street. I’ve nearly had several head-on collisions with college students who were driving too fast and not watching where they are going.
- Our cars have been burgled several times, and we have to take care to not leave anything valuable out in our cars or people will break in to get it, despite our security system.
- People dump old furniture and couches every year when the Western semester ends — there is currently a dresser dumped by the mailboxes on Blueberry Ln.

The CityView Project will do nothing for the City — its only purpose is to serve as an off-campus dormitory, much as the Lark complex on Lincoln does. I believe that this project will ruin what is left of our neighborhood’s character, and runs contrary to Policy LU-4 and Policy LU-8 of the Bellingham Comprehensive Plan. You cannot allow this project to move forward, or those of us last remaining legal homeowners will flee the area. If this trend continues, the neighborhood will turn into the next Texas Street, and no one wants that.

Please preserve the integrity of the Puget Neighborhood and deny this project.

Sincerely,

Erin Strang
To whom it may concern,

I own a home in the Puget Neighborhood. In the last 6 years that I’ve lived here I’ve watched the neighborhood change from single family homes, into college rentals, with students stacked in paying by the room rates. This leads to a lot of problems. I’ve watched my son go from playing with his neighbors, to having no friends to play with. The crime in the neighborhood has increased. Our vehicles are frequently broken into, we have had lots of people jumping our fences to try to break into our shed. Not only has the crime increased, so has traffic. Our street is now effectively a one-way street due to the room by rent housing and over population. The students drive far too fast in the area, making the cul-de-sac and sidewalks dangerous. We’ve already had several close calls on simple walks to the mailbox. We’ve had lots of incidences of parties getting out of hand, trashing the street and sidewalk, people sleeping in cars, etc. We know every semester is over by the amount of abandoned furniture left out in the rain with a dripping “free” sign on it. Adding a
huge complex will just add to the issues, making the neighborhood more like a Greek Row than a family neighborhood.

CityView Project will do nothing to help Bellingham. It will just force the Puget Neighborhood to finally turn into an extension of WWU campus. Its sole purpose is to be a dormitory. It also should be noted that the project contradicts the Bellingham Comprehensive Plan Policies LU-4 and LU-8. Allowing the project will force this neighborhood to lose the last of its homeowner/residents, and turning a beautiful neighborhood into another area waiting to be trashed by the next semesters students.

Please deny this project and preserve the integrity of the Puget Neighborhood.

Thank you,

Ian Strang
Homeowner/Resident in the Puget Neighborhood

EMAIL

ryderak@gmail.com
Hello,

My name is Oliver Strang and I am an 11 year old who lives on Blueberry Lane in the Puget Neighborhood. I’m asking you to reject the CityView project. It will hurt me and my family.

Taking out a bunch of green space near my home is really hurtful, because I love the green space near our house. I love looking at the trees near our house when I wake up, and taking that away is like taking away a part of me. Sometimes we need nature, and I’ve especially needed nature now during this period of coronavirus.

I like to ride my bike, but my cul-de-sac is too busy with traffic from Western students who live in houses by my house, so my mom and dad have to ride with me for safety. I can’t even play in my neighborhood because the traffic is so bad. It’s just too busy. I have almost been hit by a car on several occasions, and I’m scared to ride my bike or walk the dog alone. The traffic on our street is really, really bad, and I’m afraid...
it will get much worse because of this project.

I appreciate you listening, and thank you for doing what you can to preserve our neighborhood.

Thank you,

Oliver Strang

EMAIL

oliverrstrang@gmail.com
As a homeowner a few blocks from this proposed development, I am concerned about the traffic implications of adding an apartment complex with 249 parking spaces to a mostly single family neighborhood. In the almost 18 years of living here I have seen nearby homes become rentals and an apartment complex built (at the corner of Ashley and Byron Streets), both of which generally do not provide enough parking to meet demand. This has led to illegal street parking. Often at the end/beginning of the day there are vehicles parked at the intersection of my street, making it hard to see traffic. From what I understand, the traffic study was conducted last June after school was out. This means that trips by school buses and parents, and by WWU students renting houses nearby, were not counted to the amount that they would have a month before.

Thank you for considering these concerns,
Alison Costanza
206 Jerome Street
| EMAIL          | AlisonCstnz@aol.com |
As a long-term Bellingham resident, mother of 5th generation Whatcom County natives and local Realtor, I want to express my strong opposition to the CityView Project. Clearly this proposed project does not benefit the current neighborhood and is a detriment to the community residents. I, too, am not in favor of the use of this parcel of land in such a manner. Cottage style homes and other creative single family home styles would offer continuity & neighborhood integrity. A project of this nature is not well suited in this location and I urge you to deny the permit.
A good idea in the Wrong Location
The proposed CityView project will be a six-story monolith placed directly behind nine residential homes and surrounded by over a 150 single family dwellings. It would be located nearly a mile from the nearest retail store and a half of a mile to the nearest bus stop. Currently, the Puget Neighborhood is an eclectic collection of individuals of all ages and nationalities. People on a walk stop to visit. On a sunny, the sounds of playing children fill the air, yet it is a peaceful, quiet and serene environment. The CityView project will destroy that. For 548 consecutive days, the sound of kids laughing will be replaced with the screech of power saws. The chirping birds will be over powered by the banging of hammers and conversations between neighbors will be drowned out by the roar of dump trucks and construction equipment.
The photographs demonstrate how out of scale this project is for the Puget Neighborhood. The apartments are designed to house students and Young Professionals in dorm like rooms. You could logically assume that for nine months, while Western Washington University is in session, that from Monday to Friday up to 338 people will depart their dorm, for work or school. And, that for seven days a week, some will travel to grocery stores, dentist appointments, trips to the movies and yoga classes. A few might carpool and a some might hike to their destination. In reality most will drive.
In Bellingham, it rains or snows, on average, 158 days a year. The nearest bus stop is at the base of a steep hill; half a mile from the compound. Fred Meyer’s is .7 miles away and it is a 42-minute hike to Western Washington University.

Can you visualize 338 young professionals, or students, hiking through a heavy rain, on a dark, cold morning with a biting wind coming down out of the Frazier Valley, to get on a bus that will take them to work or school. And then, on the way home, to hike back up the steep hill. It’s like climbing 15 stories, over 158’. With a soggy bag of groceries or a backpack stuffed with books...that seems highly unlikely. Most of the 338 will be driving their own vehicles.
**Would you allow a six story factory with 338 employees to be constructed in the middle of a quiet residential neighborhood?**

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<tr>
<td><strong>Number of Beds</strong></td>
<td>318</td>
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<tr>
<td><strong>Bed % with 2 People</strong>*</td>
<td>12%</td>
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<tr>
<td><strong>Not everyone sleeps alone</strong></td>
<td></td>
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<tr>
<td><strong>Number Residents @ 100% Occupancy</strong></td>
<td>356</td>
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<tr>
<td><strong>Average Occupancy Rate</strong>*</td>
<td>95%</td>
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<tr>
<td><strong>Comprehensive Housing Market survey, March 2017, page 10</strong></td>
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<tr>
<td><strong>Total Occupancy</strong></td>
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<tr>
<td><strong>% With Vehicles</strong></td>
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<td><strong>Number of Cars</strong></td>
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<tr>
<td><strong>Average # Trips: weekday</strong>*</td>
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<td><strong>Work, school, visitors, shopping, deliveries (UPS, pizza, ETC) and recreation</strong></td>
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<tr>
<td><strong>TOTAL Number of Trips</strong>*</td>
<td>374</td>
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<td><strong>187 coming &amp; 187 going</strong></td>
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Their primary route will be up and down Consolidation. When you consider guests and deliveries, there will be over 374 trips up or down most days. From the photographs, you can see the street is not equipped to handle several hundreds more vehicles per day. For that matter, it is ill equipped to handle today's traffic. All the way down Consolidation, when a vehicle is parked on the northside of the road and another on the south side, you have to find a spot to pull over to let traffic pass. At the entrance to the dorms, on the corner of Nevada and Consolidation, the street is only 24’ wide.
As the street exists now, there is no way a large construction vehicle and automobile can use the road at the same time. When completed, the additional hundreds of vehicle trips per day will turn a residential street into a road funneling heavy traffic onto the Lakeway/Lincoln corridor and into the crowded Seahome area.
Already, trying to make a left turn from E Maple to Lincoln and from Nevada to Lakeway, from 3pm to 6pm, is a challenge that borders on impossibility. Since the Maple Park Apartments started charging $40 a month for parking, in the evenings and on weekends when school is in session, every parking space from Lincoln to Blueberry Lane (occasionally to 43rd) is taken.
Twenty-eight feet is the minimum width for a two-lane residential street. Up to 35’ is recommended for heavy traffic. The cost of bringing 246 drivers into a neighborhood of single-family residents goes beyond the destruction of the character of the neighborhood. The dollar cost for the citizens of Bellingham for infrastructure will be in the millions.

Will the contractor pay to widen Consolidation before starting work on the project? Is Madrona Bay planning to pay for stoplights at Lincoln and E Maple, and at Nevada and Lakeway? Will they pay to upgrade Consolidation to handle the volume of traffic created by the 338 occupants at CityView? Or are the taxpayers of Bellingham responsible?
Some standards do stand out as reasonable minimums. For emergency access, 20 feet is commonly accepted as a minimum width for two-way traffic. In addition, eight feet is necessary for on-street parking. Therefore, 28 feet is a widely accepted minimum curb face to curb face neighborhood street width.

plaernetweb.com - 2013/10 - width-
I thought our goal is to create 7 urban villages that would reduce traffic by locating dense population centers at transportation and retail centers. If completed, this project will add hundreds of drivers to plug our roads, cost our city millions of dollars in infrastructure and destroy the quality of life in the Puget neighborhood.

On a dark winter’s night, when a family of four is killed trying to make a left turn onto Lake Way, or on a morning before sunrise, when a car, rushing to school or work, hits a group of kids dressed in black, waiting for the school bus at the corner of Ashley and Consolidation, are we going to say it was worth it to place 338 students and young professionals on a hill in the middle of a residential neighborhood?
This development belongs in the center of one of the seven urban villages. There is property for sale at the bottom of the hill on Lakeway. Near Fred Meyer, and where there is a bus stop at the front door and with a supermarket across the street.

Fixing Consolidation will cost between $2,500,000 and $3,750,000 to upgrade and handle the additional traffic. Stoplights will add another $500,000 to $1,000,000.

It might be a little more expensive for the developer, but it will be far less expensive and better for all Bellingham taxpayers, if the developer relocates to a more suitable location. There is no need to destroy the quality of life for the residents of the Puget Neighborhood, spend a massive amount of taxpayer money and further gridlock our streets, just to satisfy a developer’s greed.
### Road Access to Lincoln from CityView

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<th></th>
<th>Distance</th>
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<td>E Maple</td>
<td>0.05</td>
<td>$150,000</td>
<td>$250,000</td>
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<tr>
<td>Ashley</td>
<td>0.10</td>
<td>$300,000</td>
<td>$500,000</td>
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<td>0.75</td>
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### Additional Stop Lights

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<td>$500,000</td>
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<tr>
<td>Nevada &amp; Lakeway</td>
<td>$250,000</td>
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### Annual Stop Light Maintenance

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<td>Lincoln &amp; E Maple</td>
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<td>Nevada &amp; Lakeway</td>
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<td>Annual Stop Light Maintenance</td>
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Construct a new 2-lane undivided road—about $2 million to $3 million per mile in rural areas, about $3 million to $5 million in urban areas. Construct a new 4-lane highway—$4 million to $6 million per mile in rural and suburban areas, $8 million to $10 million per mile in urban areas. Apr 26, 2019

It costs the taxpayer $250,000 to $500,000 to purchase and install a traffic signal. Electric bills and routine maintenance amount to about $8,000 a year.
The City View is not a project isolated in the middle of a forest.

It is a gigantic complex of three and six story structures, sitting on top of a residential neighborhood.
Will the additional traffic put our children at risk?

Nevada St to Lakeway is too narrow for heavy traffic and a stoplight at Lakeway will be necessary.

Who will pay to widen 64th to handle the students driving to WWU?

Consolidation should be upgraded before any construction.
A good idea...In The Wrong Location

Steve & Carol Woody  
832 Nevada St, Bellingham, WA  
stevewoody@yahoo.com  
425.503.6999
Aven, Heather M.

From: Sandra C. <l1nlyna@gmail.com>
Sent: Friday, May 8, 2020 6:08 AM
To: G.Proj.City View
Subject: CityView

To Whom it May Concern:

CityView, the proposed development, would be built directly behind our house.

We are very concerned about this and sincerely hope the proposed development does not happen. We understand that it is important for Bellingham to have affordable housing, but we believe that it should be done in a respectful and honest way that does not harm the community.

My husband and I saved for several years to purchase a house to raise a family in. We looked for a neighborhood that was child and family friendly, and our neighborhood has not failed to deliver. We live across the street from a family with three young children, whom we share weekly dinners with. Next to them is another family with two young children, and they have also become our trusted friends. On their other side lives a retired woman, who has lived in her house since the time it was built--she dedicates her time to volunteer work, and when I was struggling as a new mother, took weekly walks with me and offered much appreciated support. Our next door neighbors are a lovely retired couple, and on our other side lives a young couple who just purchased their house and are dismayed at the possibility of CityView being built. This is a small, but accurate snapshot of our neighborhood. It is not an exaggeration to say that this is a community of people who have worked so hard to live in a neighborhood where they feel safe and where we share a sense of camaraderie. It is the reason we are united in speaking up and defending our community.

I believe CityView will harm our neighborhoods. I don't believe CityView is being honest by portraying itself as affordable multi-family housing--I believe CityView will be used as a college dormitory for students of means, as each unit will consist of 3 bedrooms, each with an attached bathroom. I don't believe CityView is being honest in its effort to protect the property of surrounding homeowners--a new geohazard study was requested by the city, and this requirement was not met. Instead, an old study was submitted, one conducted in 2013 that does not address neighborhood concerns. Lastly, I don't believe CityView is being honest in fairly taking into account the context of the area it will be built in--CityView will not result in an improvement to the surrounding neighborhoods. The increased noise, which will not be sufficiently mitigated, increased traffic, which our streets are not equipped for, and additional run-off, which will harm our properties, are all real and important concerns that pose a danger and hazard to our residents, our children, and our homes.

Bellingham is a wonderful city that I am proud to belong to. This neighborhood is not just a collection of houses, it is my home and the home of my friends and family. We have worked hard to live here and value the safety of our families above all else. We sincerely hope the city will hear our concerns and reconsider the proposed development.

Thank you for your time,
Sandra and Frank Chu
From John Parish, home owner, Nevada Street

Dear Ms. Bell:

I am sure we all know the multitude of reasons why this complex should not proceed. I will bypass all of the rational reasons sent in by other home owners and go to one extremely important issue.

**COMMON SENSE**

This property is like an island surrounding and impacting one and two story homes. These are the residents that rely upon you and the city council to safeguard their properties.

**ENTRANCE**

The developer wants to drop a huge property complex in the middle of this island. A one way in – one way out onto Consolidation Avenue which is unequipped to handle the construction traffic, let alone the current residential traffic.

**WHY**

The developer of this complex will generate $250,000 to $275,000 cash revenue each month. This developer is totally disregarding the disruption of lives and devaluation of homes and property of all neighborhood residents, which it will assuredly do.

**THE BIG FACTOR**

Please get in your cars and drive to the end of Consolidation Avenue, where the entrance to the complex is proposed. Picture attached. I point this out because it is the ONLY entrance for this project.

**One way in – one way out.** NO other entrance is available in the 360 degree circle. This developer will need to remove a huge part of the mountain between Puget Street on the top, and Nevada Street on the bottom of Consolidation Avenue. The developer has most certainly played this aspect down.

Cutting the base out of this mountain will cause severe problems in the future. Let’s all remember last February and the hills sliding, shifting and roads cracking.
Retired seniors, families with children, everyone that so worked hard for their homes and do not want it all to go up in construction dust.

What are all of the home owners on Puget and Nevada streets expected to do when this starts?

The construction activity alone will drive many home owners out. This is of course, assuming that anyone will want to buy their home once they are aware of the the possibility of this mass construction.

Finally, I hope the City of Bellingham and the developer are ready for the multitude of law suits that will certainly follow by approving this complex caused by the property changes.

John Parish
360-733-3674
852 Nevada Street
Bellingham, WA 98229
WHAT DO THE HOME OWNERS DO?

X marks the one entrance to this monster project
One side road is the total entrance for this complex
Out of this one entrance for at least eighteen months neighbors will have Tree cutters
Tree Hauler trucks - Flat Beds transporting Caterpillars. Earth movers, earth dump trucks
Supply trailers, dry wall deliveries, pipe deliveries, Cement Trucks
* Not including no parking so delivery flat beds & trucks park on side streets.
We have not even covered the construction workers & their parking.

What will the home owners do all this time. Leave town!
This project on this property makes no sense - Like strip mining a property
Not much left when finished.

From 7:00 AM to 6:00 PM    SEVEN DAYS A WEEK    all Neighborhood residents will not get sleep in or have peace and enjoy their homes and back yards.

This is 100% family residences - why drop this 5 1/2 story building
Right in the middle of one & two story houses.
On the attached photo, it shows the tall mature trees covering the platt proposed for the CityView dormitory complex development.

Two key points to observe from this photo:

1. The homes on Puget (way up on the top left) is on Puget Street at an elevation of about 450 feet while the homes on Nevada is at around 150 to 180 feet. This strip of forest covers a terrain that spans at least 270 feet. Some areas has been reported to be over 45% grade. 51% clearing of the mature vegetation requested by the developer on this strip of land introduces a risk to the soil stability, resulting in instability to Puget Street above and uncontrolled groundwater or even mudslide, damaging yards and homes on Nevada.

2. The proposed development designed an emergency fire lane, exiting from the site onto Nevada. Note the narrow strip of blackberry patch next to the first white house on the lower left foreground. Also note the narrow residential street--Nevada. Can a full size fire engine make this turn? What if there are couple of cars parking on the east side of Nevada?

The scale of this proposal is unfit for this neighborhood. These are just two examples of the numerous environmental, safety issues that results from a development proposal that is too big, unfit for this area of our neighborhood.

Alan Hui & Angela Chen
851 Nevada Street
Dear Ms Bell and Mr. Sepler,

As residents of the Puget Neighborhood, we write to register serious concerns regarding the City of Bellingham approving the massive CityView dormitory-style complex which is undergoing review by the City of Bellingham Planning Department at this time.

You will see from our comments that we believe the project is ill-conceived, ill-placed and ill-timed; and that it will result in negative impacts to our quality of life and the character of our Puget Neighborhood. We therefore urge denial of the CityView, and request a written response to our underlined questions.

TRAFFIC AND SAFETY ISSUES

Vehicle Traffic: CityView is designed to be a 318 dormitory style unit complex. In large measure, each resident will routinely drive up and down Nevada or Consolidation. In addition, there will be significant additional traffic from deliveries, utility services, emergency vehicles and guests. There are only two roads in and out, and they will be severely impacted. Consolidation and Nevada Streets are not built to be major thoroughfares. They are not wide enough. They lack traffic lights, and they have little and sometimes no shoulder. The upshot to the City of Bellingham is increased risk due to accidents and potential law suits.

Bicycle and Foot Traffic: We understand the number of parking spaces proposed for CityView falls short of the number of rental rooms by about 70 presuming residents will use bicycles or walk. This does not seem like a good bet. The location is at the top of a steep hill. Bellingham has
a long dark, wet, cold season, and higher elevation roads become treacherous as temperatures drop. As such, it is hard to understand how cyclers and walkers will be able to safely navigate the roads in question during those times. So while it is true that some stalwart residents may continue walking and bicycling in bad weather, it is folly to allow the reduction in the number of parking spots under the presumption that bipeds will take up the slack.

HILLSIDE RUN-OFF IMPACTS

Pacific Woods Condominium Owners’ Association has a private storm water drainage system which we maintain. Toxic run-off from the impervious parking areas at CityView and increased run-off from the unintended consequences of building in the wetlands has potential to add significant debris and mud into our private system. We are also quite concerned about soil instability which will likely result from cutting into the hillside during grading, and the addition of fill material. Will the City of Bellingham take over the maintenance of our storm water system? Only then will we be at ease on this issue.

DEGRADATION OF WETLANDS

The proposed building site is largely on precious Bellingham wetlands. As a city, we say we care about preserving our wetlands, preserving natural habitat, and making sure our wild creatures continue having a home in the name of bio-diversity. It therefore makes little sense that the City of Bellingham will cavalierly allow wetlands to be significantly impacted with, again, unknown consequences. We also understand that a number of natural springs may be disrupted causing redirection or stoppage of the springs resulting in water-starvation to vegetation downslope which may well add to the risk of forest fires in the area.

OUT OF PROPORTION

While the CityView project is not visible from Pacific Woods Condominium, it is clear from the diagrams that the project is hugely out of proportion to the adjacent neighborhood. The near-by single-family homes should NOT have a huge multi-family project right next to them. It will degrade their property values and the trickle down impacts to our property values is unknown. The project is more suited to an Urban Village where there is an expectation of higher density. CityView definitely does not belong “nestled” among 160 single-family homes in what is presently a quiet, peaceful neighborhood. We were under the impression that the City of Bellingham does not allow massive jumps in housing types, that it prides itself in gradually going from single-family, to duplex, to multi-family. How can this project then be allowed given the goal of essentially protecting the character of our neighborhoods?
POOR TIMING

Due to Covid-19, our entire society is in a huge retrenchment, and it is unclear how long it will take to recover. Many economists think it will be years before any return to pre-Covid “normal”. We do not know, for instance, if our local university may be able to hold in-person classes next year or even the year after. We also do not know if the developer will have the funds to complete this massive project should filling the units become a challenge at market rate or any other rate. The potential for the project to be partially built and abandoned seems entirely probable given the impacts from the pandemic. This is just one final reason why this project should be shelved. Perhaps the City of Bellingham has a full-proof mechanism to make sure there will be no major cost to our taxpayers, perhaps a huge bond which the developer will post and maintain? Or better/safer yet, deny the project all together! It is just too risky!

Thank you for taking our concerns seriously. This project should NOT be approved. We have underlined questions which require a specific response from the City of Bellingham Planning Department.

Sincerely,

Roni Lenore, President
The Unit Owners Association of Pacific Woods
Aka: Pacific Woods Condominium Owners’ Association

Cc: Seth Fleetwood, Mayor, City of Bellingham
Marcy McKay, Windermere Management
PWCOA May 16, 2020 Minutes (attachment)
May 7, 2020

Kathy Bell, Senior Planner  
City of Bellingham, Planning and Community Development Department  
210 Lottie Street, Bellingham, WA 98225  
kbell@cob.org

Rick Sepler, Director  
Bellingham City Council  
planning@cob.org  
cc@cob.org

Dear Ms Bell, Mr. Sepler, and esteemed City Council Members,

As a resident of the Puget Neighborhood, I am aghast at the idea of the huge 308 bed, multi-story housing project which is being considered near the top of Nevada Street, east at Consolidation.

The project as depicted in the planning documents is way out-of-scale to the neighborhood. It will seriously dwarf the adjacent single-family homes. It appears designed for dormitory-style living (three bedrooms/bathrooms per “unit” with a single kitchen and presumably a bit of communal area). It is therefore way-out-of character for the neighborhood. The neighborhood is currently quiet and peaceful, and comprised of single-family homes. Adding 300+ students in a tower-like structure will add significant noise and congestion. And the parking situation will be a nightmare with way too few parking spots for the number of beds. All of this will negatively affect property values in the area which is not fair to the homeowners who live nearby. Bottom line, the project is not in keeping with the neighborhood character.

Disturbance of Wetlands: I understand that building this project will require major disturbance of, and building in, some of Bellingham’s Wetlands. The disturbance of underground springs, and the disruption of flora and fauna gives me pause given that I live in an Association just down the street where we are required to take care of our wetlands. If we remove anything, it is under supervision of an arborist, and we must replace any removed vegetation with an approved native species. We, in fact, undergo an annual review of our wetlands by that certified arborist. Has anyone asked what a certified arborist would say about the intrusion of a giant multi-story concrete monstrosity and adjacent impervious parking on pristine wetlands? The amount of toxic runoff from the parking lot is NOT in the City’s interest. If this is allowed to proceed, will CityView be required to go through annual review of its wetlands management?

Traffic: The added traffic up and down Nevada Street is also a major concern. Nevada is very narrow and hard to navigate even under the best of circumstances. Adding hundreds of additional
resident vehicles plus related service, delivery, and guest vehicles to this poorly conceived skinny arterial is a bad idea.

Disruption of the wetlands: I am also concerned about disruption of the hillside and how it will impact flooding and the flow of muddy debris onto the streets and into the storm water systems of down-hill residents. If allowed to go through, will CityView be required to undergo annual evaluation and cleaning of its storm water systems?

Bad bet financially: Finally, in this time of Covid, allowing this project to go through puts the City at considerable financial risk as the project may well fail. The need for housing has plummeted, and may stay lower for years with more on-line and fewer in-class learners. And, the project is not suitable for families due to the layout and the expense of renting by the room. Truly, CityView is essentially nothing more than a glorified rooming house which could be of great valuable in our downtown core where public transportation, restaurants and other services are readily available.

In summary, this project is not in the best interest of the city, the neighborhood, or the environment. There is NO win-win here unless someone is getting a kick-back which I like to think does not happen in our fair city.

Please do not allow this project! Preserve Puget Neighborhood’s character, and find a more suitable place to students to live!

Thank you for carefully considering my concerns, and for sending this project to the dust-bin of history.

Sincerely,

Roni Lenore
Resident, Puget Neighborhood

Cc: Seth Fleetwood, Mayor
To whom this may concern,

I’d like to register my concern that the current plans for the City View apartment complexes do not meet the building criteria for the project and they appear to clearly be another student housing project that does not fit with the established surrounding neighborhood.

Susan Silva
1708 E. Lopez Court
Bellingham, WA 98229

Sent from Mail for Windows 10
What a slap in the face to the residents of Bellingham. How disrespectful to ruin the property values of the surrounding areas where that monstrosity of a so called building is going to be built. Not to mention the demolition of a wetland that is supposed to be so precious to our way of life here. We have a wetland in the community I live in and we can't even remove or plant a tree without permission. Now I find someone can come in and totally destroy a large wetland with the permission of our officials.

Shame on the people who will be responsible for letting this happen. You should be following the plan for neighborhood housing, which will be bad enough, but not nearly as bad as what's going to happen.

Why can't the city buy this property and let it stay as it is supposed be. So your job and protect this neighborhood.

Maggie Carrigan
We live on 44th street. Every morning I walk our dogs and count the “For Rent” signs in the two mile range we walk. There are 12. In a ten mile radius around our home there are apartments on Lincoln, Maple, Samish, James, Nevada, Ashley, Consolidation, Lakeway. The list is endless and does not include the homes the home that have turned into rentals. If one considers the intense building occurring at Cordata Bellingham must have thousands of units.

The traffic on Consolidation is horrible. Does anyone planning this understand that there are always cars parked along the side of the street and it makes it really unsafe for two cars to pass. 40-44th streets have no sidewalks or street lights. I counted 12 cars fail to stop in an hour span working from home.

Let’s talk about Garbage I have attached the garbage from the complex on Ashley street. Which by the way is not full. I have seen the garbage piles blow all over on windy days! But it’s not in your neighborhoods so you don’t care. But the plan is to build hundreds of more units at the City view and on Elwood. What’s wrong with you people is this planning or PURE GREED! You
are destroying Bellingham.
Who exactly is going to occupy these apartments after the pandemic? It will take at least 2 years to fill. I hope they never fill serve you right. You are destroying the family home. Your not kidding anyone, no families can afford $3000 apartments.

You should be ashamed of yourselves. #Noplanjustgreed!

Sent from my iPhone
Aven, Heather M.

From: Kevin Jenkins <kjenkins24@gmail.com>
Sent: Friday, May 8, 2020 12:40 PM
To: G.Proj.City View
Subject: City View Proposal

May 7, 2020
Puget Neighborhood Association Board

Kathy Bell
City Hall, 210 Lottie Street
Bellingham, WA 98225

RE: City View Proposal

Dear Ms. Bell,

The development of the Hawley property at 4413 Consolidation Avenue has been a troubling issue in the Puget neighborhood for years and the new City View development proposal is no exception. There are residents who are strongly opposed to the development and others who are supportive. The Board wants to be consistent and fair to all Puget Neighborhood property owners. We acknowledge the rights of property owners to develop their property in any way that is legal and within the City’s Comprehensive Plan guidelines. The Board also supports the City of Bellingham’s infill philosophy to help prevent urban sprawl and protect precious natural resources in Whatcom County.

As the City View development moved through the permit system, Puget citizens have been participating in that process. No proposal submitted to the City has automatic approval, and certainly one as complex as the City View proposal requires thoughtful consideration. The Board has been encouraging neighbors to participate in the process, and the Board shares in that obligation, both as individual citizens and as Board members who bring differing backgrounds and expertise to our positions. Therefore, we have prepared this response and included actions we believe are necessary before the proposal can be considered for approval.

Process

Adequate opportunity for public participation needs to be provided.

Perhaps 20 or more complex, technical documents have been revised by City View developer and submitted to the City, many as recently as the end of February, and perhaps some even into March. Changes seem to include significant Site Plan revisions, among other significant changes. The Date of Notice of Application that the Planning and Community Development Department (PCDD) had received the application was April 24. At that time, Planning and Community Development staff set the deadline (May 8) for public comments to the absolute minimum amount of time for a public comment period, 14 days. Notices were mailed to interested parties, but receipt and opening of mail is being delayed in our current pandemic.

Setting the public comment period to the absolute minimum fails to recognize the unique circumstances the public is facing. The public is distracted, and is dealing with life and death, and livelihood concerns, dating back to even when the developer submitted their latest revisions.

We are told that once the public comment period has been set, it cannot be changed for any reason, and regardless of any changes to the plan to process the application. But, PCDD’s plan to proceed has been altered.
We are told the City will “accept” comments after May 8, but apparently these comments can’t be packaged into the materials presented to the Planning Commission and City Council for their consideration of the proposed development. City staff has advised, “The city recommends all parties wishing to comment on the proposal to do so by this (May 8) deadline.”

We understand the next step is a public meeting before the Planning Commission, at a future unknown date, sometime after May 31. Given issues of social distancing and restrictions for public gatherings, the form, format, and method of this meeting is unknown. It seems clear, whatever the method for the “meeting”, some members of the public will be excluded due to issues of technology, access, or just fear of exposure to a deadly virus. Some members of the public wanting to participate or show support for others, may not be able to do so.

It’s incumbent upon the City to reasonably provide for public participation. Given the modifications, extensions and exceptions already made by the City regarding this project, it seems process issues can be mitigated by the PCDD

**Action Items:**

- Require PCDD staff to accept, and present (or package) all public submissions with the materials provided to the Commission and Council for their consideration of this proposal. Submissions received up to 1 (one) week before the Planning Commission’s public meeting should be presented or packaged, and later submission accepted and included in the record as usual.

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**Character**

Land Use Policies (LU-26 and LU-100) encourage developments that are in character with nearby surroundings. This large, high-density development is bordered on three sides by single-family residences. The developer is making efforts to mitigate the effects of inserting large multi-story buildings into these established neighborhoods, and we appreciate those efforts. However, the fact remains that the proposed development and use is out of character with its surroundings and will result in a loss of treasured green space identified by our Neighborhood Plan.

- Because the single-family residences west of the site were built on land zoned multi-family, there are no legal requirements for the developer to provide a buffer between the residences and the high-density apartment buildings. Despite their best efforts, the developer admits impact to near neighbors. For example, the SEPA Checklist states that the rear yard uphill views of approximately 11 homes on Nevada and Marionberry will be altered because of tree removal.

**Action Items:**

- Require the developer to install privacy fencing and plant mature trees to mitigate lost privacy for ALL residences abutting the development.
- Consider a scaling down of the project to more closely align with the current character and appearance of the neighborhood.

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**Traffic**

A primary assumption in the application and associated documents is that this will be housing mostly for students, one student per bedroom. However, if that assumption cannot be enforced, it calls into question the conclusions drawn in the Traffic Impact Assessment (TIA).

Traffic impacts are among our greatest concerns. We disagree with the estimates on amount and types of traffic generated in the Traffic Impact Assessment (TIA). We raise the following questions:

- There are 3 buildings totaling 106 units totaling 318 separate bedrooms with baths.
Typical apartment traffic generation percentages were used as a basis for the study. We maintain that because of the proposed nature of the development, those percentages are inappropriate and should be revisited. The typical apartment standard assumes that not every occupant is an adult and therefore only a percentage of occupants will impact traffic. This development is planned to house one traffic-generating adult per bedroom. That is the standard which should be applied to any Traffic Study for this project.

The TIA is based on the assumption that most of the residents will opt for using public transportation, primarily because they will be mostly WWU students who receive bus passes and live near bus access.

Is the assumption that the residents will be mostly WWU students valid? There are other colleges and learning institutions in Bellingham.

WWU authorities acknowledge that a significant percentage of WWU Students drive to campus and park on surrounding streets to avoid paying parking fees. Why would these students be any different?

Students do other things besides go to class. They seek recreation, they shop for groceries and supplies, and they frequently have jobs. They socialize and have guests. Those types of activities are less often done using public transportation.

Access to the bus facilities are 4-5 blocks away, over steep grades. These bedrooms will be marketed to students with a greater-than-average ability to pay for housing. It follows that a greater-than-average number of them will have vehicles and choose to use them rather than use public transportation.

Residents are less likely to choose to use bicycles for transportation because

- There are steep grades to traverse,
- Automobile traffic along Lincoln and Samish Way is heavy, and dedicated bike lanes are not continuous along the expected route to WWU,
- Intersections on Samish Way at 36th Street, and Bill MacDonald Parkway are not bicycle-friendly, and
- WWU is in session during the rainier, colder months.

Is this developer asking for a reduction in traffic fees based on the idea that the facility will be located in close proximity to “high frequency” (aka Go Line) transportation and be marketed primarily to students as was done in previous proposals? We do not feel that this is an accurate or valid argument to reduce fees.

We believe that the TIA does not adequately address:

- Traffic from the residence to Lakeway shopping, going down Nevada to the alley access to The Market plaza.
- Impact on Byron Street, a more direct route to WWU than the one studied, not adequately addressed
- 249 parking spaces does not appear to be adequate for 319 residents plus guests and employees. This is especially true if this project is to be marketed to “high end” students”. There is no overflow parking plan.
- Impact of traffic islands that were installed on Nevada Street to slow traffic. Will this impede emergency and large vehicle access?

We have concerns regarding the single entrance/exit onto Consolidation. While it may be designed to meet statute requirements, we are concerned that in times of emergency, it could quickly become blocked. Imagine 576 residents trying to escape a fire or landslide. No doubt they would use both sides of the access, blocking emergency vehicles from entering.

**Action Items:**

- Determine what guarantees can be extracted that all residents will be single students.
- Clarify the impacts based on the total number of residents proposed.
- Redo traffic study assuming one traffic-generating resident per bedroom.
- Include reasonable activities (shopping, recreation, etc.) in the number of trips generated per resident.
- Require builder to install a signed crosswalk at the cut-through from East Maple Street into the Park-and-Ride lot.
- Don’t reduce traffic impact fees significantly because residents will be near high frequency public transportation because it is presumed that they will be primarily using transportation to WWU. This does not cover all of the potential traffic impacts for this site.
• Require the developer to provide shuttle bus service to and from the Lincoln Street Park and Ride and local shopping. This would have the effect of increasing the number of residents who use public transportation.
• Redo traffic study acknowledging residents will travel down Nevada and through the alley to The Market Plaza.
• Require the developer to install improvements (sidewalks, gutters, lighting) to the unimproved sections of Nevada Street and the unimproved block on S 44th Street.
• Include Byron Street intersections in the TIA.
• Require a parking overflow plan.
• Identify alternatives for a second entrance/exit from the development.

Geology

We are concerned that the geology of the site makes it potentially not safe for construction.

• The eastern slope of this property is identified as a landslide hazard on the City of Bellingham Geologic hazards map (http://www.cob.org/documents/gis/maps/COB_Geohazards.pdf) Natural springs are also mapped for this site.
• According to the Geological Hazardous Site Assessment prepared by GeoEngineers for the previous proposed development, they indicate that they have only dug test pits to a depth of 10 to 12 feet
• The comments for TP-3, the test pit closest to the eastern boundary of the development indicates that rapid groundwater seepage was observed at 8 and 11 feet, moderate caving was observed from 7 to 11 feet and that disturbed soils were obtained from many levels of this pit. We would like to see more test pits performed, especially at the eastern boundary, and believe that those test pits should extend beyond the depths at which construction is to occur.
• We are concerned about the stability of the hillside, especially during construction. The GeoEngineers report indicates that the primary hazard will be from temporary conditions during construction and stormwater runoff prevention methods should be employed. They do not directly address the issue of disruption of perched groundwater aquifers, and possible contribution of these aquifers to soil stability and landslide potential, although these aquifers are mentioned elsewhere. We believe these issues should be addressed.
• Puget Street is an arterial, and access must be maintained. If stability of the hillside is compromised, we could lose the use of Puget Street for some time while repairs are made.

Action Items:

• Dig more test pits, especially at the eastern boundary. Those test pits should be at least as deep as expected construction is to occur, and designed to establish secure footings.
• Describe stormwater runoff prevention methods that will be implemented during construction.

Drainage

We believe that a full basin study of the Lincoln creek watershed needs to be conducted that appropriately determines the impact of this large development on that watershed. Downstream from this site, there is an existing stormwater management facility that directly impacts the homes of some Puget Neighborhood residents. Additionally, there is an area behind a commercial zone where the storm water apparently flows through a private system. We believe that the capacity of the entire system to handle potential impacts from increasing flows need to be evaluated. We believe that hydrological impacts on the adjacent wetlands deserve analysis. The underground detention vault is designed based on surface flow from new impermeable materials. Is it sufficient to also account for the seasonal springs that drain out onto the hillside?

• The stormwater site plan was prepared by a different firm than the one that did the geohazards work. This storm water plan appears to only address surface waters and apparently does not recognize any potential for
additional water collected as drainage from groundwater aquifers. We are concerned that the stormwater vault and rain garden will not have the capacity to handle this additional flow.

- In the process of applying future good engineering practices in the construction of this facility we believe it may be necessary to drain any perched groundwater aquifers encountered, in order to provide a stable platform for building. In doing so, it may be possible that construction disrupts the groundwater source that feeds the wetlands of the open space.

**Action Items:**

- Conduct a full basin study of how this development will affect the Lincoln Creek watershed.
- Include the seasonal spring flows and groundwater aquifers that may be disrupted in specifications for the underground detention and rain garden.
- Determine whether perched groundwater aquifers should be drained, and if draining them will disrupt the groundwater sources feeding the abutting wetlands.

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**Puget Street**

It isn’t clear in the documents submitted how the plans might affect Puget Street.

- Usually, developers are responsible to complete all abutting streets with curbs, gutters, and sidewalks. Because there will be no access to Puget Street, the developer seems to claim no responsibility for this road. However, Puget neighbors have talked about runoff and icy winter driving for years. There are no sidewalks, and pedestrians have to walk in the street, which is classified as an arterial. This might be a good opportunity for improvements to at least part of Puget Street.
- Residents are likely to lose pullouts they currently use for parking.

**Action Items:**

- Require developer to include improvements (sidewalks, gutters, lighting) for at least the part of Puget Street abutted by the development.
- Detail changes resulting to Puget Street (including current pullouts).

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**Consolidation Street and the Trail ROW**

We think the proposed trail to be built in the Consolidation Street ROW is very important, and it has been called out in our Neighborhood Plan.

- We’ve encountered a gap in understanding of responsibility between Public Works and the Parks Department relative to trails developed along rights-of-way. Construction and maintenance of the proposed trail should be clarified.
- Where will the trail end? If it ends on Puget Street, there is no pedestrian access, and it would terminate on an arterial that is without improvements.
- The proposed trail should provide for access to the recently-improved Samish Crest Trail.
- The trail should be designed for year-round access and maintenance.

**Action Items:**

- Identify funding for maintenance of the proposed trail.
- Determine best trail design to minimize maintenance needs and guarantee full-year access.
- The proposed trail should connect to facilities at Puget/Consolidation.

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**Variances**
No variance has been submitted for possible encroachment on the wetlands.
No variance submitted for Puget Street and Consolidation Street build outs.

**Action Items:**

- Require the developer to submit missing variances before the proposal is considered for approval.

It is our desire to continue to have open dialog with our members, the City, and others concerned. We feel that we are in a unique position to ensure that people in the neighborhood have access to factual information regarding this project and other issues. We also strive to be a place where people can have a voice on any issue concerning their neighborhood. Please feel free to contact us if we may be of any assistance or if you have any questions.

Sincerely,

Kevin Jenkins, President

Puget Neighborhood Association Board

Douglas Gustafson, Steve James, Tammy Jones, Greg McKinney, Terri Marshall, and David Sparman; members
Public Comment regarding Cityview Apartments proposed development.
Submitted by:
Alex McLean, Bellingham resident

Please don't approve this proposal for the following reasons;

1) The Geology: The developed section under consideration, from reading the elevation demarcations on the site plan, has a drop of over 100 vertical feet from top-to-bottom. This is onerous stratigraphy for a development of this scale, under any conditions, and suggests to me that massive amounts of hydrostatic pressure from underground water will be constantly working to subvert the foundation and whatever fanatically engineered retaining wall is proposed to support the uphill slope.

Site disturbance will be significant, obviously, and even with outfalls and detention reservoirs designed into the build there seems an unruly amount of physics involved, to say nothing of wishful thinking, if the prospect of landslide subsidence is not considered for the very, very long term.

In the nearer term, the logistics of violently carving out a steep hillside in a region that gets 35-40 inches of rain per-year seems freakishly dangerous: I'm not sure how insurance premiums for the houses below will account for a D-90 front-end loader cartwheeling through their rafters.

2) Wetland Hydrology: While it is great that the developer is not using the full acreage, please do not assign this benevolence to generosity or some spasm of eco-consciousness.

The site is a nightmare for development at this scale: Aside from the cliff-like plunge from Puget to Nevada streets, the North end of the lot is an un-buildable swamp. Aside from the swamp and cliff, please note that access from Puget was considered and then rejected due to the engineering logistics involved in attempting to build a road into the site and the additional prohibitive costs of attempting to widen Puget with a required sidewalk dangling in outer space.

The corse of trees the developer proposes to "save," between Puget and the proposed apartments below, are only being retained because all the laws of physics and Keynesian economics cannot validate the cost of doing anything else there: It would be absurdly expensive to build anything abutting Puget; The City of Bellingham, for over a decade, has wrestled with the same mathematics in sporadic schemes to extend San Juan Boulevard (just South of the proposed site) due to the same gnarly geography -- aka, that damn cliff.

Whatever water is naturally migrating to the abutting wetlands and Critical Areas has, by now, been established and has metabolized the impacts of the existing development around it. That system of wetlands, however, will be altered by this development no matter what nifty pipes and engineered basins are installed under the buildings: You cannot snuggle five-story towers next to wetland habitats without long-term impacts. The EPA notes this in their analysis of water storage in forests and how downhill aquatic systems are impacted. Replacing an abutting mature forest with towers and retaining walls and parking lots will raise Hell with the subterranean water dynamics on this site even if the presumption is that every drop of water flows majestically straight downhill, which it doesn't.

https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=296414&fbclid=IwAR1IHQu9255AQL7YhYMI49-
The hydrology will change.
"Saving" the uphill strip of trees is certifiably a good thing, yes, but development on this scale will alter the swamp to the North and will likely result in trophic unraveling of whatever free ecosystem functions and stormwater control it has been providing. (Note: This heading should also entail the obliteration of the existing stream, on Consolidation Ave, which I mention below in "Stormwater Impacts.")

3) Greenways Trail Impacts: It might not be terribly obvious to those who are not fluent in the long-term goals of the Greenways program, but for decades the City has been methodically purchasing tracts along Samish Crest with the long-term goal of stitching together a trail that goes all the way to Lake Padden and the recreational mecca of Galbraith Mountain.

I worry, since this project proposal clearly mashes as tightly as possible to the wetlands, that there will be an impossible pinch-point created if ever this vision of a connected trail is considered through this tract: The Critical Areas Ordinance, to say nothing of having to dogleg violently uphill, seems like it could be highly problematic if ever the swamp below and forest above are going to be available as an uphill connection to the trail on Samish Crest -- a portion of that trail is not far from where Puget smacks into Consolidation, at the top corner of this proposed development.

It might not even be viable as a North/South connector. But it would be a bummer if the prospect isn't at least considered for the long-term.

Also, just as a footnote to the larger design problems with this proposal; if a proper trail were to be installed, it might someday validate any of the currently non-existent arguments that suggest parking should be reduced since other transportation modalities are an option. They aren't an option if there is no trail. You cannot take people's cars away and just expect them to "figure it out."

4) Stormwater Impacts: There is, right now, a creek that follows the trajectory where a mythical Consolidation Ave might want to go up the cliff. On a rainy day the outfall spreads gravel and flotsam onto the street where it ends.

While Stormwater Impact Fees are surely accounted for in this development, it is worth pondering what happens when previously forested acreage, on more than a 100' drop, suddenly becomes an impermeable mass of asphalt and concrete.

I will predict that whatever downhill infrastructure COB and Public Works currently has in place will prove to be inadequate for the additional volume of water. Furthermore, as anyone who tracks climate science might know, the data strongly suggests that we are going to see an increase in anomalous rain events coupled with our inevitable slow incineration from temperature increases: We are going to get more big-ass storms. Has the City considered that a detention pond, likely down in the basin by Lincoln Street, may need to be installed if the natural permeability and ability to absorb rainwater is removed? Will taxpayers, years hence, be footing the bill if all the spiffy underground vaults and pipes on-site at this proposal become angry geysers and the houses and streets below the hillside are impacted?

(I know the current narrative among Public Works engineers is that vaults and other underground infrastructure have ZERO impact on downstream ecosystems and species. I'd like to see the science on that. I'd like to know, for example, what the enforcement regimen looks like for cleaning and maintaining those vaults -- which fill with road sludge and whatever vape pens and boogers wash off the street -- and if, in the decades that these large-scale projects exist, there has ever been cases where a storm surge scourss out all that toxic snot and blows it into Bellingham Bay. Surely it happens often. The ecological decimation of Puget Sound, in and of itself, suggests that it does.)

5) Housing and affordability impacts: Whatever dark corner of Satan's rectum fermented long enough to birth the trend of "Dormitory Housing" here in Bellingham, it is sorely due for analysis and review -- it is time to pluck the bollus up and
hold it close for a good sniff.

These apartments will be rented and assigned rates for each bedroom, not for the square footage of the units themselves. Out-of-town investors, including sprawling realty consortiums that are traded on Wall Street, adore this model: Aside from being packaged with idiotic waivers that void parking and density codes, the scheme ensures maximum profit siphoned out of a local economy and the flexibility for developers to pin their rates to the most usurious possible benchmark -- the "market rate" per-bedroom.

In what world does that benefit the housing crisis here in Bellingham? How is this model improving home ownership, savings spent in local restaurants and shops, or expanding the range of housing options throughout the city? Any casual perusal of Craigslist can observe that, already, there are baked-in resources for people to split rent in a multitude of ways that are more than flexible enough to suit our population: "Roommates wanted" is one sub-heading: "Rooms for rent" is another.

By transferring the zoning gimmicks onto the public’s shoulders (in the form of parking impacts and skewed density and heinously ugly buildings) the benefits only accrue to the private developers who, owning the buildings outright, can merrily tweak and bend the "market rate" of per-bedroom housing to suite the whimsy of their greed and lack of concern for a community they have, perhaps aside from filling out permits over a long weekend a few years ago, never given a single damn about otherwise. These are large-scale projects. They are spangling our landscapes now at alarming rates. But I’ve never once heard anyone from Planning or City Council explore what the impacts are to affordability when these absentee landlords decide, from an office somewhere in Houston or Hong Kong, to dial the most accessible entry-level costs of getting shelter up or down for no other reason than they can or they want to.

I think the entire scheme of "University" housing was concocted by quants in the realty kingdom who saw a town like ours as ripe for plunder and abuse as we writhed around with zero housing stock: We got sold the dream, but they aren’t sharing the pipe.

As it pertains to this particular project, the City should be asking the simpler question of why a whole neighborhood should be required to suffer -- including in lost property values (also known as tax revenues, btw) -- just because Western Washington University has chosen to be utterly derelict in providing ACTUAL dormitory housing on their own gumption. If the spiffy idea was to simply metastasize the impacts of 12,000 students throughout neighborhoods, then mission accomplished.

6) Parking and traffic impacts: I’ve been on the site multiple times now and, whenever I go there, I envision what it will be like to have hundreds of added vehicle trips noodling through the roundabouts and odd street vectors of the neighborhood below. These are, for the most part, single-family homes. There is nothing whatsoever that informs of an architecturally logical place, anywhere nearby, for a series of five-story towers.

There is, for that same reason, nothing whatsoever that implies this is the sort of dense urban hub where apartment dwellers can just saunter to the store or local restaurants: It is surrounded by goddamn single-family houses on all sides, after all, and it isn’t as though there’s magically going to be room for bike lanes and bus connections at the site, nor any prospect that the houses will magically become retail outlets. They’ll drive. All of them will drive.

I studied urban design and planning at WWU, eventually acquiring a Sustainable Design minor through Huxley. I was deeply involved in mayor Pike’s "MyDowntown" design conferences. I’ve been a construction project manager on multiple sites throughout the city, including at least three projects that were five stories. I served a spell on the Transportation Committee a few years back and, as it pertains to non-motorized options, two terms on the Greenways Advisory Committee thinking about trails. I’ve occasionally volunteered with Sustainable Connections on various urban design meditations and campaigns, from stormwater mitigation to, more recently, the successful adoption of the ADU ordinance.

Throughout all of these endeavors there has been a recurring thematic syntax that invokes basic design vocabularies:
words like 'scale,' 'massing,' or 'infrastructure' are often woven into layers that consider access, public amenities, sustainability, and the other goals of so-called New Urbanism. The City, too, often prattles about these things through phrases like "The Triple Bottom-line" and "Place-making" and "Legacies and Strategic Commitments" that each, in their specific way, are supposed to define the thought and purpose for why we build stuff where we do.

I cannot name any metrics whereby siting these five-story towers in this location makes any goddamn sense. Cityview just fails on every level described by the City of Bellingham's own criteria -- it is so flagrantly out of context with the parameters and language broadcast by electeds and staff that, unless we knew any better, we'd have to assume nobody at all among these institutions has listened to themselves talk for the past decade.

Traffic, obviously, is going to be an issue on the roads weaving through these single-family neighborhoods. And, as much as I favor the ideal of making cars extinct through forced attrition, the parking models here are laughably delusional as well. Just accounting for the massive excavation and foundation work that this jobsite will demand -- the hundreds of trips ferrying the dirt out and the concrete in -- should be sufficient to lobotomize resale values for any home within the orbit of dust and flatulent diesel trucks that will be rumbling by for months on end.

7) Impacts to COB Long-term Density Objectives: The City has been struggling, oftentimes mightily, to find inroads for density. With equal amounts of struggle and mightiness, they often are facing alarm and opposition to their schemes in the form of pissed-off neighborhoods.

There is an administrative campaign right now, for example, that aims to boost the proper application of density in areas zoned residential multi-family -- an effort to thwart builders from installing single-family homes on these tracts and, instead, build more units and more diverse housing types. Another example might be the on-going effort to introduce the Infill Toolkit into less dense areas, a goal that seems like it has been trundling along for years with limited success.

But, almost as if to undercut these sensible and progressive shifts in density, we also have malignant mutations like Cityview Apartments erupting in bizarre locations. Whenever depraved levels of density somehow make it on the zoning ledger -- such as Padden Heights or Chuckanut Ridge -- it effectively scuttles whatever trust and communication the public might have bothered to harbor with local government. The fissures last. They last in the form of roiling resentment and angst after a long and tedious fight pitting the public against remote millionaire developers and their paid lobbyists who waft around City Hall like bad cologne. They last far longer, of course, if the ass-ugly behemoths are built and allowed to mangle the community with blight and idiocy for time immemorial.

I'd caution against any ill-advised instinct to ram this turd through approval right now. There are other, better, ways to nudge density objectives forward. And, considering that the main thought pressing hard against anyone's mind nowadays has something to do with a global pandemic of a lethal virus, it might behoove leadership to not agitate citizens further with yet another outbreak of the Dormitory Housing strain that has already plagued us.

The smart move here would be to social distance this proposal back to Seattle, back to where these particular prospectors are from -- scrap it and tell them to bring something workable to the table in a few years.

Thanks, in advance, for denying this proposal before it goes any further.

-- Alex
To the Planning Dept.

I have the following questions concerning the City View development proposal on Consolidation St.

Each bedroom is a separate rental contract, there the number of rental units is 318. This type of housing targets the late teen to early twenties.
There are three steep hills between Lincoln and the City View complex. I don't think it is probable that these folks will walk up 3 steep hills carrying book and beer, laundry and food, especially during rainy and snowy days.

Parking: There is a short fall of 69 parking spaces. While I understand that is meets planning requirements it raises concerns for me, a homeowner directly affected by this project. Our neighborhood streets are already clogged with parking. On occasion my driveway is blocked or partially blocked by cars. The garbage truck lifting arm cannot reach around these cars. This development has the potential of putting up to 80 more cars parking on our neighborhood streets. 9 included guests in this number.
1. What rights do I as a homeowner have to preserve the parking space directly adjacent to my driveway for my use?

Speeding: This neighborhood has complained for years about the speeding. As the density has increased, so has the number of persons exceeding the 25 mph that our streets were designed for. The mail boxes are situated at the corner on Consolidation and 43rd St with no side walks.
1. Will this project include speed limit signs and possibility a stop sign for the east going traffic at Consolidation and Nevada St

Density: This entire area is zoned medium density. We including me on several occasions have asked that the city justify putting a high density complex in side this zoning.
There are rumors of density borrowing because Nevada has single family homes on it, Nevada St St was developed under the Briarwood parcel and meets the medium density requirements. Therefor there is no density to borrow. City View falls into the Cedar wood parcel witch has met the medium density development. The entire Hawley Farm property is zoned with a total medium density and has met this requirement. There is no density to borrow.
1. Please provide the justification in both soft language backed up by documentation that allows violating the comprehensive plan and medium density zoning.

Thank you Rebecca Belford
813 Nevada St
Bellingham WA 98229
Dear City of Bellingham Planning and Community Development Director,

I am a professional urban planner and I have been teaching and practicing urban planning for over 25 years. I always advocate for residential and commercial infill whenever beneficial. I was greatly disappointed to learn that the City of Bellingham (CoB) Planning and Community Development Department is considering the CityView infill project in the heart of the Puget Neighborhood. I have great respect for the work the Planning and Community Development Department does for the city, and it is in this spirit and capacity that I offer the following insights. Given the shortcoming listed below, approval of this project exposes CoB to court challenges on several fronts. I urge you to take these considerations seriously.

The wrong project:

Infill should NOT cannibalize urban green and open spaces. Good Infill does not take away precious little green space within a city and replace it with generic multi-family development. Rather, good infill consists of upgrading and increasing the density of previously developed but under-utilized land such as low-density commercial, strip malls, car dealerships, and the like. Good residential infill with multi-family development has to be accompanied by a mix of uses to include amenities needed by the added residents. This is why mixed-use development is the best infill practice. To accommodate the increased population density associated with infill development, these projects need to be accompanied by infrastructure and service upgrades. This project is slated for 106 3-bedroom units and parking for 249 cars on site. This means that when fully occupied there will be a minimum of 300 people moving in and out on the local residential streets, 249 cars driving in and out, and at a minimum an additional 30 to 50 cars trying to find street parking. I don’t understand how anyone thinks this is a good project for the neighborhood.

The wrong place:

The location for this project presents serious problems in terms of traffic. It is proposed on a narrow local streets over 3,000 feet (1 km) from Lakeway Dr., which already suffers from congestion as it is the primary connection to I-5. The added traffic on Puget St. and Consolidation Ave. will dramatically affect the quality of the neighborhood and the safety of pedestrians, especially children and elderly. I have yet to see a successful infill in the heart of a single-family residential neighborhood. Infill takes place first on the edges of low-density neighborhood where there is direct access to arterials and services. It does not "bomb" the heart of an established neighborhood with such a massive and incongruent project.

The wrong time:

This may be one the biggest factors for rejecting this project. In the major economic downturn that we are experiencing, the worst in US history since the Second World War, and one that is expected to last for years, investments in real estate development face high uncertainty. There is a very high probability, almost certainty, that the proposed project will face difficulties in financing and marketing. This means a typical case of “arrested development” whereby the city and the neighborhood will see its open space destroyed and replaced by the dirt of an unfinished construction site for years to come. Ultimately, the city will end-up “making a deal” with the developer to finish the project by removing mitigation measures, downgrading amenities, waiving fees, providing subsidies, allowing higher
density, etc. The end result will be low-quality development and complete deterioration of the Puget neighborhood with no meaningful gains.

**Attack on protected an environmentally sensitive area:**

The proposed project presents serious environmental risks. The development is proposed on land within the Whatcom Creek watershed, which drains to Bellingham Bay. It directly impacts wetlands. It is unclear how the report by Miller Environmental Services finds no impact on wetlands. As you must know, wetlands have a protected buffer of 100 feet within which new construction, ground disturbance, and soil removal or fill should not be allowed without a conditional use permit and mitigation measures. This urban natural jewel is home to a rich bio-diversity of plants and animals. Moreover, the report callously suggests that because the developed area takes away “only” 50% of the forested area, it does not present any significant impacts on wildlife. Finally, and while the CoB notice and the report suggest that “approximately” 50% of the site will be cleared, the proposal shows the development affecting about 75% of the site. Given this precedent, there is no guarantee that the remainder will remain forested.

**Attack on social diversity:**

The Puget neighborhood is one of the most diverse neighborhoods in Bellingham, by every indicator – from ethnicity and race to age, income, and educational attainment. It is unfortunate that CoB would consider a project that undermines a neighborhood that has evolved harmoniously. While it is not unusual for developers to try to place controversial projects in areas with high levels of diversity because they think that such areas are less capable of resisting their plans and that elected officials are less likely to pay attention. I hope this is not the case in CoB. I know that my neighbors and myself stand united to oppose bad development that destroys the environment and the community.

**Death by a thousand cuts:**

We are all aware of the housing shortage, the high cost of living, and the overpriced housing in Bellingham. Expanding the housing stock is needed. However, what this project considers as infill is adding multi-family projects in a checkerboard pattern in the heart of middle-class neighborhoods. As mentioned above this is not how it is done. What we are witnessing in Bellingham is the puncturing middle-class neighborhoods with projects that lower property values of adjacent homes. This, in turn makes new development more profitable and allows developers to prey on these properties. Eventually the entire neighborhood is gutted. This process falls under the labels of “creative destruction” (i.e. destroying existing investments to create new profits) or “accumulation by dispossession” (i.e. theft of the wealth accumulated in home equity).

**High geological risk from incomplete and inaccurate project documentation:**

The Geologically Hazardous Area Site Assessment provided for the project does not match the project current requirements. It was conducted in 2012 for a different project layout. Even as such, the report recognizes that extensive portions of the project take place in slopes of up to 50% but downplays the effects of erosion, and subsequent flooding and mudslide potential, especially with the loss of vegetation and increased impervious surface. Moreover, current test pit depths do not meet the minimum standard of 1.5 times the height of retaining walls. If approved, the CoB would be liable for subjecting Puget neighborhood residents to flooding and mudslide hazards.

**Failure to comply with due process:**

Due to the nature of this highly controversial project along with the combined need for meaningful public engagement on the project, addressing mitigation measures, and the social distancing and sheltering at home requirements related to the COVID-19 health crisis, I cannot see how the CoB can proceed. Local elections around the nation have been suspended or postponed to respect the true spirit of democracy. The CoB needs to have the same respect for democracy and citizen participation in this process.
Dear PCDD Director,

I am writing in opposition to the proposed CityView project. This project on 4413 Consolidation Ave is not good for the Puget Neighborhood. While I applaud the City for addressing affordable housing issue in Bellingham, the CityView project is not the right solution.

The large scale of this project in a primarily single family neighborhood will bring significant and unintentional challenges. Many residents in the neighborhood share my concerns regarding environmental, erosion of open space, traffic congestion, public safety, and other concerns.

I strongly encourage the City to reevaluate the project in the context of uncertain economic and social environment we are currently facing. Affordable housing problem should be addressed in a comprehensive approach. I urge the City and its leaders to reject this project at this time and reengage the broader community in a productive and transparent process to develop solutions that benefit all residents.

Sincerely,
Kathleen Lee
4429 Marionberry Ct
Bellingham, WA
To Whom It May Concern,

My name is Jean Lee, and I'm a resident at 237 S 42nd St. in Bellingham. I walk my dogs everyday on Nevada Street, where I saw your land use permit public notice on Nevada St. and Consolidation Ave.

I am writing about the proposed residential multi-family project north of Consolidation Ave. between Puget and Nevada Streets in the Puget neighborhood. I strongly disapprove of the proposal because the proposed development would profoundly change the neighborhood's quiet environment for the worse. This is a neighborhood with predominantly single-family homes, and this ensures traffic is kept to a minimum, which keeps the neighborhood quiet and safe for pedestrians and residents. I cannot see how increasing the traffic and number of people in this area would preserve this atmosphere. Also, I am strongly concerned about the deforestation that would attend this development, especially as it is so close to the trail above it. I would prefer the city to conserve the wooded areas around the trail as a public service.

I am disappointed by this proposal for it doesn't take into consideration the quiet and safe neighborhood environment that is currently appreciated by the Puget neighborhood. Do not go forward with the proposal.

If you would like to contact me with follow-up questions or concerns, please contact me at this email address.

Sincerely,
Jean Lee
Samish Hill Neighborhood resident
May 8, 2020

Jill Jacobsen
852 Nevada Street

RE: CITY VIEW COMPLEX COMMENTS

Parking and residential home values

I am the owner of a home on Nevada Street close to the top of Consolidation Avenue. This is a family neighborhood with many little children. Many neighbors walking their dogs, jogging, cycling and pushing baby carriages.

There has been a very extensive problem with lack of parking in our neighborhood for years.

This is a major issue which includes:

- Cars parked on the road, there is no sidewalk, so they just park with the car jutting out into the street. This is a major hazard because this narrows the actual street you can drive on.
- Cars parked for weeks on end, illegal after 72 hours! and often abandoned and must be towed off.
- Cars are parked right at the corner, so the visibility is extremely low and dangerous when you are trying to drive around the corner.
- The roundabout at Marionberry and the other cement blocks that were put in last year have not been the least bit effective slowing the traffic down. In fact, once they drive around or over the roundabout, they speed up even faster than previously. Luckily, they have not hit any of the many illegal skateboarders coming down the middle of the road.
- The stop sign at Consolidation and Nevada is pretty much ignored. So many of our neighbors have nearly been broadsided at this corner, including myself.
• This student dormitory complex has 318 bedrooms. Since most students have one or two roommates, rules or no rules, there could possibly be up to 500 students living there, most with cars. The parking on-site is not sufficient to handle all these cars, so they will be on the street.

• The City cycling path recently put up Nevada Street and down Ashley will also be a dangerous cycling situation.

This construction project could take up to a year. All the construction vehicles will be driving on Nevada Street, Consolidation Avenue or South 44th Street. This is going to be an extremely busy bottlenecked street situation. The garbage trucks, delivery trucks and school buses can barely navigate the street. Also, add the people who park on an angle right on the corner to pick up their mail.

The situation with noise, littered beer cans, car break-ins, discarded mattresses, sofas, and other furniture is extremely atrocious now. It will be a lot worse if this complex proceeds.

I am also genuinely concerned about the value of the homeowner’s property. Any potential buyers will know about the complex being built and of course that will deter them from purchasing a home here. The values of all our homes will plummet.

Would you like to buy a house in our neighborhood? Does anyone on the city council or the Planning Commission live in this neighborhood. Would anyone want to buy a house here while this is all going on? I think not.
I am attaching videos of the standing and running water in my back yard @814 Nevada St this last winter 2019-2020. The hillside behind me has changed over the past 4 or 5 years and I now get much more flooding in my yard as shown in the attached videos.

Also, please note THERE ARE TREES ON THE HAWLEY PROPERTY THAT SRE NOW LEANING OVER MY BACK FENCE. A new GEOHAZARD Study NEEDS to be done - NOT during the current dry season but during the rainy fall, winter or early spring.

Kathy Taylor
814 Nevada Street

Sent from my iPhone
I am writing to give my strong objections to the Cityview development. The development is way out of character to the rest of the neighborhood. For those home owners in the Puget Neighborhood who spent their hard earned money to purchase a home in a nice neighborhood with expectations that eventually more homes would be built around them, were taken by surprise when a purposed college dormitory would be built looming over their backyards. I know that the City Council members nor the developer would want this type of development in their back yards. The traffic study did not take into consideration the traffic that would be added to the lower part of Nevada Street. We already have a college house with up to 13 boys living in it with lots of cars and a construction company with construction trucks coming all day long seven days a week in our neighborhood zoned Single Family. The added traffic on our narrow poorly lit street as residents from the new development drive down to Lakeway to go to sports activities, the lake, Whatcom Falls Park, Whole Foods restaurants, down town and other such destinations needs to be taken in to consideration.

Thank you,

Terri Marshall
RE: City View Dormitory

I am a new resident to Bellingham and to the Samish neighborhood, and very very close to where the City View Dormitory is being proposed to be built. I’ve been terrorized by the prospect ever since when I heard about it. I asked my realtors point blank, “Are there any plans for anything being built up these slopes?” And they reassured me that the ‘City of Bellingham’ has ownership or co-ownership with no intent to build. Apparently, that’s wrong.

I moved from Issaquah, WA, for several reasons. But the one that convinced me to leave sooner was the abominable traffic because the developers had over built and they hadn’t even opened up the Projects (multiple 5 story apartments complexes all in a heap together) right on I-90 in Issaquah before I left.

Developers are not taking the time to find appropriate building spaces to honor their agreements to the community and the ecosystem and the existing residents.

City View looks like one more of those abominations. It’s way too outsized for the property. It’s on a serious slope. Don’t developers care if their building becomes unstable and slides down destroying so much in its path. This very thing happened at Talus in Issaquah. We are in a huge Climate Warming crisis and there are going to be more huge flooding problems and oversaturated hillsides that are going to destroy the properties and risk peoples lives.

OK, you say, we got that handled. We got the best engineers on this..Right. And where are you when the damage is done?

Aside from the ecological hazard, the quality of life for us single resident homes is already challenged with the students in the rental homes on Nevada St. The noise, the racing cars, the uncared for properties, the transitional nature of students, is not creating a residential quality of life and a neighborhood that stays intact and disturbed.

City View is monstrous, HUGE. I can’t begin to think, oh, horrors, what kind of traffic and noise and destabilization it is going to bring. It is fine that the students have apartments below these neighborhoods where they aren’t (mostly) living

Nancy Dearborn
145 43rd St.
Bellingham
WA  98229
in our backyards, but they would with this monstrous development. And the numbers. How this has even been allowed to be considered is shocking. Where are the urban planners/lawyers to challenge and veto this unhealthy plan?

Please find another place to build. I guarantee you will be happier not to have our wrath and disgust. I am sure you can find another property that will ruin the extant neighborhood.

Respectfully,
Nancy Dearborn
Concern about vehicles and traffic.

The proposed enormous structures will increase the number of vehicles and the amount of traffic in the neighborhood many times over. Three hundred rooms should not be taken as an indication that there would be 300 additional people. Anyone who has spent time on college campuses knows to expect many more. And the lack of nearby amenities of any kind (including a university) should lead a rational observer to expect that most of the students will have cars.

Where are they supposed to park? The neighborhood streets already support only one lane of traffic when cars are parked on both sides of the street. And I’m sure I’m not the only person who has experienced total blockage if cars are not snugged up to the curbs.

- We all have to back out our driveways. How will we do that with a wall of parked cars on both sides of the street and greatly increased traffic in the remaining lane?
- Because we have small lots, our driveways are short. Where do delivery vehicles, UPS, FedEx, plumbers, electricians, landscapers, etc. park without completely blocking the road? Will you provide for permit-controlled parking in front of our houses, including signage, penalties, and enforcement?
- Traffic in this area is already difficult in some areas. Consolidation, of course. And people who live at the Lakeway end of Nevada typically wind through the Whole Foods/Mudbay parking lot to get to Lincoln and from there to Lakeway. That parking lot is already quite full most of the time. How many more people will be using the lot as a side street?

Please drive along Nevada just south of Lakeway, and 44th Street south of Consolidation. You will see the increased parking demands when, in these cases, only some of the normal-sized homes are rented to multiple tenants. I’ve counted as many as nine cars at a single (small) address. Then imagine the toll of hundreds of such houses in a giant heap, which is what is being proposed here.

You are proposing to triple or quadruple the population of the neighborhood, and changing the character of the neighborhood completely. All for no reason beyond putting more money in already monied pockets. Please consider that you would be taking that money from us.
Concern about flooding and runoff.

There is already a lot of water coming off that hill between Nevada and Puget.

- Anyone who walks along Nevada knows that water runs down the hill for a week after it rains, and gushes through the ditches.
- Many neighbors already have water problems in their yards and crawl spaces. How much worse will that be? Why aren’t you demanding studies? Where is the “required” stormwater report?

You should expect claims and exceedingly bad PR if you greenlight this damage. The developer will just say, well, the city said it was OK if I went ahead without doing my due diligence. As Mayor Linville said, it’s your fault.
Concern about density.

None of us chose to live here because we were pining for life in a college dorm with five or six hundred transient neighbors. Sound ricochets around in the neighborhood already, probably because of our small lots. We don’t need massive parties and constant traffic added to that.

Why are you making density decisions based on a number scribbled ambiguously on a map sometime by someone, and never approved? I think the city has been aware of the problem for a long time. Why haven’t you addressed it? Why haven’t you responded to citizen concerns about what appears to be a preposterous density allowance (albeit in a scribble)? You knew about this problem since at least the University Ridge days. Why didn’t you deal with it?

We shelled out our savings to live in a family neighborhood. The Infill Development Toolkit and the Comprehensive Plan both tell us that we should be able to count on that – that the city would take care to maintain the character of our neighborhood when considering any proposed development. Why aren’t you doing that? Could it be that the rules here, as in so much of the country, apply only to us regular folk, not to the wealthy?

Our neighborhood is stable, well maintained, harmonious, and diverse. Our houses and lots are modest, making good use of the land. Why would you want to destroy that?
Concern about landslides.

Most of us have vivid memories of the horror that was visited upon Oso not that long ago. As I recall, there were issues at that time about insufficient study being given to whether that was a safe place to live, and to changes that had been made in the hill that collapsed.

You seem to have forgotten.

What happened to the requested core samples? Where is the geohydrologic report?

And now massive retaining walls. Are you kidding me?

Why are you basing wetland impact on what the developer chooses to tell you instead of the city’s own maps? The developer has shown us that his claims cannot be relied on, and he will not be here to shoulder the blame if the worst (or even the bad) happens.

Blame goes to the city.
Concern over loss of property value.

Please look on Zillow at the chart in the Home Value information for 820 Nevada. You will see a sharp dip in value at the time the city began consideration of this scheme to feed us to an out-of-state developer.

Sadly for the owner, he chose to put the house on the market at about the same time. They marketed the house heavily, with lots of open houses. The owner came down one day when I was in the yard to ask me if I knew whether we had been sold off to the developer or not. He was in despair. He told me that they could not get anyone to even come look at the property. It wasn’t that he was unhappy with what potential buyers were willing to pay. No one would look at it. Nobody wanted to live there.

Finally he managed to sell it for $50k less that the estimate.

Before this nutty proposal was announced, houses in the neighborhood sold quickly. Is your plan to relieve housing pressure by making this city a lousy place to live?

If you approve this, you are stealing from us.
So, here we are, fighting for our lives against the destructive impulses of the White House and at the same time fighting for our livelihoods against the government of our city. Certainly we value life over livelihood, but the two struggles are similar in their effect on us in that we pay both governing bodies to take care of us, and we need their help in times of trouble. Instead, they are working to harm us for reasons that I cannot fathom.

Yes, I am opposed to the CityView tenement for all the reasons that were expressed at the public meeting last summer and that have been effectively presented to you by experts in the various areas of harm inherent in the proposal.

- Swamping a successful, established neighborhood of modest family homes on small lots with 500 or more students (300 bedrooms does not equal 300 tenants).
- Filling our streets with probably hundreds of cars for which insufficient onsite parking is provided. Do you have a plan for permit-based street parking?
- Risking increased flooding in surrounding streets and homes. Where are the required reports?
- Risking an Oso event in our city. Where is the required geohydrologic report?
- Reducing the value of our properties, purchased in good faith with no knowledge that you had plans to destroy the neighborhood.

Fundamentally, this proposal is totally out of character with the surrounding neighborhood. What happened to the Comprehensive Plan, which says you can’t do that? What happened to the Infill Development Toolkit, which says the same? Are you trying to deal with the housing needs of Bellingham by making it a terrible place to live? I hope you will read carefully the thoughtful and informative letter from Professor Nabil Kamel. Why aren’t we using expertise like his in making decisions for our city? Should we rely on developers to have the interests of the public at heart?

We all heard what Mayor Linville said at the public meeting last summer, speaking to the Council and, especially, our Planning Director: “This situation is our fault. We let it happen and didn’t do anything about it.” If you allow the Planning Director, or whoever is pushing this thing, to destroy our neighborhood, the responsibility lies with you.
Please do not approve this aesthetically jarring, inappropriate project. It does not protect public health and safety. Where is the consideration of on-going air quality impacts once a building of this size is constructed? This matters to me because I developed an environmental pulmonary disease after living in Bellingham for three or four years. It has created a life and death illness that I struggle with every day. I would not wish this on anyone and I hope the city does not either. When I review this and other SEPA applications, I see air quality treated as a construction issue. That is not the primary problem. It is what happens after people move in and bring their cars and trucks, light recreational fires and gas powered lawn and maintenance equipment is used. There have been situations where tobacco smoke in one apartment or condo wafts into nearby residences exposing people to second hand smoke.

Air quality remains the No. 1 environmental health risk for city and county residents and the applicant has provided no information or assurance that there is adequate mitigation standards in place. For large projects like this, a higher standard of building construction, while not required, may be necessary for health and safety, which should always be placed first. Please make the applicant complete this analysis at a minimum.

Wendy Harris
Former city resident of 7 years.
City of Bellingham
Public Comment

Entry Details

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<th>NAME</th>
<th>Alan Hui &amp; Angela Chen</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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| COMMENT             | Attached photo shows Nevada Street, heading south, extended into S 44th Street. The cross road is Consolidation Ave. Notice how narrow Consolidation Ave. It is narrower than Nevada Street. The wooded area on the lower left of this photo is the proposed development. On the east end of Consolidation is where the proposed CityView has its only entrance and exit for upwards of 318 renters.

With its intended clientele--WWU students, CityView will generate traffic, exiting out of the complex on Consolidation, turn left onto S 44th Street, turn right onto Bryon then Samish to the University. The traffic on S 44th will be greatly increased. I believe the TIA has under-counted this route of traffic.

Why? Because CityView does not want to pay for the road improvement on S 44th. But CityView should. Note how narrow S 44th Street is compares with Nevada Street. This section of S 44th does not have sidewalk, no lighting. The stormwater is an open gully on the east side of the street.
The City should require the CityView developer to pay for the required improvement on the S 44th as according to the City's ordinance about improvement of abutting streets. Furthermore the Transportation Planning should reassess and properly assess the TIA generated by the addition of 300 vehicles.

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<tr>
<td>EMAIL</td>
<td><a href="mailto:alanhui@yahoo.com">alanhui@yahoo.com</a></td>
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Entry Details

**NAME**  
Alan Hui & Angela Chen

**CHOOSE TOPIC**  
CityView Project

**COMMENT**  
Attached photo shows this proposed development site on the wooded area. Puget Street and its homes perch on the top left. On the right is the part of our neighborhood. This area is being directly assaulted by the proposed landing of the alien dormitory complex named CityView. There is no 3-story homes here, not to say a 5.5 story apartment building.

While we applauded the City's effort to increase affordable housing and limiting urban sprawl. As proposed, CityView does not increase affordable housing for the middle-class. In fact, it takes away such housing opportunity in a serene Puget Neighborhood. We urge the City to deny the CityView application. Instead act on designating this area as for in-fill development only.

**FILES**  
DJI_0019-26.jpg

**EMAIL**  
alanhui@yahoo.com
Entry Details

NAME
Courtney Kiehn

CHOOSE TOPIC
CityView Project

COMMENT
Affordable housing? For what demographic? Not realistic for the people who work in Bellingham. Please rethink!

EMAIL
coawtnee@gmail.com
City of Bellingham
Public Comment

Entry Details

NAME       Erin Kommer

CHOOSE TOPIC CityView Project

COMMENT 900/mo is not affordable. The economy I'm Bellingham does not support that and simply relies on Tennant's to have help with income or high paying jobs compared to whatcom counties median income. Tear down culdesacs and single family homes instead of trees down. Especially in the Covid19 reality, how easily with high density living be filled? Stop spreading housing and build up near the campus. Not the arboretum. Not block and blocks away. Pay people for their homes and build up.

EMAIL erinkommer@gmail.com
The current shelter-in-place order has brought out all the neighborhood children to play in the adjacent cul-de-sacs. I've counted 9 children approximately 2-12 years old riding bikes and playing supervised. It would be a real shame to increase traffic on Nevada St to a point where my infant son will never be able to play on the street or even in a cul-de-sac. I also am extremely worried what the deforestation will do in terms of rainwater drainage. I have a city rainwater drain running directly through my back yard with a man hole access back there. If it were to get backed up and flood that man hole access will flood directly into my crawl space. I would very much like to have an engineer from the city assess whether that access should be permanently capped to prevent this. Also it would drive down my real estate price. There are a lot of neighbors with the same concerns as myself.
Hello, I am writing you in support of the CityView Project. As a renter and a student, I understand the reality of struggling to find a place to live. I have resorted to having to live in more distant parts of the City just to be able to afford rent. Commuting is a huge hassle and really reduces my quality of life. It makes sense to build more housing and build it near the University. Please do not let the loudest people scare you into denying this project. These people will react to any project you have, anywhere in our city. Our residents deserve housing, and this can help address that problem.

Thank you for approving this project.

alecinbellingham@gmail.com
May 8, 2020

To Whom It May Concern,

Having moved to the Puget Neighborhood four years ago to be closer to my family, I was thrilled to retire in a neighborhood where fellow university professors lived alongside students. Driving daily both in the early morning and afterschool down Blueberry Lane to help my family with childcare has changed radically during this time:

• Blueberry Lane is currently overrun by vehicles on both sides of the street, making it a one lane road which is so tight that vehicles often need to back up to clear the single lane left for one car to drive through. This is dangerous!
• The speed that young students drive around the cul-de-sac is also extremely dangerous.

The CityView Project's damage to an established family neighborhood where homes are maintained and even the lawns reflect the commitment of these Bellingham residents would be detrimentally impacted. Please consider the impact that will fall on a lovely neighborhood with many older residents who have lived in a community they take pride in and consider home.

Sondra Kelley
**Entry Details**

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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<tr>
<td>COMMENT</td>
<td>My major concern, first of many, is traffic. When the new apartments behind Fred Meyer opened, the amount of traffic exploded. Getting to and from the Freeway caused huge slowdowns on Lakeway and, sometimes, on Ellis. This is definitely NOT multi-family and will be a huge disruption to the single family neighborhood. Having a 3 story 'apartment' building towering over our peaceful low traffic community will intrude on our quality of life. The recent traffic 'calming' installations on Nevada has not slowed down the speed of cars except at the immediate points. I live on a corner of Nevada and one of the cul-de-sacs and I hear the speeding cars all day and evening. There are already many students living in duplexes and triplexes and adding over 300 more will be totally unacceptable to those of us in single family homes all along Nevada and the cut-de-sacs. Many of the homes in the neighborhood have small children and they are at risk!!!! Please, PLEASE deny this permit forever.</td>
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<td>EMAIL</td>
<td><a href="mailto:naomibunis@comcast.net">naomibunis@comcast.net</a></td>
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I have serious concerns about the CityView project in the Puget neighborhood. I moved to Bellingham about one year ago. I attended the meeting with the developer Morgan Bartlett in July of 2019. I was new to the area, went with an open mind and spoke with him before the meeting. While listening to his presentation, one thing became very clear. This was not what I would call a typical multi-family apartment complex. The design was clearly set up to draw college students. Each unit would have 3 bedrooms with individual bathrooms. Rents could be charged by the room—potentially $700-$900 per month per room. The proposed complex was huge—right in the middle of a 1 and 2 story home residential neighborhood. It sure looked and felt like student housing/dormitory.

I think it's great Mr. Bartlett wants to provide both low middle income housing and responsible higher-density housing in Bellingham. The city needs it. This isn't that.

My concerns with the CityView project:
1) Whether this is a multi family apartment building or most likely student housing, it absolutely does not fit into the surrounding neighborhood. The neighborhood surrounding the proposed building site is all 1 and 2 story family homes. The proposed buildings, even in the revised documents will TOWER over the existing homes. Building C will be 5.5 stories and built on an area of the site where the elevation is higher. The unit density of the proposed development is completely out of proportion to the neighborhood. The buffers suggested don’t come close to addressing all of the issues that will be created—noise, traffic, parking, site lines, etc.

The CityView development fails to adhere to the Comprehensive Plan and Puget Neighborhood Plan which directs “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.” Further, “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,” and, “Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.” (Policy CD-7 - Community and Character) and (Goal CD-3 - District and Neighborhood Identity) of the City of Bellingham Comprehensive Plan.

There are more responsible and respectful ways to develop this property. I would support Mr. Bartlett building a development in character with the rest of the neighborhood which would still allow for higher density—for instance, a mix of duplexes, cottage homes and/or townhouses.

2) The property includes wetlands and unstable soil conditions. Over the years, there has been much water run off that has flooded basements on the lower part of Nevada Street. A new geohazard study was supposed to be submitted with the revised proposal. This didn’t happen. A cover letter was attached to a previous 2013 study. This does not adequately address the many unique and significant geohazard issues related to this property. It seems it would be helpful to require a new survey with several additional drill-tests to deeper depths to ensure proper measures are taken to deal with slope, soil stability and drainage issues. It seems critical that if this property is developed by Morgan Bartlett or anyone else—a serious updated geohazard is done.
3) Traffic/parking is another serious concern. The streets coming into and out of the neighborhood are not adequate to service the increase in traffic related to such a huge complex. The revised proposal does not adequately address this. Nevada Street is treated as if it won’t be used by the tenants of the CityView complex. It will. Children will be out playing in the neighborhood and there is potential for serious accidents. The number of suggested increase in trips per day in Mr. Bartlett’s application is significantly lower than what the reality will probably be. He estimates many of the 318 tenants and guests will walk the 1 mile 15-20 minute trek to services in rainy and snowy weather rather than drive. The complex is just too large and there will be a significant increase in traffic. The neighborhood is not designed for this.

Parking also doesn’t seem adequate for the size of the complex. This will create further neighborhood issues and strain relationships as CityView residents and guests will end up parking on neighborhood streets which again, are not designed for that kind of load.

4) Potential noise at all times of the day and night is another issue not addressed adequately. Noise easily travels. A 20 foot buffer area on the Western border is very minimal and the height of the buildings will still allow significant noise to the the existing neighborhoods below and above. The constant traffic and gatherings in parking lots will also contribute to increased noise levels. The buffer areas really need to be tripled and building heights and number of units reduced to address this.

In Mr. Bartlett’s application, there is no plan for mitigation efforts to keep the noise down during construction except a tight schedule to minimize the duration—so, significant noise from 7:30 AM until 6:00 PM every day during construction.

5) The area has a large number of wildlife living within and moving through it—I did not see how protection for this is addressed in the proposal.

These are all serious concerns. If there is a need for more student housing in the city, there are many other more appropriate sites available in areas that are not surrounded by 1 and 2 story residential homes and which do not have the drainage and soil issues of this property as well as the traffic issues.
If Mr. Bartlett wants to develop this property—he should do it properly—working to build within the character of the current setting and directed by the Comprehensive and Puget Neighborhood Plans as well as doing the necessary geohazard studies.

Thank you for considering and taking seriously these concerns.

EMAIL
ghallen19@gmail.com
My husband and I purchased a single family home to raise our three year old daughter. Up and down and across our street live several families with young children. A few houses down from us, a school bus drops off school children, who then walk independently to their homes. CityView will be built directly behind our houses, and we are worried about the influx of traffic that CityView will bring to the neighborhood. CityView will have 318 bedrooms, each with a private bath, and with its proximity to the University, it is clear these apartments will function as a dormitory for college students. Thus, the proposed 249 on-site parking spaces will likely not be sufficient for its 318+ inhabitants and visitors, and there will likely be an overflow of dozens of cars into neighborhood streets. This not only poses the likelihood of noise disturbances, property damage, and obstruction of vehicles, but the very real risk of automobile accidents and danger to our children, who walk on neighborhood streets. These streets are not designed to handle such a load, and I believe it would pose a hazard to residents of both neighborhood streets and CityView.
EMAIL

l1nlyna@gmail.com
City of Bellingham
Public Comment

Entry Details

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<tr>
<th>NAME</th>
<th>Sandra Chu</th>
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<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<tr>
<td>COMMENT</td>
<td>CityView is being proposed as affordable housing, however, CityView’s layout is much more in line with a college dormitory for students of means than with multi-family housing. A three-bedroom apartment at CityView will rent from $2,700 a month, or $900 a bedroom, while two-bedroom apartments in the Puget neighborhood currently rent from $1,200 a month. All of CityView’s bedrooms will have a separate bath—not a common feature for multi-family dwelling units. This is a feature for dormitories, and we believe CityView hopes to appeal to college students and operate as such. CityView’s spaces for recreation, inappropriately placed along the border of single-family homes, will likely create long term noise issues, while CityView’s parking structure, backing up against single family homes, will likely create constant traffic noise for surrounding residents. The area CityView hopes to build is not an appropriate space for a college dormitory, and CityView has not sufficiently addressed these noise concerns, which will create a constant disturbance for Puget residents.</td>
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City of Bellingham
Public Comment

Entry Details

NAME
Sandra Chu

CHOOSE TOPIC
CityView Project

COMMENT
CityView is disproportionately large and out of scale with the Puget neighborhood it will build in. It will dwarf surrounding residences, decreasing the property value of neighboring homes. The height of the largest building is 65 feet and only 200 feet from the one and two story homes on Nevada St., and clearly out of proportion to the one- and two-story homes that will surround it. A new geohazard study, requested by the city to be submitted with the revised proposal, has also not been met. Instead, a former study from 2013 is being used. Wetlands with unstable soil can create enough runoff to flood basements on Nevada St, a situation that will be exacerbated by CityView. Flooding can endanger residents and their property, and possibly lead to increased automobile accidents, as runoff in the winter months is often enough to resemble rushing water several inches deep. Such risks need to be adequately measured and mitigated, and the new proposal fails to address these concerns.

EMAIL
l1nlyna@gmail.com
A new geohazard study, as requested by the city, was not submitted with the revised proposal. The submitted copy of the "new" geohazard study was an old one conducted in 2013 with a new cover letter attached. The soil on the north end is unstable and has a lot of trees leaning downhill. Run off from the project will be an issue, as during the last large rainfall, streams of water were running into our yard. A new geohazard study NEEDS to be done. The one submitted from 7 years ago is not up to date and can not be trusted to ensure the safety of homes and residents.
City of Bellingham
Public Comment

Entry Details

NAME
Kathleen Taylor

CHOOSE TOPIC
CityView Project

COMMENT
I live at 814 Nevada St. That is on the East side of Nevada St. The CityView Project will literally be directly behind my back yard on a steep hillside, with an estimated 300* tenants peering into our backyards and homes. This complex is way out of proportion for this area of the Puget neighborhood. On all four sides of the proposed CityView project are single-family one and two-story homes. This project does not meet the parameters of our neighborhood comprehensive plan.

PUGET NEIGHBORHOOD ASSOCIATION COMPREHENSIVE PLAN: CityView does not adhere to Puget Neighborhood's Comprehensive Plan which directs development to be of a type, SCALE, and design that maintains or improves character, aesthetics, and LIVABILITY of the neighborhood.

City Council members, could you for a moment imagine that you live in one of our single-family homes, and imagine the impact this project will have on your quiet lifestyle and home value. Because CityView would be built on a steep hillside behind our
homes, it will appear much, much taller than 110 feet to all the homes below. We will literally have up to 300 students looking down into our back yards and homes. I say 300 students because each unit is 3 bedrooms WITH one bathroom for each bedroom. To me that definitely describes "Dormitory". Also, a dormitory will not address the current short supply of multi-family housing in Bellingham. If I remember correctly this configuration of student dormitory-style housing proposed by University Ridge, was denied. Also with the uncertainty of when and how students will return to WWU because of the ongoing pandemic, it certainly does not seem like it is the right time to build dormitory-style housing.

NOISE MITIGATION: There is little ability to mitigate noise on a hillside. As it is, when Puget Street neighbors are in their back yards, and I am outside, I can hear their conversations, even though there is a forest between us. Now imagine 300 students and cars between Puget Street and Nevada Street with the forest gone.

CityView states that onsite open space is located in the southwest corner of the site. That is directly behind my backyard. If this project goes forward, the Nevada St neighbors (on the east side of Nevada Street) need to have input into what will be used to separate our property from theirs to give us the most privacy and separation possible, both visually and noisewise.

GEOHAZARD STUDY: I am extremely concerned that a new Geohazard Study was not completed since the University Ridge application. This study should be done during the rainy fall, winter or early spring when the ground is OVER saturated. There has been a change in the hillside behind my house and property over the last 4 or 5 years. Each year I have more and more standing and RUNNING water in my back yard. Because I have a video and photo to share I will submit a separate letter to: cityview@cob.org.

Thank you City Council for honestly considering the impact this project will have on my beloved section of Puget Neighborhood.

Kathy Taylor
814 Nevada St.
kataylor.alaska@gmail.com
It is mentioned in the proposal that the housing units are meant to serve as affordable housing. Based on layout, amenities, and pricing, these housing units are meant and designed to suit the style of a dormitory. It is clear CityView is intended to be housing for college students of means.

In the SEPA Environment Checklist, section 7b only addressed noise during the construction period. It did not address the long-term additional noise and traffic that will be added to the streets of Consolidation Ave, Nevada St., S. 44th St., Byron Ave, Ashley Ave, Lincoln St. and Lakeway. The streets are not wide enough to accommodate two cars passing by at the same time with NO other cars parked on the side of the streets. The proposed development will vastly increase traffic and the amount of cars that will be parked along side of the streets, which will also increase the noise level. Such issues have not been properly taken into account in the proposal.
From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Friday, May 8, 2020 2:31 PM
To: G.Proj.City View
Subject: Public Comment -Andrea Lubeck
Attachments: Public Comment - 205.pdf; 4DB3C16A-A7B5-487D-B136-2C0385C301BF.jpeg

To help protect your privacy, Microsoft prevented automatic download of this picture from the Internet.

City of Bellingham
Public Comment

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<td>COMMENT</td>
<td>This proposed development does not fit and has no place in this residential neighborhood. It will generate too much noise, too much traffic, environmental disruption, and is not consistent with the surrounding developments. I implore you to be reasonable and keep this monstrosity out of this neighborhood.</td>
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<td>CHOOSE TOPIC</td>
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| COMMENT | I'd like to renew my opposition to the Cityview Project proposed to be constructed on the Hawley Tract of the Puget neighborhood.  

1) Inappropriately placed, towering over the homes of Nevada St. only ~100ft away at times.  

2) Out of character of the Upper Puget Neighborhood.  

3) Is disproportionately dense dormitory style apartment, suited for a college campus, not a neighborhood of small apartments and family homes.  

4) Would overly strain fragile neighborhood roadways.  

5) is out of proportion.  

6) has little to no Hillside Forest Transition and is over baring in the small neighborhood it would consume. |
7) is simply out of scale for the neighborhood it is proposed in.

I challenge you to look at the attached rendering of this proposed CityView monster and tell the community you serve that this represents a reasonable, appropriately stair-stepped, properly scaled, proportional project for the neighborhood.

Do not let Morgan Bartlett, a wealthy profit-hungry developer, and his Madrona Bay Realty Company destroy the sanctity of the Puget and Samish Neighborhoods in the name of special interest profiteering!

I implore you to stand up for the average people of the Puget and Samish neighborhoods and deny this profit-centric proposal.

-Erik Bernhoft

FILES
CityView Dormitory Complex.jpg

EMAIL
ebernhof@hotmail.com
Good Afternoon,

Thank you for taking our comments in regards to the CityView Project. As a homeowner and resident of 808 Nevada Street (butting up to said proposed project), the following are just some of the items that will need to be addressed and remedied by the Developer and the City in order for this project to proceed to minimize any fallout:

1) Sufficient storm and water drainage installed on the resident properties that are on the west side of proposed project property to prevent flooding.
2) Roundabout installed at intersection of Consolidation and Nevada Street.
3) Roads, sidewalks, and drainage on Consolidation street and Nevada Street, re-constructed to be able to handle 250+ more cars and people, in addition to its current load.
4) "No public parking signs" installed on Nevada Street and Consolidation street sidewalks.
5) Traffic light installed at end of Nevada Street and Lakeway, as well Lincoln Street access intersections to minimize accidents.
6) Noise barrier / and privacy: greenery / shrubbery /
trees installed between proposed project property and southwest residence properties.

6) Current expert comprehensive density and drainage study of subject property performed and then reviewed by and agreed to by the City and experts as "ok to proceed", prior to beginning any construction on said proposed project.

7) Safe removal of any trees appearing on proposed subject property that appear to be leaning, to avoid any accidents.

Thank you for listening to this and the voices of other citizens who will be deeply impacted by this project if it proceeds.

Sincerely,

Julie LaVergne

EMAIL

jlavergne532@msn.com
To Who It May Concern:
I moved into the Puget Neighborhood this past January. I had occasion to spend a lot of evenings--both weekdays and weekends--at my fiancé's home on Nevada Street, located down the hill from where this CityView apartment complex is envisioned. Frankly I was surprised to learn that this huge complex was even being considered for this location in what is decidedly a Single Family Home neighborhood. Just because you can do something hardly means you should do it and just because of some oversight in this area's zoning, should not mean that a complex of this size should be built where the developer plans. It is completely out of character in a single family home neighborhood. Furthermore, I have seen firsthand the high volume of very fast--does everyone speed on neighborhood streets--traffic on Nevada Street, and I can see very clearly, whether the Council can or not--the huge increase in traffic volume that will go with this project on all the streets accessible below this complex. There is enough--too much--traffic already in this neighborhood which can't
even get speed bumps placed on streets to slow the speed, if not the volume, of the traffic. Nobody can argue this huge rental complex housing three tenants in each unit, almost all of whom will have cars, is not going to have a serious negative effect on the Puget Neighborhood. No families are going to rent there. At the cost of renting three bedrooms separately, families will rent homes elsewhere.
This property should be developed as single family homes in character with the rest of the neighborhood. There is no reason that this huge complex should be located where proposed except greed. That hardly makes it right.
I would ask the Council to consider the homeowners in the Puget Neighborhood and reject this proposal. Thank you for your consideration.

Kerry Helm
Follis Realty
Bellingham

EMAIL
kerryA8@msn.com
This proposed project is way oversized for the immediate neighborhood where it is planned and would scar the landscape forever as it starkly towers above the surrounding houses.

CityView fails to adhere to the Comprehensive Plan, which directs, “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.” Further, “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,” and, “Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.” CityView fails these requirements (Policy CD-7 - Community and Character) and (Goal CD-3 - District and Neighborhood Identity) of the City of Bellingham Comprehensive Plan.

There is no way CityView meets these qualifications, and it should not be allowed to be built!
Dear Madam/Sir:

I am a Bellingham resident and homeowner providing feedback in response to the new residential multi-family building proposed for 4413 Consolidation Avenue/Area 17 in the Puget neighborhood of Bellingham. While I do not reside in the Puget neighborhood, I care deeply about the unique character and livability of all Bellingham neighborhoods, and about our interconnected natural environment. Moreover, my home is in a neighborhood (Happy Valley) with extensive integration of single-family homes (like mine) and multi-family/multi-unit dwellings. The issues raised by the proposed project at 4413 Consolidation Ave. resonate profoundly with me.

In my experience, it is deceptively easy for multi-unit projects to change the character of neighborhoods in ways that reduce livability and quality of life for all neighborhood residents. For that reason, I think it is imperative that any large multi-family/multi-unit project be planned with the utmost care, common sense, transparency, and scrupulous adherence to COB planning requirements.

I am very concerned that the size and scale of this proposed project is so out of line with the prevailing and long-standing character of the surrounding neighborhood (which continues to be mostly single-family homes) that the likely negative impacts are fundamentally unmitigatable and the project should not proceed. Specifically, my leading concerns are as follows:

1) The surrounding neighborhood consists overwhelmingly of one- and two-story homes. This project proposes a 5.5 story building (Building C) that would be utterly out of place and thus out of compliance with the requirement to reflect the existing neighborhood. This is twice the height of City Hall. Would you like that building arising in your home's immediate viewshed? I sure wouldn't. I don't even want to see it dominating the neighborhood as I drive by on I-5. It would remind me of the sacrifice that neighboring long-time homeowners have had to make to accommodate a building that should never have been permitted. This project will neither enhance nor preserve neighborhood character, a requirement as per Policy LU-4 of the COB Comprehensive Plan.

2) The allowable buildable density claimed by the project applicant (176 units) is not sufficiently documented nor justifiable for proceeding with a proposal of this magnitude and potential neighborhood impact. A much more reasonable baseline for this project would be the documented and definable density of 8.7 units per buildable acre (it is clear that a significant portion of this site cannot be considered buildable due to the presence of wetlands). This latter density (8.7 units) is much more in line with the historical and current residential density of the surrounding neighborhood. I am requesting that you please use this standard for formal review of the project proposal.

3) Given the proximity of the Puget neighborhood to Western Washington University's main campus, it is very likely that the primary market for the apartments proposed in the project will
be WWU students. It is disingenuous for the project applicant to suggest otherwise, and it would be irresponsible for COB to accept this claim absent credible supporting data. With students as the primary market, it is highly unlikely that this project would make a major contribution to meeting the existing city-wide need for low-income family housing options. Would you want to raise your children in a college student dormitory? I wouldn't, and would not ask other families to do so.

4) As a resident of a neighborhood (Happy Valley) in close proximity to the WWU campus and thus home to a substantial student population, I am well aware of the neighborhood impacts that students generate (e.g. noise, excessive curbside trash, vehicles occupying all available streetside parking). This project does not adequately address or account for these kinds of impacts on the surrounding Puget neighborhood. Light and noise pollution from the buildings (students stay up late!) is not adequately addressed in the proposal. The claim that most student residents of the project will walk/ride public transit to campus is a blithe, unfounded assumption that needs to be supported by actual data (my blithe observation in response is that students are no different from most city residents--some take public transit, but plenty of them prefer to drive, and assuming otherwise is fantastical thinking).

5) As a sloping hillside site, it is essential that this proposal carry out a full assessment of potential geohazards, hydrological dynamics, and vegetation management. I am concerned that the project proposal is cutting corners in these areas with incomplete or less than thorough analysis of site conditions. The geohazard study was originally done for a different development proposed at 4413 Consolidation Avenue, and has not been completely updated. Potential runoff/drainage issues at the north end of the property are not fully addressed in the current application, nor are concerns about the long-term stability of trees on sloping areas of the site. Will the applicant be responsible for monitoring and inspection of trees left standing in the vicinity of the construction site? This should be a responsibility borne by the developer, not by the City. The lack of attention to these sorts of details suggests to me that the applicant really does not care about the natural qualities and environmental conditions of this property. Well I do care. Please hold the applicant to the highest possible standards in terms of COB’s environmental review and mitigation requirements. I and many other Bellingham residents are reliant upon you to protect our city's natural environment that we cherish and care for every single day.

6) The applicant proposes to remove extant coniferous trees along the Nevada St. border of the site and replace them with deciduous trees. This dubious landscaping decision will increase the impacts of the project (noise, light pollution) experienced by neighboring Nevada St. residences. While a relatively small issue, it is symptomatic of an unacceptable lack of concern on the part of the applicant for overall neighborhood impacts.

Given all of the above concerns, I do not believe that this project proposal should be approved for 4413 Consolidation Avenue. It essentially proposes to build a large student dormitory in the middle of a primarily single-family residential neighborhood. This particular pattern is demonstrably toxic for the social fabric of our city and community. The proposal is clearly not in the best interests of the Puget neighborhood, nor does it reflect the priorities, cares or concerns of most Bellingham citizens. Please either send this proposal back again to the drawing board, or
straight to the (regrettably large) trash heap of bad, self-serving developer concepts. But do not let it go forward as is. Thank you sincerely for your service to all Bellingham residents, and stay safe.

Kind regards,

John Tuxill
1604 20th St.
Bellingham
(360) 441-1392
**City of Bellingham**

**Public Comment**

**Entry Details**

<table>
<thead>
<tr>
<th>NAME</th>
<th>Sara Johnson</th>
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<tr>
<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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</table>
| COMMENT       | I am concerned about traffic on Nevada Street which would affect me everyday should this huge project somehow be approved. The 318 rental bedrooms would be occupied by many more students than that as they double up, and most of them would have cars. How can Nevada Street and Consolidation handle all that additional traffic (not to mention the parking issue)?

I live on Whatcom just off Nevada. Nevada is a narrow street not designed for heavy traffic. Already it is hazardous getting from Whatcom St. onto Nevada where there is an odd oval-shaped roundabout and a blind corner to the north. Then making a left turn from Nevada onto Lakeway is another challenge, so much that often it is safer and faster to drive slowly through the Whole Foods parking lot to get to Lincoln. The additional traffic that this project would create would exacerbate the problem and undoubtedly result in more traffic accidents. |
| EMAIL         | sarajashland@gmail.com |
The City has recently passed an Emergency Moratorium to deny single family homes construction in a RM zone site. This emergency moratorium (EM) is the City's effort to mitigated a problem of accepting single-family homes development on RM zoned area. In a way, this is the City's admission of a negligence and mistake on the part of the City. Now using this EM to right a wrong.

The City's had wronged us by allowing single-family homes to be built in Area 17. Furthermore the City should not punish us now, causing us great harm and injustice, by allowing CityView to be built here. The way to mitigate this wrong by the City is to designate the remaining Hawley Tract to be developed based on the in-fill toolkit.

Conversely, the City could not use this EM or RM zoning to justify CityView development, as one councilman nonchalantly stated, that it was the single-family homeowners' wrong to have bought these homes without due diligence. By accepting our property tax, which increased every year, the City
<table>
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<th>EMAIL</th>
<th><a href="mailto:alanhui@yahoo.com">alanhui@yahoo.com</a></th>
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should protect our property value, safety and security. Not to destroy them.
From: Nabbefeld, Kurt D.
Sent: Monday, May 11, 2020 9:43 AM
To: Bell, Kathy M.
Subject: FW: City View

Kurt Nabbefeld, Development Services Manager,
SEPA Responsible Official

City of Bellingham
Planning and Community Development
Tel: (360) 778.8351
Fax: (360) 778.8302
Email: knabbefeld@cob.org

Tell us how we're doing!
Permit Center survey

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

From: Michael Chiavario <mchiavario7@gmail.com>
Sent: Sunday, May 10, 2020 10:06 AM
To: Grp.PL.Planning Mail (planning@cob.org) <planning@cob.org>
Subject: City View

RE: City View Apartments: NO. for all of the reasons in Alex Mclean's comments as well as the fact that there will be no affordability requirements for the building.
I know it’s past the deadline but I decided you have so little respect for our neighbors that why should we respect your deadlines-

So I am sending more pictures of renters garage- and the second phone is an example of a house that has more renters crammed into it than parking allows for. So the park on the street making passing dangerous!
Sent from my iPhone
City of Bellingham
Public Comment

Entry Details

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<tr>
<th>NAME</th>
<th>Robert Tucker</th>
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<td>CHOOSE TOPIC</td>
<td>CityView Project</td>
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<td>COMMENT</td>
<td>CityView is a campus dormitory being jammed into a residential neighborhood. It will sit 110 feet above the Nevada St. Neighborhood and be completely out of place in an area that consists solely of 1-2 level residences. The design and capacity of this complex does not fit anywhere into the aesthetic of the Puget or Samish neighborhoods that would surround it. It will border the back yards of numerous homes on Nevada St. which will result in noisy tenants frequently burdening those homeowners. The proposed parking lot for the CityView Project does not provide adequate parking for it's tenants (or their visitors) which will lead to a large influx of vehicles being parked in front of the residential homes on the streets below the complex. I believe this also has the potential to lead to increased vandalism and car prowls. The increased traffic on Nevada St., Consolidation St. and Byron St. will also be a large safety issue. We have already had to install roundabouts on Nevada St. to try and manage the current traffic. These streets simply are not set up to handle the influx in traffic the neighborhood would see if CityView is built. This presents a large</td>
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increased safety risk as these are family neighborhoods that will be encroached upon. Kids ride their bikes in these streets, families play in this neighborhood. This project will also negatively effect the value of real estate in this neighborhood. As they say "location, location, location." I sell real estate and people don't want to buy homes right next to a huge complex that houses a large number of young tenants or college students. When the city is counting all the dollars they are set to make by approving a project like this, perhaps they should consider lowering the assessed tax value of the 300 or so homes that will be negatively impacted by the CityView Project.

CityView fails to adhere to the Comprehensive Plan, which directs, “that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods.” Further, “new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood,” and, “Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.” CityView fails these requirements (Policy CD-7 - Community and Character) and (Goal CD-3 - District and Neighborhood Identity) of the City of Bellingham Comprehensive Plan.

CityView is an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn't work! (Here is the paragraph that residents can copy, edit (optionally), and paste into the public comment form going to cityview@cob.org.)

The never approved Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. 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. We support Puget Neighborhood Work Group (letter from Phillip Buri, Esq., February 6, 2020) recommending it is time to start over!

EMAIL

btucker60@gmail.com
To: Rick Sepler and Kathy Bell

I am writing to you both about my concerns regarding the proposed CityView apartment homes between Nevada and Puget street. I live on Nevada St. and have seen many developments go up around the neighborhood in the past couple of years. In fact, I live right next door to the two massive houses and small townhomes that are currently being built. That was hard enough to accept since they aren’t consistent with the neighborhood and crowd a bunch of people onto the lot increasing traffic and cars on our street. Now I hear there are plans to develop the only thing that gives this neighborhood a decent Bellingham feel, the green belt. And not with family homes, but with horrid multi-story dorm-like complexes. It is utterly ridiculous to shove those enormous structures into the middle of our neighborhood that is NOT designed to handle that kind of traffic or human footprint. This will be incredibly disruptive to the area and not just to the residents, but the wildlife too. In addition, the hydrology of the area suggests that the land is inappropriate for development. We already get water running off that hillside in various places along Nevada St. There’s a wetland right next to the proposed building site and a couple of drainage ponds in the neighborhood already. There are other areas for CityView that are far more appropriate, such as Lincoln St. I understand that growth is inevitable, but not this massive block right in the middle of our neighborhood. We all chose to live in Bellingham and not Everett or Seattle because we love peaceful neighborhoods with greenbelts, trees, and low traffic. We all gave up higher pay elsewhere to enjoy a little space to raise a family in a city that "gets it". The urbanization of our neighborhood goes against the spirit of Bellingham and will destroy our peace here. Please do not approve of this project, and protect our neighborhood from other similar proposals. Preserve the Bellingham we love.

Christina Clark

Physician Assistant student with the University of Washington
Alumni of Western Washington University
Mr. Sepler and Ms. Bell,

I am resident in the nearby neighborhood of the proposed cityview project. I am appalled!! This massive proposed development is outrageous to keep the integrity of our family oriented neighborhoods.

*There is nowhere near adequate parking.
*There will be no doubt increased congestion to Nevada and Consolidation
*the additional noise from a dorm-like population will be unprecedented
*the construction itself will be a huge impact on our small streets, and so disruptive to the quality of single family living.

Don’t destroy our neighborhood

Sincerely,
Thea Posch
Dear Ms. Bell,

We are writing to let you know of our concerns about the proposed project at 4413 Consolidation Avenue. This is to be a multi family project of 106 unites. The location is on a very steep grade with only a path proposed coming out onto Puget Street. This is a street that has no side walks and very limited shoulder spaces of walking and bicycles.

If a road is built it will add a great deal of traffic onto Puget Street.

There is already concerns about traffic being backed up with garbage collection, mail service and recycle trucks.

Water run off on that steep grade will be an issue that will have to be addressed. We are concerned about city increasing our water shed costs which is most of our water bill right now.

The buildings will be in the middle of single family houses which will cause increased traffic, increased noise and decreased property values. All of the traffic will be coming onto Nevada street.

Please reconsider issuing the permits for this project to be built. We are very much against this project.

Regards, Wrights

1923 Blakely CT.
May 8, 2020

Kathy Bell, Senior Planner
City of Bellingham, Planning and Community Development Department
210 Lottie Street, Bellingham, WA 98225
kbell@cob.org

Rick Sepler, Director
City of Bellingham, Planning and Community Development Department, Planning Division
210 Lottie Street, Bellingham, WA 98225
planning@cob.org

Dear Ms. Bell and Mr. Sepler,

As a resident of the Puget Neighborhood, I am stating my negative reaction regarding the massive CityView dormitory-style complex which is undergoing review by the City of Bellingham Planning Department at this time.

My main concern involves increased traffic, especially on Nevada Street between Lakeway and Consolidation. That area is the main road outlet for my neighborhood. The small oval shaped center island at the Nevada and Whatcom intersection is awkward to navigate, and I believe is a vehicular hazard even with today’s traffic pattern. Now add the potential 300 CityView residents who will routinely drive up and down Nevada Street and the City is asking for problems.

The traffic noise, air pollution and potential of accidents at speed restrictors, roundabouts and stop signs will increase substantially. It is already more difficult to navigate Nevada Street with the speed restrictors. Any vehicle forces another vehicle approaching from the other direction to wait “for their turn”. There will be significant additional traffic from deliveries, utility services, emergency vehicles and guests. There are only two roads in and out, and they will be severely impacted. Consolidation and Nevada Streets were NOT designed as major thoroughfares. They are not wide enough. They lack traffic lights, and they have little and sometimes no shoulder.

In addition, since the proposed parking spots for CityView may not hold all the residents’ vehicles, we will have to contend with more street parking which requires tight street navigation; and again the potential for more accidents.

For these reasons, I oppose the construction of the CityView complex.

Judy Van Duzer, 1400 Whatcom Street, Bellingham, WA 98229
Mr. Rick Sepler and Ms. Kathy Bell,

My wife and I just bought our first house in the Puget neighborhood in Jan 2020. We have more than excited to be lucky enough to live in a neighborhood as great as this one. Living in Bellingham has been a dream of ours for almost a decade. This dream has been hard to achieve as one must either have roommates to afford rent/mortgage or work tirelessly to avoid having roommates. We are both in our thirties and planning on having our child in the near future. We were unaware of plans to build an apartment complex behind our house when we purchased the house. But none the less, now we are faced with the prospect of giving up a little of our dream so developers can make the most profit possible without considering how it affects us, the residents of Bellingham.

Please, I wish there was something we could do to prevent this from happening. Please do not allow this plan to come to fruition. We are begging you to save our neighborhood.

Thank you,

Charles Lambert, BSN, RN.
We oppose the CityView Complex and urge you to not approve the development. The proposed design is out of scale for its physical location and for the neighborhood. We are concerned that this built intrusion is inappropriate because of the slope and because of the wetland nature of the site. The intrusive nature of the development is likely to cause future problems with land movement and water runoff. The massive “dormitory-style” design is incongruent with the single- and multiple-family units in the area. [Note: We already have an increasing number of “rooming houses” (or there has been an amazing increase in 6-8 car families!) using the same per bedroom business model that are already changing our neighborhood. One example: the owner of a near-by rooming house recently told us, “I don’t want to spend money on maintenance; I don’t live here.”] We did not oppose the Lark Development on Lincoln as it seemed appropriate for its physical setting and neighboring environment. The CityView development will have a negative impact produced by noise and other construction related effects. Continuing noise effects and intrusive lighting due to everyday activities including parties will persist after completion of construction. We already experience increasing noise levels from I-5 traffic. We also already experience noise and intrusive lighting from events at Civic Field.

Thank you,
George and Fran Cvetkovich
913 Queen St
Bellingham, WA 98229
Mr. Rick Sepler,
Ms. Kathy Bell,
Bellingham Planning Department

RE: CityView Dormitory Complex - Development

As residents and home owners in the Puget Neighborhood we are opposed to the development known as CityView as currently proposed.

After an extensive search of the various Bellingham neighborhoods including the areas closer to the WWU campus we purchased our home at 912 Queen street in 2003, our choice was based on looking for a modest family home in a stable neighborhood of similar homes. While we desire to be in a small college town we specifically did not want to live in the midst of a bustling student neighborhood/housing complex.

Over the last 10 years it has now become apparent that our area of town (east of I-5) has become ‘the place to build high density student housing’ given the number of high density complexes being permitted in this area...is this part of a well thought out plan? If so the why not concentrate on the available flat land on Lincoln?

The developer does not appear to be interested in being open and transparent based on the traffic study and design parameters being portrayed. The current design plans include the following major parameters which we find obtrusive and out of character within the design of a single story home, family friendly neighborhood-

- 3 Buildings (one 5-1/2 story, two 2.5 story tall);
  - The local site topography/geology is challenged; considering we will experience a Cascadia earthquake the current design could result in a major landslide catastrophe.
  - The apartments are not consistent with family housing design, there are no play areas and they are not built toward ‘senior living’ standards.
  - The number of probable vehicles based on a low 318 renters versus the number of parking spaces allocated onsite (249) will result in vehicles spilling over onto other current home owner properties.
  - The traffic studies are skewed toward the low count since these were conducted during the summer when 20,000 student leave town.

- Puget Neighborhood Zoned Single Family + Multi Family; this complex design is based on 3 bedroom pods...this is not in line with the true definition of current zoning.

- Increased Congestion Impact; in addition to a skewed traffic study, the negative impact to the immediate neighboring homes will result in a significant value
depreciation…none of the current residents chose to live in a high density student atmosphere. Vehicle traffic trying to turn west on Lakeway will be problematic.

It is quite obvious the complex is targeting high density student housing inconsistent with our neighborhood. The increase in high density student housing property development scattered throughout the city limits of Bellingham does not seem to be part of an integrated—well thought out long term plan. At the same time that WWU is developing additional student housing on campus, a high density student housing development is nearing 50% completion on State Street. All these projects are occurring in the current atmosphere of a Coronavirus pandemic which will change future on campus learning norms into web based degrees off campus. What will be the negative impact on the existing neighborhood property owners when these units cannot return the revenue of the developer?

We urge you to review your long term vision for the Puget Neighborhood development and ask yourself ....” is this consistent with the long term plan, would I want to have this development within my own neighborhood? “.....

Thank you for your consideration.

Sincerely,

Dirk & Kathy Vermeeren

912 Queen street

Bellingham, WA 98229
Dear City of Bellingham,

I am writing to voice my concerns about the CityView project proposal. My first question to you is: Why disguise this project as a residential multi-family project when it is obviously designed as a student housing complex? The planning department at the COB should be frank with the community and unveil the project’s intent as it is, so that focus can be given to issues regarding student and public safety.

My concerns include student’s personal safety in this remote location surrounded by forest, and an increased hazardous situation on Puget Street.

Providing safe housing for students should be at the top of the city’s priorities. This site leaves reasons of concern for the welfare of the students. The site is surrounded by forest and the existing neighboring homes will have their back turned to the proposed project. It is a major concern that there will be no eyes on the development so to speak and leave students in a setting that is isolated and therefore dangerous. The project’s pocketed location coupled with the sheer volume of students results in an easy target for sexual assault and other crimes.

Students will be expected to walk or bike to their apartments, due to the lack of available car parking for all at CityView. Students will need lit access at night in the neighborhood, after evening study groups on campus, or extracurricular activities, etc., and in the winter all students will be traveling this route in the dark. More street lights will be necessary throughout the neighborhood between the site and Lincoln Street to provide safe access for the anticipated 318 students. What alternative means of transportation will the development provide for safe alternatives to driving? Will there be a dedicated bus directly to this complex?

The forest currently acts as a safe space for wildlife. This year (2020) I heard a group of coyotes for a couple months in the forest where this project is expected. Also a bobcat walked through my yard across Puget Street towards this strip of forest last month (April). I want to bring attention to the fact that students may encounter wildlife at night on this site. Has thought been given to these encounters between students and the animals that live in this forest?

I also have strong concerns about the dangers this project poses to the community on Puget Street. The CityView project proposes a Trail Access to Puget Street. Aside from the fact that the trail itself could pose as an unsafe path for students, young women in particular, it is a clear indication that students will be parking on Puget Street. Currently Puget Street does not have a sidewalk along the southern end where it meets Consolidation Ave. I walk this stretch frequently with a stroller and find it extremely unsafe. Already cars are driving fast because it is a collector street, and overgrown shrubs create obstacles leaving me no choice other than dashing in and out of the street with my toddler. With the anticipated increase in parked cars there will be less space to escape traffic. Improvements for pedestrian access on Puget Street will be imperative for the safety of existing residents and students. These ROW improvements should be included in the civil engineering drawings.
WWU functions as an anchor institution in Bellingham. Therefore I am surprised that the City does not have a more holistic and comprehensive plan for creating a vibrant student housing experience. This project site seems to be an unsuitable choice for college student housing, both in regards to the residents and the student tenants. Approving this project seems irresponsible for the safety of the Bellingham community.

Regards,
Carmen Kehs

954 Puget St.
--
Carmen Kehs
(512) 902 9308
carmenulrich4@gmail.com
**Entry Details**

<table>
<thead>
<tr>
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<th>Carmen Kehs</th>
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<tr>
<td>CHOOSE TOPIC</td>
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dangerous. The project’s pocketed location coupled with the sheer volume of students results in an easy target for sexual assault and other crimes.

Students will be expected to walk or bike to their apartments, due to the lack of available car parking for all at CityView. Students will need lit access at night in the neighborhood, after evening study groups on campus, or extracurricular activities, etc., and in the winter all students will be traveling this route in the dark. More street lights will be necessary throughout the neighborhood between the site and Lincoln Street to provide safe access for the anticipated 318 students. What alternative means of transportation will the development provide for safe alternatives to driving? Will there be a dedicated bus directly to this complex?

The forest currently acts as a safe space for wildlife. This year (2020) I heard a group of coyotes for a couple months in the forest where this project is expected. Also a bobcat walked through my yard across Puget Street towards this strip of forest last month (April). I want to bring attention to the fact that students may encounter wildlife at night on this site. Has thought been given to these encounters between students and the animals that live in this forest?

I also have strong concerns about the dangers this project poses to the community on Puget Street. The CityView project proposes a Trail Access to Puget Street. Aside from the fact that the trail itself could pose as an unsafe path for students, young women in particular, it is a clear indication that students will be parking on Puget Street. Currently Puget Street does not have a sidewalk along the southern end where it meets Consolidation Ave. I walk this stretch frequently with a stroller and find it extremely unsafe. Already cars are driving fast because it is a collector street, and overgrown shrubs create obstacles leaving me no choice other than dashing in and out of the street with my toddler. With the anticipated increase in parked cars there will be less space to escape traffic. Improvements for pedestrian access on Puget Street will be imperative for the safety of existing residents and students. These ROW improvements should be included in the civil engineering drawings.

WWU functions as an anchor institution in Bellingham. Therefore I am surprised that the City does not have a more holistic and comprehensive
plan for creating a vibrant student housing experience. This project site seems to be an unsuitable choice for college student housing, both in regards to the residents and the student tenants. Approving this project seems irresponsible for the safety of the Bellingham community.

EMAIL
carmenulrich4@gmail.com
We have been in this neighborhood for 10 years. There are no sidewalks or street lamps, during the first 3-4 years, it was ok, because home owners owned the majority of the homes. Not true now and the traffic and parking issues are insane. Not to mention the parties and the trash!

We have had cars park blocking our way out of our driveway. On any Saturday or Sunday cars are literally parked on one side of the street ensuring that if there is more than one car passing someone must yield. There is a line of cars on Consolidation, you can not safely pass. And just about every one rolls through the sign where Nevada turns into 44th and crosses over Consolidation.

I did a Google search for apartments with 10 miles of 44th. There are apartments on Samish, Nevada, 40th, 41st, Ashley, Bryon, Maple, Civic Field, Lakeway. And there is a huge complex going up on Elwood. The greed is staggering! This does not included the private homes that now because of the Pandemic have For Rent signs on them. I walk my dogs early everyday day in a 2-3 mile radius. Today we counted 7 signs. So to try and feed the few remaining home owners the horseshit that these City View units are for anything other than students is a Trumpain lie! No family is going to move into 3 bed 3 bath for $3000. That is twice the amount if most of our mortgages.

I walk by the mess on Ashley Street every day. There has been major work done at least 3 times that entailed ripping up the sidewalks- my guess pipes and sewage from the smell. It’s been open for over 2 years still has For Rent signage. And now for some pictures. Renter especially students who have No respect for any one because usually parents 2 or more hours away are paying the rent. Mine did.

The most of the garbage is within 2 days of pickup. The cars are on the street. You know why... because on average you have 4-6 renters in a home and not enough parking for renters and boyfriends and girlfriends and visitors.

We have an 18 month old son. We are blessed. I work for DSHS HCS and he works for Superfeet. So the Pandemic has not destroyed us. So we will save a little more each month so we can move and guess what probably turn the home we were so proud of into a rental.

Bellingham was so beautiful and the lack of true planning is allowing greed to destroy our city. If I wanted to live in a disgusting city I would move to Seattle or Everett. If Western needs more housing then they need to come up with a plan. I can’t believe the saturation of Cordata. Shame on you all for your short sighted greedy planning scheme.

And finally the wildlife, deer, coyotes, red foxes major travel corridor. Just because you build it they may not come, especially post pandemic because when it hits in the Fall, online is the way education will go well into 2021.
Sent from my iPhone
I wholeheartedly concur with Alex McLean’s excellent and thorough analysis of why this project should not go forward. Moreover, I must tell you that as a long-time resident, it breaks my heart to see our neighborhoods being raped in order to provide glorified dormitories for Western students--buildings that are visual atrocities that destroy neighborhood character.

Why have we become Western’s lapdog? Why can’t we insist that any additional dorm space must be limited to Western’s campus? After all that we have provided to date, the time has come to say “No more.” Thank you for your consideration of my comments.
RE: CityView Massive Dorm-Like Proposal

With all due respect, once again, greed has caused us to lose our minds. We aren't thinking about the beauty of the land and the environment, it is obvious developer and owner profit and city revenue is a driving force.

In regard to CityView, these types of "Infill Proposals" need to become more reasonable within the location areas they are being proposed. Single family homes that are "caught" in the middle of massive dorm-like buildings just don't mix well. Their purpose is entirely different and conflicts are bound to happen. Lack of parking, noise level and congestion, no easy public transportation, hillside drainage issues to lower neighborhoods and diminished property values are just a small part of legitimate concerns.

Please don't let us believe we made a mistake in choosing our elected officials. Pro or con decisions of this magnitude are not easily forgotten.

Cindy Sliger
1414 Edwards Street
This is Monday AM garbage at the Ashley Street apartments. If you allow this all home owners in the Samish and Puget area will be walled in by garbage and apartments.
You received my comments on this project yesterday. I would like to make a correction: I mistakenly implied that the project will be located in a single family neighborhood and I have learned that it will not be. However, my criticism still holds. I am weary of ugly, atrocious apartment buildings that have sprung up all over town in recent years. There is absolutely no concern for appearance or how well they blend into the existing environment. It is infuriating to see how our once attractive little town has become an unending wall of depressing, sterile apartments. Enough! We should reject these dorm-apartments and insist that WWU limits all future student housing to campus locations only.

Sincerely,
Warren Sheay
It is difficult for me to believe that you have been considering another building complex in this neighborhood once again. We went through this whole procedure before and I am certainly against building this kind of "dorm" complex. Please consider this action with the future of Bellingham in mind. We do not need or require this sort of traffic problem in this area.

Norma S. Mackie  
1029 Queen Street  
Bellingham, WA 98229  
360/647-2572
Name: Joshua Kehs

Choose Topic: CityView Project

Comment: For a thriving community to exist in the Puget Neighborhood new projects must be compatible with the existing fabric that has been built over the years. The CityView project would not be compatible with its neighboring dwellings. The existing demographic seems to be comprised of retired folk and families, who typically wind down their day in the early evening. On the contrary, college students, the likely tenants at CityView, start socializing in the early evening into the night. The lacking compatibility between these two populations in terms of waking hours seems concerning for the neighborhood. It is inconsiderate of the City of Bellingham to allow student housing to be dropped into the middle of a sea of single family homes. It would serve students much better to live somewhere where their lifestyle is compatible to their neighbors.

Email: kehsjp@gmail.com
Kathy,

I am forwarding Ms. Chen's comment on CityView. Her original email on May 18 was not published on the Received Public Comments. Thanks!

Alan

---Original---
From: "进露宝宝"<2594115122@qq.com>
Date: Mon, May 18, 2020 16:42 PM
To: "cityview"<cityview@cob.org>
Subject: CityView proposal public comment

I am a resident on the Nevada Street. I moved to this Cedar Ridge neighborhood on 2015. I'm surprised to learn about the CityView application on Consolidation Ave--11 acres of hillside wooded area of which half is wetland and half for the proposed development. I was shocked to hear that the CityView application involves constructing 3 tall apartment buildings--two of which are 2.5 stories high and one 5.5 stories. I have had years of experience in real estate development. Based on my experience, it is not appropriate to have such big buildings in this area. I urge the Bellingham City to consider my following comments:

1. Area 17 was zoned multi-residential in 1994. At that time, the land had not been broadly developed. Since then, this area and the area along the Puget Street, has largely been built up with single-family homes. Since then, over 170 single family homes have been built around the Hawley Tract. Now the CityView proposal intends to develop this site, which is only about 600 feet in length and 400 feet in width. Both above and below this proposed site are over 170 single family homes. The terrain of this area is hilly and steep. On this narrow piece of land, there will be three buildings of 5.5 and 2.5 stories to accommodate 318 renters, possibly with their friends and families. Has the developer considered all conditions necessary to build such buildings given its slope? What construction method is needed to prevent landslide and groundwater, and to protect the wetlands? How to protect the safety of the residents and their properties?

When Area 17 was not developed, this type of CityView apartment development would have been built on the flat area, such as along Nevada Street. By now, these flatter area has been built up with single family homes. It is unimaginable that these tall big buildings are now being proposed for the narrow strip of lands in the midst of single family homes. According to a professional geologist's opinion: the excavation and refill of the site, soil profile and groundwater issues will require a major & complex construction.
In the developer's revised application, he once again used an old geo-engineering report, prepared for the University Ridge application. How can such an irresponsible developer be entrusted with the life and properties of 170 families? How can we trust this developer--his completeness and reliability on the important aspects of his development application?

2. Regarding to the traffic issues, Consolidation Ave is a neighborhood street. It is only 3/4 width of a regular street. The side streets off from Consolidation are mainly rental apartments. Often, both sides of the street are parked full with vehicles. With this added 400 residents, this neighborhood street will add much more traffic, potentially causing traffic delays and accidents. Supposedly the City’s Transportation Planning suggested that most renters will be students and they will walk from the apartment complex down to the retail area. Such a view can be considered a joke. In the Bellingham area, how many students walk to get groceries?

3. CityView apartment complex has designed its only one set of entrance and exit on Consolidation Ave. How can a big complex with 318 renters use only one entrance and exit? A nearby gated community--PacificWoods has about 40 town-homes has 2 sets of entrance and exit: one onto Puget Street and another Nevada Street. In case of emergency, how can one expect to disperse panicked residents while rescuers needing to enter the complex?

4. The proposed CityView dormitory complex is too close to the existing single family homes, reducing the privacy and safety of the existing residents along the east side of Nevada Street.

5. Does Bellingham have other areas that have a similar development--5.5 stories apartment complex right in the middle of 170 single family homes? I don't think so.

6. The City should impose conditions on the developer's application to build housing that harmonize with the existing single family homes in the neighborhood. More so, I wish the City will urge the developer to find another site for this CityView project.

7. I wish the City will seriously review this development application and conclude with a result that reflects the need of our neighborhood and its home-owners.

8. I believe the 170 home-owners, with myself included, will pursue our rights to turn back this development proposal to ensure our requirements and needs are met.

Thanks for your consideration.

Angela Chen
Nevada Street, Bellingham
Hi Kathy,

Alan and I had a chance to talk about these questions & your responses. Between what you have provided, and the conversation Alan and I had, I think we have good, helpful information to provide to the Puget Neighborhood and others who may be concerned.

I plan to share what you provide through our Puget Neighborhood Association (PNA) email list. I still have a couple questions or comments to help me further explain to Neighbors if they ask or otherwise respond to me.

If you have any changes or additions, I’m happy to use what you might provide.

**My Questions/Comments (embedded in your questions/responses below).**

Finally, I want to say I personally appreciate the opportunity for public comments to be submitted after May 8 for consideration by the planning staff, the planning commission, and the planning director. I have additional concerns that I think needs mitigation by the city and developer. It may be issues outside what you can consider. I’m still trying to scope my thoughts, research the issues, and perhaps even recruit any co-sponsors to raise what I find.

My concerns are about fire & natural disasters, public safety, emergency planning & preparedness, and even law enforcement as CityView (or any similar development) is considered and moves forward.

With University Ridge, I believe emergency and disaster concerns were mostly addressed by a fire emergency assessment. As I recall the assessment determined: “we can (physically) get personnel and equipment onto the site as it’s designed”. It seems pretty thin to me now, but that assessment was 13 years ago. We view risks and mitigation differently now, or should. The City has a disaster preparedness and a “Map Your Neighborhood” Program, and Puget Neighborhood had a city presenter at its last Neighborhood meeting. Developments, such as CityView, tucked into the middle of single/multi-family home areas seem to create a significant challenge for disaster planning and preparedness, especially by the neighborhood; and is an “impact multiplier” in the event of a disaster. It compounds disaster planning, preparedness, and mitigation; especially with a student enclave in a single/multi-family dwelling area. It makes me wonder: What is or should be required of the developer to mitigate? I think they are creating the potential for a disproportionately greater human disaster on top of a natural disaster.
Perhaps an active shooter is what first comes to mind for public safety and law enforcement, but many other smaller problematic issues are far more likely. In my experience, BPD struggles enforcing issues that will effect CityView’s neighbors. In my case it was reckless use of lethal weapons and fireworks. I was told by BPD officers unless they personally witness, there is nothing they can do; regardless of damage, eye witnesses, physical evidence, video evidence, and multiple 911 calls. Honestly I find the BPD officers are good, dedicated public servants; but they seems to lack legal and other “tools” to do much in these cases. Based on my experiences, I fear for the nearby neighbors. It only takes the 2-3 misbehaving to cause ongoing problems for the whole neighborhood. How will the developer help mitigate, or work with BPD to mitigate? (e.g.on-site supervision/security, increased patrols, security cameras acceptable to BPD, etc.)

I want to understand how this all is assessed, or should be considered. My hopes aren’t high here, but I’d like to see it discussed.

Thanks.

Greg

From: Bell, Kathy M. [mailto:kbell@cob.org]
Sent: Friday, May 15, 2020 10:46 AM
To: Alan Hui; Greg McKinney
Subject: City’s consideration of public comment

Gentlemen,

Since responding to your previous emails concerning the public comment period and the land use review process, I have received follow-up emails and phone calls asking for additional clarification. The public’s understanding of the land use review process is important. The following are questions that have been asked by either yourselves or others and are probably questions others share as well. The responses are general in nature, except where it was believed that a specific reference to the CityView proposal would add clarity and certainty of the public process.

Is the 14-day public comment period over?
Yes, it ended on May 8, 2020. However, the city always accepts public comment up until a decision is made on an application. The 14-day comment period is the minimum required by the municipal code, for CityView we will be accepting public comment on the proposal at least up to the close of the planning commission public meeting.

1. Comment: Saying “the city always accepts public comment” was very reassuring, especially when combined with the affirming statement that later comments will be considered “by both city staff and the planning commission”.

Previously we were told: “The city typically accepts”, “The city intends to …. accept”, and “any (post-deadline) public comment received in May will very likely be included”. It’s human nature to fill in blanks or perceived blanks. We appreciate the clarity.
Then why is a minimum comment period established?
A minimum comment period is established to ensure the public an opportunity to comment with the certainty all comments received within the 14-days will be considered by the city before a permit decision is issued. Comments received after the comment period are still included in the record and are considered but the timeframe between the end of the comment period and the decision is generally unknown. The 14-days gives surety to community members.

2. **Comment:** I understand a minimum establishes a “minimum”, and protects the public and process from an unreasonably short deadline (e.g. 1 day); but I don’t see how a “minimum” implies a deadline. (i.e. Can’t a deadline be greater than or equal to the minimum?)

**Question:** Does the city always set the deadline to the minimum? If so, why?
If not, what are criteria or guidelines used for setting the deadline?
Are the criteria or guidelines documented?

Will public comment received after the 14-day public comment period and before the planning commission meeting be considered?
Yes, by both city staff and the planning commission. The date of the planning commission public meeting establishes a new comment period for the public meeting. All public comment received, whether within the 14-day comment period or up until the close of the public meeting, will be considered by city staff and forwarded to the planning commission for their consideration. Although the city doesn’t have the authority to extend the 14-day comment period, the city utilizes its code authority to accept public comment on land use applications until a land use decision is issued or the public meeting/hearing is closed.

3. **Comment:** Again, it is a reassuring statement that “both city staff and the planning commission” (and I assume the planning director) will consider public comments that arrive after the deadline and up to the close of the public (planning commission) meeting. It is confusing to hear “the city doesn’t have the authority to extend” the comment period, but then will accept comments that will be considered by city staff and the planning commission.

When will the city complete their review of the proposal for planning commission consideration?
The public meeting has not been scheduled. The public meeting will be scheduled after the city completes a technical review of the application materials and submitted public comment and determines that no additional information is needed from the applicant to prepare an environmental determination through SEPA and/or submit a technical analysis to the planning commission.

When will a permit decision be issued for the proposal?
At the close of the planning commission meeting, the commission will forward a recommendation to the planning director. The director will evaluate all application materials, comments by the public and the commission’s recommendation before making a final decision.

The code establishes a 120-day timeline that the city must issue land use decisions. If the city requests additional information, the time tolled by the applicant responding to a request is not included in the 120-day timeline. Additionally, the timeline may be extended if mutually agreed to by the city and the applicant.

4. **Comment:** The clarification that the planning commission will make a recommendation, and the planning director will make a decision was helpful. My assumption was that the
city council would ultimately decide. That was my understanding with the “University Ridge” proposal, although the Hearing Examiner’s ruling caused the developer to back out due to financial and business model concerns. Alan mentioned, and I recall now, that the CityView process departs from (and perhaps because of) the University Ridge proposal, because it’s now a Type1/Type2 (?) process. I probably don’t have the label or designation right.

**Question:** What is the process we’re following here? Briefly, what are the differences and why are we following it? I may be asked to clarify, and I’d like to have something brief and accurate

**Is this decision appealable?**

Yes. An aggrieved party may appeal the land use decision to the Hearing Examiner in accordance with BMC 21.10.110(K).

Kathy Bell, Senior Planner
City of Bellingham
Planning and Community Development
Tel: (360) 778-8347
Website: [www.cob.org](http://www.cob.org)

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

**Tell us how we're doing!**
[Permit Center survey](https://www.cob.org/survey)

Due to COVID-19 and in compliance with City and Health Department guidance, the Permit Center is closed to walk-in customers effective Monday, March 16th until further notice.

Please utilize the Permit Center's online resources via [https://www.cob.org/services/permits](https://www.cob.org/services/permits)

For information regarding Construction Restrictions, please see [announcement](https://www.cob.org/services/permits).
Hi Everyone,
Puget neighborhood does NOT want City View dumped in our neighborhood the way you dumped Twin Sisters in Sunnyland or the massive dorm room that went in on Forest St. or what the Planning Department allowed to happen in Roosevelt Neighborhood. You have made numerous mistakes throughout the city. Let’s not make another one. These are all Pigs in Parlors and go against the feel of the neighborhood in which they are being permitted.
It would be really nice to feel like the city and the planning department are working to protect its neighborhoods from significant disruption rather than looking out for a few big developers.
Thanks
Janelle

Sent from Mail for Windows 10
Dear Mr. Sepler and Ms. Bell;

We are writing to request that you do not approve the proposed development referenced above. We live in the Puget neighborhood and the proposed complex would negatively impact the quality of life for the neighborhood without benefitting the important housing need we have in our community.

This complex requires renters to share areas other than their bedroom and bathroom with strangers, similar to a college dormitory but not convenient for college students. No amenities are provided for seniors or families with children. In this neighborhood better options are already available. The very nice 3-bedroom house next to us on Nevada was built in 2003 and rents for $1900 per month. At $800 per bedroom, per month, CityView is more expensive and less compatible with current housing needs.

Environmental impacts of locating such a large complex at the proposed location would be substantial. The site is extremely steep. Water runoff and erosion are a major concern. Our yard already absorbs runoff from underground water and homes around us. Neighboring landscape changes have required us to install special drain systems in our yard twice. A major development above Nevada Street will only bring more runoff issues to those of us downhill from the site.

Recent traffic control modifications to Nevada street have complicated flow. Concrete islands a few feet from the sidewalks have been added in two locations. This prevents parking in front of your home and provide a narrow passage requiring one car to stop allowing the oncoming car to pass through first. Adding hundreds of additional cars to this situation would be an irresponsible move.

The community of Bellingham has a proud history of preserving our environment. Locating the proposed complex at this site contradicts those values. Eagles, hawks, deer and other wildlife rely on the Hawley tract as similar natural areas diminish due to development. Certainly, there must be a better site available that would not impact the environment and adjoining neighbors so negatively.

Sincerely,

James and Debbie Easton
4206 Thimbleberry Place
Bellingham, WA 98229
As I went for my morning walk with the dogs the fresh air and quiet was disturbed by the thunder of trucks and roar of chainsaws. The Elwood apartments are being built. Greed wins again - who exactly is going to live where animals once foraged and slept.

Back to GARBAGE The pictures represent day before pick up day after and the following day!

Sent from my iPhone
To the City Planning Dept.- In considering the developer's application for the City View Apartments, it would be easy for the City of Bellingham to use the best case scenario to find reasons to approve this application. Best case scenario would look something like this: many families will reside at City View and therefore the development will help with the local housing shortage; that residents will walk and take the bus, and the neighborhood will not be impacted by a huge influx of cars; that if there are students living in the complex, they will keep it to one student per bedroom with no "doubling up"; that the residents will be quiet and that noise will not be a factor; that the neighborhood won't see any increase in crime or traffic problems; that the tree buffers will be an adequate barrier between City View and Nevada Street homes and that Nevada St. residents will not be impacted by light and noise pollution, and a loss of privacy; that the engineering of placing huge multi-story buildings on a steep incline will not cause dangerous landslides and flooding. Yes, that would be the best case scenario. But let's be honest, the best case scenario is NOT the LIKELY SCENARIO. I
believe that the City of Bellingham has an obligation to consider the likely scenario/ negative impacts to the neighborhood, including the worst case scenario. The city must weigh heavily the potential negative impacts and how they will affect the livability of the neighborhood and the experience of the current residents. I am one of those residents, having lived on Nevada Street for decades. My experience matters. The experience of my neighbors matters. How will the addition of City View change the neighborhood? What will it add and what will it take away? It will likely (almost surely) be a college dormitory, despite developers highlighting it as "multi-family". No family I know can afford a 3 bedroom apartment for $2400 a month or would rent by the bedroom. City View will bring hundreds of students into an area with no services and stores within easy walking distance (try walking up Consolidation with heavy bags of groceries- not going to happen.) Those students are going to bring/use their cars, and there are not enough parking places at City View to hold them. Those cars are going to spill all over the neighborhood. The residents on Nevada Street (right next to City View) are going to lose peace and privacy. There are so many examples of potential negative impacts... What I'm saying doesn't even scratch the surface. Those negative impacts are the LIKELY result of adding City View to the neighborhood. By nature I am an optimist. I tend to see the glass half full and how things can turn out for the good. But in the case of City View, I do not see any up side for those who live in our neighborhood. There might be an up side for the land owner/seller, for the developer and for the future residents of City View. But the cost for those who live in our neighborhood now is too high. As you look over the City View application, please place heavy consideration and attention on the LIKELY effects, and the life experience of those who currently reside on Nevada Street and in the surrounding neighborhood. Our lives and experience matter. Thank you!

EMAIL
cmcunniff@yahoo.com
Dear Rick Sepler and Kathy Bell,

I am writing in reference to the City View proposal on the Hawley tract. We still have the same objections to this proposal as the old University Ridge proposal. No matter how a proposal is packaged, it is still a dorm/rooming house in a residential area with one and two story homes. The fact that the main building is 5 1/2 stories in itself is out of character for the area. A case in point is how the Lark is built in an area fitting it's design and usage. I see no value in destroying the look, let alone peace and safety of a residential area by building a monstrosity such as is proposed.

I have noticed in recent years trend towards multi-story buildings being erected in the name of density in Bellingham. I don't question the need for housing, what I do question is the common sense question of "How does this fit in the neighborhood?" and "What value does it bring to the neighborhood?" The answer in this case is that it doesn't fit in and adds no value to it.

If the city is serious about the importance of neighborhoods and the safety and security of their taxpayers, a project like this, in this area would not be permitted. The answer would be NO! This project devalues rather than adds values this well established neighborhood.

I trust that common sense and input from the community will prevail.

Sincerely,
Ron & Diane Houtsma
820 Puget St.
Bellingham
I’m writing today to express my adamant opposition to the prospective Cityview Project in the Hawley Tract of the Puget neighborhood. This huge dormitory style apartment complex is planned for placement amongst a neighborhood of family homes with a family neighborhood feel, with homes on nearby Nevada St and Marionberry Ct! This proposal is disrespectfully and disproportionately close to the homes of Nevada and Marionberry, surrounded by a sea of small family homes. 4) Would overly strain fragile neighborhood roadways (despite what the developer’s strategically biased traffic study may claim) and further tax the already troubled intersections of the narrow Lincoln St and Marionberry Ct.

I understand that Bellingham has an affordable housing crisis. I am a retired RN who worked for Peacehealth for 44 years. I live at 4505 Marionberry Court with my adult developmentally disabled son. We survive on my social security benefits and use Nevada street as a thoroughfare to access Lakeway with out going through the lighted intersection as well as the increase local traffic from 200+ new Residents. Another issue that needs to be addressed are the large number of animals that inhabit this green area. What will happen to them? Wholesale slaughter, or will you organize an evacuation day to march the animals to another location? I have attached a few of the pictures of some of the wildlife I have taken over the years. I’m
certain they reflect only a small portion of the actual inhabitants.
From: Catherine Renaud <tcsd.news@gmail.com>
Sent: Monday, May 25, 2020 4:54 PM
To: CC - Shared Department; G.Proj.City View; MY - mayorsoffice@cob.org
Subject: More pictures
From: Catherine Renaud <tcsl.news@gmail.com>
Sent: Monday, May 25, 2020 5:01 PM
To: CC - Shared Department; G.Proj.City View; MY - mayorsoffice@cob.org
Subject: More pictures
I Nancy Wopperer reside at 821 Nevada st directly across from where City View wants to go in. Please reconsider and do not let this go in to a single family neighborhood. We are a neighborhood of retirees and young families with children. We know each other and are all concerned about how this development will change our neighborhood and our lives. The noise and traffic and increase in crime are just a few concerns I have about this development.

This is not the place for a 106 unit complex rented by the bedroom becoming 318 units possibly more by doubling up. They have allowed for 249 parking spaces so where are all those cars going to park it will be on Nevada St and Consolidation. I will be calling the non emergency police dept when I can not get out of my driveway, or the noise is out of control.

Please do not let City View move into a single family neighborhood. It would be fine to have more single family homes or duplexes going in NOT CITY VIEW.

Thank you for your time

Nancy Wopperer
Dear Mr. Sepler and Ms. Bell,

The City View proposal is a project that is inappropriate for the neighborhood on many fronts. Puget Neighborhood is currently mostly single family homes with a few small apartment complexes that reside closer to commercial property. This project is an unwanted giant towering over the neighborhood. It is not affordable housing which is desperately needed in Bellingham. Increased traffic will likely call for a stoplight for turning west onto Lakeway or traffic choosing to drive through the Whole Foods parking lot. Homes above Puget Street experience springs of flowing water as it descends the steep hill. What underground springs are on that hillside to be developed? This project will likely decrease property values in the immediate surrounding neighborhood.

Just as University Ridge was not a good fit for Puget Neighborhood, neither is CityView.

Thank you for your consideration.

Respectfully submitted,

Bryan Brink and Jeanine Bushue
824 Queen Street
Bellingham, WA 98229
Dear Mr. Rick Sepler and Ms. Kathy Bell—

We live at 805 Salmonberry Lane, which is an 8-house cul-de-sac off of Consolidation Avenue, and we are opposed to the CityView project for the following reasons:

We are concerned about getting safely across Consolidation to our mailbox with the current traffic in the area. Younger people have a tendency to be unaware that pedestrians have the right-of-way in an intersection, and with this project a minimum of over 300 tenants will be added.

This project is geared to non-poverty students, and most will have cars. After the project’s parking lot is full the limited parking in our neighborhood would be taken up by these new tenants. This will make it challenging for any guests that we might have to find parking.

There would be increased traffic noise and no doubt weekend party noise with this project, which will adversely affect our enjoyment of our home.

We are not opposed to building. What we object to is the fact that this project is not single family dwellings. This is a neighborhood of houses, and we want it to remain that way.

Sincerely,
George and Elizabeth Sherry

Sent from Yahoo Mail for iPhone
We already have enough garbage to walk by on a daily basis
Aven, Heather M.

From: MY - mayorsoffice@cob.org
Sent: Wednesday, May 27, 2020 11:07 AM
To: G.Proj.City View
Subject: FW: Mr. Rick Sepler and Ms. Kathy Bell, Bellingham Planning Department re: CityView project

From: Carole <carole.osier@comcast.net>
Sent: Wednesday, May 27, 2020 11:03 AM
To: planning@cob.com
Cc: MY - mayorsoffice@cob.org <mayorsoffice@cob.org>; CC - Shared Department <cc@cob.org>
Subject: Mr. Rick Sepler and Ms. Kathy Bell, Bellingham Planning Department re: CityView project

Friends,

With a background as a Real Estate Broker and also in land development and construction I feel obliged to comment on the proposed “CityView” Development.

To put it as simply as I can, any unit that is built with three bedrooms, each with attached bath, is plainly NOT for a single family.

This is obviously planned as a college dormitory, and as such should be denied approval to build on this site.

Very Truly Yours,

Lynn H Osier
1213 Puget St
360 676 1586
-----Original Message-----
From: mhunter54@gmail.com <mhunter54@gmail.com>
Sent: Wednesday, May 27, 2020 1:25 PM
To: MY - mayorsoffice@cob.org <mayorsoffice@cob.org>
Cc: CC - Shared Department <cc@cob.org>
Subject: City View Developement

To Mr. Rick Sepler and Ms. Kathy Bell
Bellingham Planning Department

I am writing to you to add my voice to those opposing the proposed City View Development at the site of the Hawley Tract. I have lived on the hill in the Puget neighborhood since 2003 and have witnessed first hand the water that runs off this hill continuously above and below ground to the west and north. For this reason alone, I can not comprehend how such a steep slope is appropriate for a building of this magnitude. If I were a homeowner below this project I would be more than concerned.

This development would loom like an albatross on Samish Ridge, destroying the current flow of forested hills and homes that frame our city view to the East.

The homeowners living below this development would be subject to large increases in traffic and lacking the infrastructure to do so. These streets are small in width and residents use both sides for overflow parking. Children play in these streets, largely an area of single family homes.

In my view, City View should not be considered multi family. Nor should it be considered affordable housing (currently projected at 3 x $800/month=2400/month) which is in short supply already in our community. This is clearly dorm style/rooming house rentals. There is nothing about this project that would appeal to families or seniors. The resulting noise, impacts and congestion that this project will create, both during construction and after cannot be understated.

We, the people of the Puget and Samish communities deserve better. We are Doctors, nurses, teachers, realtors, construction managers,etc.....working professionals and stay at home moms who have invested in our community for decades. Many of us are now retired. We count on you, the planning department, to be our voice and put the best interest of our homes, our investments and the very qualities that make our city unique, ahead of the interest of out of state investors, who clearly have nothing but profit to gain at our expense. If we must build on this tract, let's continue to develop more single family homes and duplexes, in keeping with the current development of the surrounding neighborhood. Let's give more families who actually live in Bellingham the opportunity to realize the dream of affordable home ownership. Thank you for being our advocates and for putting our community first.

Sincerely,
Marjorie Hunter
Sent from my iPad
May 26, 2020

Bellingham Planning Department
210 Lottie Street
Bellingham, WA  98225

SUBJECT:  Opposition to the CityView Development in the Puget Neighborhood

Dear Mr. Rick Sepler and Ms. Kathy Bell,

We moved to Puget neighborhood over 16 years ago and have seen the impact of additional development in the area. We are writing to oppose the proposed development of the CityView complex. We believe that this development will significantly increase traffic and land erosion, and reduce safety for the families that live in the Puget neighborhood.

1. **Traffic:** There is a large apartment complex on Consolidation Avenue, on one side of the street and single-family homes on the opposite side. Currently, there are many cars parked on Consolidation Avenue which reduces the available space for cars driving on the street. When cars are parked on the street, there is not enough room for two cars travelling in opposite directions on Consolidation Avenue, and one car has to pull off to the side for the other car to pass safely. With the development of the CityView complex, the additional vehicles could inundate Consolidation Avenue with heavy traffic from people driving to get to Lincoln Street and beyond. The increased number of cars parked on Consolidation Avenue could increase the difficulty navigating safely on the street, especially during busy travel times.

2. **Land Erosion:** With the number days of rain Bellingham, and especially during the days when the rain is heavy, we can see the water run down from the hill and actually move the rocks onto the street. The development of the CityView complex could increase soil erosion due to the steep slope geography of the land, and cause flooding and land erosion for nearby homes.

3. **Safety:** We have been the victim of stolen mail, and had to install a mailbox with a lock. We also have seen people walk through our backyard as a shortcut to get to Barron Street. In addition, there has been an attempt to break our neighbor’s window, and built a fence around their home to attempt to deter crime. With an estimated 300+ renters living in the CityView complex, this could increase the crime rate in the neighborhood and number of people trespassing on others’ properties as shortcuts to get to their destination quicker due to the location and access to their apartment. Renters can be short term residents and can move in and leave quickly. As a current resident of the Puget community, we do not feel safe living near renters that moves frequently, especially when we do not know their situation. We have the right to live in a safe environment with our family.

Lastly, Bellingham has seen an explosion of new apartment complexes recently. Is there really a need for the development of more apartments? We do not want to be the victims of increased traffic, land erosion and reduced safety just for one company’s profit.

We are requesting you, as City Planners, to REJECT the proposed CityView development, and provide us and the families within the Puget neighborhood a safe community. Thank you.

Sincerely,

Joni Wei
Dear Mr. Sepler & Ms. Bell,

We are residents of the Puget neighborhood, and we are writing to OPPOSE the approval of the Cityview development. This proposed development would have extreme impacts on our quality of life here in the Puget neighborhood, as well as environmental and traffic impacts.

This neighborhood was zoned as single and multi-family. This is not an ideal neighborhood for a large dorm style apartment complex such as the proposed Cityview development. This development would have 318 bedrooms, but at $800 a month per ROOM, the students that will rent these apartments will likely double up - bringing in as many as 600+ occupants. The 249 proposed parking spaces will not begin to fulfill just the parking need. The amount of added traffic on Puget and Nevada will be unreasonable, and dangerous to both pedestrians and wildlife. The privately funded traffic study after students had left for the summer is not an adequate measure of the added traffic this will bring. At $2400 per apartment, these are NOT low-income or senior apartments. These are marketed toward housing MANY students in one apartment.

This is a forested, quiet neighborhood. One of the benefits of living here is the amount of wildlife and peacefulness. This development will be damaging to wildlife and the added traffic and student housing will completely change the nature of this neighborhood. Residents of Puget and Nevada streets should not be forced out of our neighborhoods, or have our quality of life reduced, by this type of development. In addition, building on that hillside may weaken the land, increasing the risk of landslide. What impacts will there be on the neighborhoods downhill from this development? Has an adequate environmental impact statement been done?

We are not opposed to apartments here - there are small, 2-story apartment complexes that house families at the bottom of Puget. That type of multifamily housing does not add the traffic, noise, and environmental impact that the Cityview apartments will bring.

The Cityview development should be built on Lincoln Street - there is still a large area of land that would be perfect for this type of apartment complex, since one was just built there. Students can walk to the bus stop at the Lincoln St. park-n-ride, walk to Fred Meyer and Haggen, and even walk to campus in less than 20 min.

Please OPPOSE the Cityview development.

Thank you for your consideration,
Heather Farren and Jason Wood
1152 Puget St.
360-961-1628
Dear Mayor Fleetwood, Planning Commission, and City Council,

We live at 4109 Byron Ave in Bellingham. We are concerned about the proposed City View Development planned for the steep hillside near our home. There are too many people (318 renters in 106 apartments) crammed into too small of a space, with a planned shortage of parking spaces. Clearly this development is designed for college students. There is no plan for playground equipment or other amenities desired by families. We live in a single-family residential area. We are very concerned that overflow vehicles will spill onto our neighboring streets. The steep hillside's trees absorb runoff to prevent flooding and landslides. Downhill neighbors' basements will flood when it rains if developers are allowed to excavate that hillside.

There is plenty of room on Lincoln Ave near Fred Meyers on Lakeway for this development - a flat piece of land. Please do not allow the hillside to be used for multi-family buildings, such as City View Development.

Thank you for your consideration of this issue.

Mary Lou and Steve Papich
4109 Byron Ave
Bellingham, WA 98229
From: Glenda . <glendaengel@msn.com>
Sent: Wednesday, May 27, 2020 8:25 PM
To: G.Proj.City View; CC - Shared Department; MY - mayorsoffice@cob.org
Subject: Proposed Cityview Development

NO WAY WILL YOU RUIN THIS NEIGHBORHOOD !!!
NOT IN ANY WAY A FIT; THAT 'CITYVIEW' DEVELOPMENT !!!!
DON'T DO IT PLEASE !!

Dear Mr. Sepler & Ms. Bell,
We are residents of the Puget neighborhood, and we are writing to OPPOSE the approval of the Cityview development. This proposed development would have extreme impacts on our quality of life here in the Puget neighborhood, as well as environmental and traffic impacts. This neighborhood was zoned as single and multi-family. This is not an Ideal neighborhood for a large dorm style apartment complex such as the proposed Cityview development. This development would have 318 bedrooms, but at $800 a month per ROOM, the students that will rent these apartments will likely double up - bringing in as many as 600+ occupants. The 249 proposed parking spaces will not begin to fulfill just the parking need. The amount of added traffic on Puget and Nevada will be unreasonable, and dangerous to both pedestrians and wildlife. The privately funded traffic study after students had left for the summer is not an adequate measure of the added traffic this will bring. At $2400 per apartment, these are NOT low-income or senior apartments. These are marketed toward housing MANY students in one apartment. It would be non-stop traffic !!! up and down this quiet street!!!
This is a forested, quiet neighborhood. One of the benefits of living here is the amount of wildlife and peacefulness. This development will be damaging to wildlife and the added traffic and student housing will completely change the nature of this neighborhood. Residents of Puget and Nevada streets should not be forced out of our neighborhoods, or have our quality of life reduced, by this type of development. In addition, building on that hillside may weaken the land, increasing the risk of landslide. What impacts will there be on the neighborhoods downhill from this development? Has an adequate environmental impact statement been done?
We are not opposed to apartments here - there are small, 2-story apartment complexes that house families at the bottom of Puget. That type of multifamily housing does not add the traffic, noise, and environmental impact that the Cityview apartments will bring.
The Cityview development should be built on Lincoln Street - there is still a large area of land that would be perfect for this type of apartment complex, since one was just built there. Students can walk to the bus stop at the Lincoln St. park-n-ride, walk to Fred Meyer and Haggen, and even walk to campus in less than 20 min. Please OPPOSE the Cityview development.
Thank you for your consideration,
Glenda Engel
resident 23 years at
1161 Puget Street
Bellingham
360 762-2372
Dear Bellingham Planning Department:
I would like to express my disapproval of the proposed CityView apartment development. I live half a block from the proposed site, and I believe this apartment complex would be extremely detrimental to the neighborhood. The increase in traffic is one of my primary concerns. I live on S. 44th Street, which is a narrow street with no sidewalks. This street is already often used as a shortcut to get to either Consolidation or Byron to access Lincoln Street, or down Nevada to Lakeway. I regularly see cars driving too fast along this section of the street. With an increase of traffic, and with no sidewalks on S. 44th, I am concerned for my children's safety, who walk to and from their school bus stop on S. 43rd. As well, there is a likely increase in vehicles that need parking spaces beyond what is planned for the complex. The streets in the immediate vicinity are already congested with cars from apartments and rental homes on 44th, Consolidation, Blueberry Lane, and elsewhere.

My other concerns include the increased level of noise, garbage, the impact of the complex on the green area behind Nevada Street, and the overall character of the neighborhood. A large apartment complex that is effectively inaccessible to families in terms of projected rental prices or family-oriented facilities (such as a playground) does not contribute to the neighborhood in a meaningful way and, in fact, detracts significantly from the neighborhood.

I appreciate you taking my comments into consideration for this proposed project. Please do not allow this building plan to move forward.

Sincerely,
Dr. Mary Erickson
133 S. 44th Street
As a resident of the Puget neighborhood I oppose the CityView project. There is nothing about this proposal which fits this neighborhood. I don't believe the studies which have been done are in any way reflective of the actual impact this monstrosity would have. Dumping hundreds of college students, and lets face it, many hundreds more of their friends into a long established neighborhood of mainly single family dwellings is just not going to allow the neighborhood to survive. From the looks of things the overly optimistic traffic survey was done in May and to have any bearing on reality should be redone in September. I can't imagine how this area could possibly accommodate hundreds or more likely thousands of additional car trips in and out of it daily. The number of off-street parking places is nothing even approaching the actual number of cars which would need parking if this thing is built. After working in construction for 40+ years I can also tell you that the impact of constructing a project like this is way more than this area can handle. At the very least I would want to see an extremely detailed and comprehensive geological and hydrologic study addressing how they would propose to stabilize what appears to be a very unstable hillside as there is no practical retrofit for something like that having been done wrong. For the time this project must be placed on hold for the good of the whole neighborhood. I believe that ultimately it should be rejected outright. If something is to be built on the Hawley plot it should be very different than what has been proposed and much better thought out in every way. Thank you, David Wilcox
Dear Mr. Sepler & Ms. Bell,

I am a resident of the Puget neighborhood, and I am writing to OPPOSE the approval of the CityView development. I have borrowed the letter below from another opposing resident because it reflects my feelings as well.

This proposed development would have extreme impacts on our quality of life here in the Puget neighborhood, as well as environmental and traffic impacts.

This neighborhood was zoned as single and multi-family. This is not an ideal neighborhood for a large dorm style apartment complex such as the proposed CityView development. This development would have 318 bedrooms, but at $800 a month per ROOM, the students that will rent these apartments will likely double up - bringing in as many as 600+ occupants. The 249 proposed parking spaces will not begin to fulfill just the parking need. The amount of added traffic on Puget and Nevada will be unreasonable, and dangerous to both pedestrians and wildlife. The privately funded traffic study after students had left for the summer is not an adequate measure of the added traffic this will bring. At $2400 per apartment, these are NOT low-income or senior apartments. These are marketed toward housing MANY students in one apartment.

This is a forested, quiet neighborhood. One of the benefits of living here is the amount of wildlife and peacefulness. This development will be damaging to wildlife and the added traffic and student housing will completely change the nature of this neighborhood. Residents of Puget and Nevada streets should not be forced out of our neighborhoods, or have our quality of life reduced, by this type of development. In addition, building on that hillside may weaken the land, increasing the risk of landslide. What impacts will there be on the neighborhoods downhill from this development? Has an adequate environmental impact statement been done?

We are not opposed to apartments here - there are small, 2-story apartment complexes that house families at the bottom of Puget. That type of multifamily housing does not add the traffic, noise, and environmental impact that the CityView apartments will bring.

The CityView development should be built on Lincoln Street - there is still a large area of land that would be perfect for this type of apartment complex, since one was just built there. Students can walk to the bus stop at the Lincoln St. park-n-ride, walk to Fred Meyer and Haggen, and even walk to campus in less than 20 min.

Please OPPOSE the CityView development.

Thank you for your consideration,

Jennifer Lowell
1101 Toledo St
Bellingham, WA 98229
Dear Mr. Sepler & Ms. Bell,

I am a resident and homeowner in the Puget neighborhood, and am writing to you today to express my strong opposition to the proposed Cityview development. This development would have long standing impacts on the quality of life here in the Puget neighborhood, as well as impacts to traffic and the environment.

This neighborhood was originally zoned as single/multi-family. The Cityview development is a large, dense apartment complex. The development is proposed to have 318 bedrooms, but at $800 a month per room, the real occupancy (from students who will be the predominant residents) that will rent these apartments will likely go over the designed occupancy - bringing in easily 500+ occupants. The 249 proposed parking spaces will not begin to fulfill just the parking needs for this type of housing, especially with how far the apartments are from campus. For student housing, to provide adequate parking, you would need at least as many parking spaces as there are bedrooms, and likely more. The amount of added traffic and forced street parking on Puget and Nevada will have a dramatic impact on the neighborhood and quality of life, as well as be dangerous to both pedestrians and wildlife. The one, privately funded traffic study that was conducted in the summer after a majority of students had left is woefully inadequate as a measure of the added traffic and congestion this will bring. At $2400 per apartment, these are far from low income apartments that actual Bellingham residents need. These are clearly marketed toward housing many students, making up for the repeated failures by WWU to adequately provide on campus housing.

This is a forested, quiet neighborhood. One of the benefits of living here is the amount of wildlife (birds, deer, rabbits are constantly roaming the neighborhood) and general peacefulness. This development will be damaging to wildlife and the added traffic and student housing will completely change the nature of this neighborhood. Residents of Puget and Nevada streets should not have our neighborhood and quality of life impacted by a development like this, especially when it is a result of poor planning by WWU, and years of underinvestment in student housing. We should not have our quality of life and property values reduced by this type of development. In addition, what impacts are there to building on the hillside? The grade is very steep, and building there may increase the risk of instability or landslides. What impacts will there be on the neighborhoods downhill from this development, especially to do with drainage? What is the environmental impact?

To be clear, the opposition is not to apartments being built in Bellingham, but the type of development that is appropriate for established neighborhoods. If the proposal was for smaller townhouse style, two story apartments on part of that land it would be a more appropriate fit for the neighborhood. Those types of multifamily housing do not have the same detrimental impacts (traffic, noise, and environmental) that the Cityview apartments will bring.

The Cityview development should be built on Lincoln Street. The impact to traffic would be minimal, and there are other apartment complexes in the area. Additionally, a bus stop is close by, and it is a closer walk to two grocery stores.

Please oppose the Cityview development in Puget. There are far more appropriate places in Bellingham to build such a development that works for everyone.

Thank you for your time,
Dear Mr. Rick Sepler and Ms. Kathy Bell,

My name is Wendy Wynne and I live on Edwards Street right off Puget not far from where the new proposed CityView structures are to be built. I have lived in my current house for the past ten years and love the family neighborhood I am part of. I am against this proposal to build a huge dorm-like structure that would be used primarily for student housing. I am concerned about the increased traffic, parking, noise, and potential serious problems due to the steep slope geography of the land. I already am dealing with too much water run-off in my back yard due to the wetlands behind me and do not want more! All of the neighbors I have spoken with are also against this proposal for similar reasons. Thank you for your time and consideration.

Sincerely,
Wendy Wynne
Dear Mr. Sepler & Ms. Bell,

I am a proud resident of the Puget neighborhood and feel very lucky to call this area home. It is a quiet and safe community that allows for a wonderful quality of life. I write today to express my strong opposition to the proposed Cityview development.

This development would have major impacts on the life we've come to love, as well as impacts to population, traffic, safety, and the environment. We are a single/multi family neighborhood, zoned as such, and this is a very large, very dense complex that will negatively affect the life we've come to know.

With development slated to 318 bedrooms, the population moving in would not necessarily an increase of 318 to the neighborhood. Assumed to be mostly students, and given typical student living arrangements, the complex would likely see numbers well over designed occupancy. Students have visitors, and I fear that a complex with this many people, and many guests from elsewhere will have an increase in noise, crime, and overall danger. One of the most rewarding things about living in the Puget neighborhood, and a key reason we bought our home here, was the integrity and safety of the area, and an apartment complex marketed towards students jeopardizes this.

It is already a challenge to enter onto Lakeway if the perpendicular road does not have a traffic light, and the Cityview development will increase this exponentially. There is also a parking issue. To provide adequate parking, especially with how far the apartments are from campus, there would need to be at least as many parking spaces as bedrooms, and given the situation of multiple occupancy per bedroom, even more. The parking issues will cause added traffic and forced street parking on Puget and Nevada, if not further. Not only will this be dangerous to the many pedestrians and residents, but could cause a dangerous environmental situation for wildlife as well.

While there was one study conducted to assess traffic, it was held when school was not in session, and we were in a temporary population ebb, as students had gone elsewhere for summer. It is not indicative of the impact of another 300+ residents would bring to the neighborhood. I am not aware of any land assessments, as this is proposed to be on a hill - what about the steep grade and potential landslides or drainage issues? What about the extra trash and littering that happens when rubbish bins are knocked over?

At $2400 per apartment, these are far from low income apartments that actual Bellingham residents need. These are clearly marketed toward housing many students, making up for the repeated failures by WWU to adequately provide on-campus housing. Instead, WWU should invest in student housing closer to campus, or in areas where there are currently complexes (e.g. Lincoln Street), and they will not affect the quality of life, wildlife, safety, or property values in established neighborhoods that are attractive simply because they gives its residents a sense of peace and quiet.
Please oppose the Cityview development in Puget. There are far more appropriate places in Bellingham to build such a development that works for everyone.

Thank you for your time,

Jenna D'Amico

--
Jenna D'Amico
401-241-9867

"Random acts of kindness change the world, one person at a time." –Robert Kraft
To whom it may concern:

My comments regarding proposed City View college dorm are listed below.

Please make a decision that respects the Integrity of this community. Failing to do so, will result on a decline of this neighborhood with our family becoming intolerant to this new life with students eventually moving out of this city (betrayal by COB) and out of this state. Also consider that there could be many families that you could hurt with a bad decision where they are unable to move. Moving is expensive and at 62, I want to stay for life considering i have moved close to 20X in my life.

The Hawley Tract should be rezoned for something other than multifamily dorms. I'd be satisfied for single family, commercial or even light industrial. Reason being being, it would be quiet after 5PM. With students, it will never be quiet.

I cannot urge you enough to stop this proposed development. Failure to do so, will do destroy this neighborhood. In my opinion, its already wrecked/ghettoed from too many students.

I understand COB has coached/enabled/counseled this City View developer which is morally wrong. Redeem yourself by stopping this destructive development. This is basic planning 101as student values are in conflict with those that own homes.

Thanks,

Jim E. Le Galley
124 S. 44th St.
360/421-6909

---------- Forwarded message ----------
From: Legalley, Jim E (LNI) <LEGJ235@lni.wa.gov>
Date: Thu, May 28, 2020, 11:31 AM
Subject: City View Public Comment
To: bikelegend58@gmail.com <bikelegend58@gmail.com>

May 7, 2020

To whom it may concern:
The concept of urban planning places entities of similar interests together so as to avoid conflict. The concept of the proposed City View apartment that will be built/placed into the Puget/Samish neighborhood without issues is beyond me. A layperson could tell you there would be plenty of problems.

It is my basis, having lived in area for over 24 yrs., that I oppose City View development for this and the following below listed reasons:

1. **Increased Traffic** The residential streets of Byron/44th St/Consolidation cannot handle additional load of more traffic. Already cars are sometimes parked on both sides of street restricting traffic flow. Adding more cars creates a public safety and health hazard to both pedestrians/bicyclists.

2. **Speeding traffic/Noise** This has been occurring for years now where culprits are students who have no regard for traffic laws or public safety. Speed bumps should be installed to calm traffic. There has not been any COB police enforcement to my knowledge.

3. **Narrow residential streets** 44th St. has no curb/gutter and is very narrow with no sidewalks. As such, cars park on-street where both pedestrians, bicyclists and other cars have to navigate creating a public safety and health hazard. Pulling out of driveway, either by bicycle or car, on these narrow streets with high traffic load will present a challenges that will lead to increased risk for collisions. This city street will carry a high load of cars to City View. It’s current condition is substandard until either COB or developer upgrades this street making it both wider with curb/gutter.

4. **Car Creep** Since East Ridge apartment complex was built in 2019, there has been an immediate car parking on residential Byron because car parking was inadequately underestimated by COB planning. If City View is built, I guarantee you there will be car creep onto Consolidation, 44th St and also Nevada.

5. **Increased Frequency Student Parties** Students do not share the same values as surrounding persons who work, own and maintain their properties. Not invested into the community, they do whatever they want in a careless/reckless manner. Many times in my 24 yrs. living here I have had to call COB police to break up all-night parties. Check the record yourself! Many students were cited by police for underage drinking. Trying to break up a party myself almost resulted in a fistfight with a drunken student. I am tired of this!!

6. **Neighborhood demise** if City View is built, there will be long term residents like myself that will just leave. Given that neighborhood is dominated by a massive apartment complex, only investors will buy the single family homes turning them into college rentals. With lack of care, the neighborhood will become blighted and ghettoed-guaranteed!!!

7. **Loss of property values** See above. Our collective home values will be destroyed by our new neighbor City View as most single family buyers will not want to locate near a large college dorm as they do not share the same values. This is a no brainer!!!

8. **Byron/44th bicycle side street** COB has a designated these streets as a low trafficked route for cyclists and as such, been marked with bicycle sharrows. This designation will be meaningless once City View has been built due to increased traffic. I bicycle about 3200-3400 miles/year here in Bellingham and about 1200-1500 miles/year on tour. The loss of easy cycling access will frustrate me forcing me to move.

9. **Increased crime** With an increase in student population, there will be a subsequent increase in crime. Case in point, about/around 2005, I had to call police about somebody trying to break into my home while I was sleeping. It was a drunk student who could not figure out where he lived. In my 24 yrs. here, I had students fire a pellet gun to my front...
window causing a crack and then with various incidents of urination and throwing beer bottles and cat litter onto my driveway/yard for being angry with me reporting them to either local police or public health.

10. Too many apartments in area  No matter where I go in this area, there are apartments. I’m literally surrounded by them!!! Its high time developers start looking into Edgemore or consider Marine drive and west Bellingham. Because of historic COB poor planning, it could not decide whether this area should be apartments or single family houses. Just how could you not expect pushback from home owners about these intrusions?

11. Lack of homeowner knowledge  If homeowners had knowledge of the Harley Parcel that was COB historically planned for multifamily apartments for students, they would have not purchased their single family homes. I for one, would not have purchased my house 24 yrs. ago. In my view, COB failed to communicate this information/intention to all parties at/or before time of home purchase. When I bought my home, the internet was just developing. On this basis, I believe COB could be negligent/liable for any/all homeowner damages including pain and suffering from moving/buying into a new area if City View is built. The COB has a responsibility here and failed to share its intention with all prospective home buyers. This could be pursued by either individual or class action law suits.

If City View is built, I will dread it along with other homeowners. I will tolerate this until my wife retires. During this time, I will be contact local police, COB neighborhood compliance for any deficits I notice. If intolerable, I will most likely move out of Bellingham feeling betrayed by the city, out of state to a nearby state or even out of the country. I believe the COB, as mentioned above, could be liable for any financial damages/pain suffering as a result my move associated with their decision to approve/allow City View apartments to be built.

Again, it is with this and other things that I cannot even yet imagine, that I am opposed to this City View apartment project.

If you have questions, please contact me at 360/421-6909.

Jim E. Le Galley
124 S. 44th St.
Bellingham, WA 98229

Jim E. Le Galley
1720 Ellis St
Bellingham, WA 98225
Industrial Hygienist
DOSH/Bellingham
legi235@lni.wa.gov
Bellingham Planning Department,

I’m writing to express my concerns about the proposed CityView build. Currently, the Puget Neighborhood already has a mix of single family homes and apartments, which influences the feel of the area. More apartments, will serve to further reduce any existing family feel. This project is unlikely to attract families, but seems singularly suited for university students given the layout.

This brings me to my other concerns: parking and traffic. With each unit being a 3 bedroom/3 bath, there will be more cars than parking spaces, which will be an even bigger problem if students double up in rooms, which seems highly likely. Currently, living on 42nd St, we often have cars lining our street (and at times, blocking our driveway), overflowing from apartments on Consolidation and Blueberry. More apartments in this area will only increase the number of cars needing parking. With more residents and cars, will come more traffic. The completed traffic impact study, completed in mid-June, is invalid and does not reflect the impact at the times when it would be most critical. It is imperative that a new traffic study be completed during the academic year, and should delayed until the university is fully re-opened for face to face classes.

I recognize that there is a need for more housing, but this small plot, with poor access in and out of neighborhoods is not the place for a large complex!

Thank you,
Jen Thistle
42nd Street
Hi. I've been reading about this proposed complex and am concerned about the practicality of building it on that hillside. The location sounds risky, both for the new structures and for existing homes on the land below the proposed site. There must be an alternative place to build that won't endanger neighbors or the local environment.

Claire Miller
Hello my name is Ted a resident and homeowner on Puget St. This development would be a disaster to our neighborhood. Please do not pass this development, it would be a complete disruption to our neighborhood feel, our financial property investment and the traffic/parking. This would really be a mistake. Please do not accept this development plan. This would be a complete disaster to our way of life in this neighborhood in many unforeseen ways.

Thanks for your consideration,

Ted Mack, Puget St resident.
So, have you checked out the neighborhood Cityvue is poised to destroy? I hope you’ve at least driven through by now. Minimal effort.

In case you haven't, I’ve picked out a few rentals in the area of Nevada just south of Lakeway, where rentals dominate the landscape. I present them only as evidence that counting on 300 people from 300 bedrooms, or 200 cars from 300 bedrooms, is massively underestimating. These examples are houses that have some sort of parking for their tenants. Much of the congestion is not linked to a particular house.

1101 Nevada St. is listed at 973 square feet, 2 bedrooms, 1 bath. Typically 5 or 6 cars there.
1119 Nevada St. is listed at 1826 square feet, 4 bedrooms, 3 baths. Typically 9-11 cars there.
4051 Byron Ave. is listed at 1314 square feet, 6 bedrooms (!), 3 baths. Typically 7-9 cars clustered there.

You can see similar crowding on 44th Street, south of Consolidation, but I avoid walking there so I have no particular examples. Lots of cars when WWU is in session, and even when it is not.

You should also drive along Consolidation and Ashley. Imagine these areas with hundreds more cars.

Please don't let this happen to Bellingham. You have plenty of reasons to disapprove and no good reason to approve. It is lose/lose for everyone except the developer and his cronies.
Hi,

I am writing to express my deep concerns regarding the CityView project.

Viewing the evidences provided by the Puget Neighborhood, a reasonable person will conclude this project will destroy the neighborhood, not enhance the neighborhood and the life of the citizens. I just can't believe that anyone who claim who care about the citizens of Bellingham can make such a claim honestly anymore. I would really appreciate you reject the proposal!

Sincerely,

Xiaofeng Chen
Dear Mr. Sepler and Ms. Bell, Bellingham Planning Department,

We are residents of the Puget Neighborhood, living on Queen Street just above the proposed City View project. We have lived here for 31 years and have enjoyed being in close proximity to schools and shopping while also having a quiet neighborhood with light traffic.

The proposed development on Nevada Street is inappropriate for the character of their quiet streets with well cared for single family homes. The enormous size of the three proposed apartment/dorm style buildings would greatly increase the number of cars driving in and out and the number of people walking or possibly making noise. We are very concerned that there doesn’t seem to be adequate parking for all the residents, so parking may end up along Puget Street as well as the Nevada neighborhood streets.

We realize that more apartments are needed in Bellingham and that in-filling throughout the city is important. However, careful planning to retain the quality of life we all enjoy while adding affordable housing for everyone should be our city's goal.

Thank you.
Karen and Tom Stuen
1021 Queen St.
Bellingham, WA 98229
360-647-0635
To whom it may concern,

These pics depict car creep that occurred when COB allowed East Ridge Apartment complex to be built. The same will occur on residential streets if City View is permitted-guaranteed.
Car creep on Byron after COB allowed East Ridge Apartment complex to be built. You underestimated the car parking needed so now there is spillover in our residential area now causing conflict. Too, COB has not encouraged bike use to reduce car usage. One does not need to haul 2 tons of glass and steel to do an errand.

Last year I bicycled to Saskatoon, SASKATCHEWAN where 🚴 U of Saskatchewan has 23,000 students that are placed in dorms off campus over 10-20 stories eliminating these neighborhood conflicts.

Why can't COB do better????????

Jim E. Le Galley
124 S. 44th St.
360/421-6909

---------- Forwarded message ----------
From: Jim Le Galley <bikelegend58@gmail.com>
Date: Thu, May 28, 2020, 11:18 PM
Subject: City View Car Creep
To: <ccmail@cob.org>, <mayoroffice@cob.org>, <cityview@cob.org>

To whom it may concern,

These pics depict car creep that occurred when COB allowed East Ridge Apartment complex to be built. The same will occur on residential streets if City View is permitted-guaranteed.
Aven, Heather M.

From: MY - mayorsoffice@cob.org
Sent: Tuesday, June 2, 2020 10:07 AM
To: G.Proj.City View
Subject: FW: Please Stop City View

From: Tresa Mariotto <mariocart85@gmail.com>
Sent: Tuesday, June 2, 2020 9:59 AM
To: CC - Shared Department <cc@cob.org>; MY - mayorsoffice@cob.org <mayorsoffice@cob.org>
Subject: Please Stop City View

More pictures from my daily walk
Sent from my iPhone
Aven, Heather M.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Tuesday, June 2, 2020 4:30 PM
To: G.Proj.City View
Subject: Public Comment -Susan Staley
Attachments: Public Comment - 299.pdf

City of Bellingham
Public Comment

Entry Details

NAME
Susan Staley

CHOOSE TOPIC
CityView Project

COMMENT
This project seems totally out of character with the density and the neighborhoods style of housing. The amount of increased traffic on Nevada (a very small narrow street) not to mention the adjoining streets out to the main thoroughfares will be overwhelming. Overwhelmed with moving cars, and with the number of extra cars trying to park near there on the street as there is not enough onsite parking for this project, much less for guests and visitors, and with increased bicycle travel as well with all those units, I am very concerned about road safety for the neighborhood. The water mitigation for this area needs to be seriously addressed as the cement covering of ground will hugely impact the neighborhood absorption rate. The large size and density also will effect the neighborhood feel and effect the housing values surrounding this area that is mostly single family!

EMAIL
suechrisros@yahoo.com
Attn: Rick Sepler, Planning & Community Development Director
Kathy Bell, Senior Planner

Subject: CityView Project

I am writing to you to bring to your attention expert assessment of the CityView application documents. This assessment contains critical findings that can help CoB avoid future challenges to its decisions on the proposed project. I hope you find them useful.

Sincerely,

Nabil Kamel, Ph.D.
Associate Professor
Department of Environmental Studies
Huxley College of the Environment
Western Washington University
Nabil.Kamel@wwu.edu
https://huxley.wwu.edu/people/kameln

Summary:
The information is pertinent to the SEPA checklist revised 2/26/2020. Answers are incomplete, misleading, and/or erroneous. Consequently, the document is not credible and cannot serve its intended purpose "to determine whether the environmental impacts ... are significant." CoB should reject it and require resubmission, as they did with the original (as per p.9 in RFI response document).

Similarly, the tree retention plan/map fails to include several required components (as per p.3 in RFI response document). The principal omission is location/identification of trees that would be retained and trees that would be removed. Location of trees to be removed is required to determine whether plan complies with Critical Areas Ordinance protection of landslide hazard areas. Plan also includes many other deficiencies and distortions -- e.g., "replacing" mature trees with shrubs.

Request for Information response: Many responses refer to the above documents, which are deficient as noted.

Detailed Analysis and Comments:

Tree Retention Plan

Plan would replace large canopy dominants w/ small understory trees
Identify trees that will be removed and those that will be retained.

-- plan fails requirement: does not show trees that would be removed on 5.73 acre project footprint
-- does not show critical root zone for retained trees
-- does not show fencing method to install at critical root zone
-- replacement trees (Thuja plicata) along west side not provided sufficient root protection

At the northeast corner of development, notes "Stand of hardwoods replace with 452 snowberry":
Installing shrubs would not replace stand of mature trees.

Most replacement trees would be small understory species. Those cannot "replace" large mature canopy dominants that would be removed.

Note in eastern portion of site:
"(65) hazardous trees to be removed and replaced"
This contradicts wetland mitigation plan assertion that 48% of property would be retained as natural habitat. Removing (so many) trees in that part of the property does not constitute protection or retention.

Some "hazard trees" to be removed are likely within buffer area of landslide hazard area (steep slope, 40%). CAO requires retention of all trees within buffer. Cannot determine whether tree removal would violate CAO because tree retention plan does not locate trees to be removed.

SEPA Checklist

1 Earth
   (b) steep slope (40%): adequate buffer?
   Buffer from building footprint: yes, would meet CAO requirement
   Buffer from ground disturbance during construction: uncertain, no information provided
   Buffer from (hazard) tree removal: uncertain, tree locations not provided

3 Water
   (a) surface water
   (1) wetlands: wetland B "artificially created"?
   There is no credible information or basis for assertion. Wetland mitigation report does not mention "artificial".
   Moreover, while states they are disjunct, independent on site expert inspection shows that the wetlands are continuous. This means that the entire wetland unit requires a category I buffer, which would be inviolate and no buffer averaging allowed. This larger buffer would extend into the proposed development. As such the development application/plan would have to be rejected or substantially modified. Evidence of wetland continuity includes, but is not limited to, obligate wetland plants growing in the area "between" the wetlands and consistent soil color and texture.
   (d) site disturbance +/- 50% does NOT "minimize" impacts

5 Animals:
   only "deer" marked. Ignored all birds, including songbirds, which are abundant in the area.
   Although not regulatory issue, gross omissions show applicant accuracy and diligence with the checklist
   (c) Migration route? "No." YES -- site is part of the Pacific flyway
   (e) Invasive animal species "none" -- not credible (eastern gray squirrel, eastern cottontail rabbit, starlings, ...)

14 Transportation
   (f) Number vehicle trips/day = 68
   This figure is not credible, given the 106 units with 249 parking spaces.
   (h) measures to control transportation impacts
54 bike racks compared to 249 parking spaces is not a credible measure. Development plan caters to private vehicle use, without credible plan to support/encourage other modes or mitigate traffic impacts. Severely underestimates traffic impacts (i.e., 68 vehicle trips/day).

15 Proposed measures to reduce or control direct impacts on public services
   "Walking/biking will be encouraged (only 2 parking stalls assigned to each unit) to reduce auto traffic."
   When compared to 1/2 bike parking/unit and parking space for every resident in development means:
   -- w/ essentially unlimited parking, driving would be more convenient than bike/bus,
   -- would not "reduce auto traffic" and not "encourage" walking/biking.
   Proposed measures do not reduce or control impacts

Conclusions:

(1) SEPA checklist, tree retention plan, wetland mitigation report documents contain so many omissions, errors, or misleading statements that they are not credible. They must be revised/resubmitted before CoB makes any responsible decisions about the proposal. (See list of some deficiencies, above.)

(2) Wetlands A and B are continuous. This means that the entire wetland unit requires a category I buffer, which would be inviolate -- no buffer averaging allowed. This larger buffer would extend into the proposed development -- so the development application/plan would have to be rejected or substantially modified.

(3) The 100 ft. buffer around wetland A is not adequate. Wetland mitigation report and development plan use 100 ft. buffer around wetland A, which would follow from a low habitat function score (>3-4pts). Given the inadequate reporting of habitats, a higher habitat score would require wider buffers, 150 - 200 ft. [BMC 16.55.340(B)]. The wider buffer would extend into the proposed development -- see point (2) above.

(4) Tree retention plan and hazard tree removal. As noted above, the plan is likely to remove "hazard trees" that are within the required buffer [at least 50 ft.; BMC 16.55.460(A)(1)] around 40% slopes along the eastern portion of the property. Trees and other vegetation within that buffer cannot be removed [BMC 16.55.460(A)(4)].

Nabil Kamel, Ph.D.
Associate Professor
Department of Environmental Studies
Huxley College of the Environment
Western Washington University
Nabil.Kamel@wwu.edu
https://huxley.wwu.edu/people/kameln
Hello,

My name is Sara Poindexter, thank you for taking time to read my concerns regarding the new City View Development.

My husband and I signed our life away in January on our first home. Like any first time home owner, we were nervous and exited. We were already renting the home we bought on the corner of 44th and Consolidation, but if felt different the day we signed the papers. We love it. We love the location, we love the neighborhood, the mini view of Canada, and especially the green space behind our house. We don’t have children yet, but I’ve imaged a couple of kids exploring the woods, spooking deer, and watching the leaves change with the seasons. I feel sad thinking that image is fleeting. Green spaces contribute to healthy community, especially during the current pandemic. The green space has been our refuge.

I understand there is a housing shortage in Bellingham, and that everyone should have access to a home they can afford. However, this neighborhood can’t safely support it. The traffic around the neighborhood is surprising. I cannot image how 250 or so more cars zipping around every day is possible. The streets our narrow, parked cars already line it, it’s already impossible to make a left turn on Lakeway and Lincoln at certain times of the day.

Thank you for reading this email and I hope for the sake of our community and neighborhood that City View is reconsidered.

Thanks,

Sara Poindexter

Sara Poindexter-Sales Rep-PNW
Phone: (530) 651-4486

*Due to the COVID-19 virus and our desire to see its speedy end through social distancing, Patagonia’s Sales Team will be working from home for the near future. We remain available by email, phone, or Skype and are eager to help you while staying off the road. Please reach out with any questions or needs and please stay safe*

View inventory and place orders @ b2bsales.patagonia.com

Our Dealer Services team remains available every week Mon-Fri (excl. holidays) at 800.866.4595 and by email at elcap.service@patagonia.com. Please copy your Sales Rep on ALL Dealer Services communication. Thank you!
Aven, Heather M.

From: MY - mayorsoffice@cob.org
Sent: Monday, June 8, 2020 8:53 AM
To: G.Proj.City View
Subject: FW: City view. PLEASE DONT BUILD CITY VIEW

From: Josh Lambert <lambo486@gmail.com>
Sent: Saturday, June 6, 2020 8:49 AM
To: MY - mayorsoffice@cob.org <mayorsoffice@cob.org>
Cc: CC - Shared Department <cc@cob.org>; Grp.PL.Planning And Development Commission <planningcommission@cob.org>
Subject: City view. PLEASE DONT BUILD CITY VIEW

Please! Don’t build city view. It’s will ruin our already busy neighborhood! I beg of you not to build here...

Josh Lambert, RN, BSN
From: Tresa Mariotto <mariocart85@gmail.com>
Sent: Tuesday, June 9, 2020 12:24 PM
To: CC - Shared Department <cc@cob.org>; MY - mayorsoffice@cob.org <mayorsoffice@cob.org>
Subject: City View

Please don’t let our neighborhood be surrounded by more garbage
Sent from my iPhone
Dear Teresa,

I’m happy to share these photos with the Planning Department and specifically the City View comments. For future comments please send them to cityview@cob.org
Thank you for sharing your concerns.

Brooksana Raney
Executive Assistant to the Mayor
City of Bellingham
360-778-8100
mayoroffice@cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

Many in our community are seeking information in this quickly changing situation. We invite you to visit Whatcom Unified Command website, https://whatcomcovid.com/. This website is a one stop location to provide the most current information regarding COVID-19 efforts.

Please don’t allow this! Attached you will find the photo of the dumpster at Ashley street apartments 2 days after pick up. The second photo is following this weekend! Where there was once fields and trees in life there is Garbage this is with the Cityview will invite to our neighborhood view
Dear Tresa, 
You are welcome to send messages to Mayor Fleetwood’s office regarding this project, or on any topic you feel is important. The intention of my message, suggesting you send to the City View project email, was to ensure it is received as a public comment on the project. It didn’t appear your last message had gone to that address. Your input is valuable and important. Thank you for taking the time to share your comments and photos.

Best, 
Brooksana Raney 
Executive Assistant to the Mayor 
City of Bellingham 
360-778-8100 
mayorsoffice@cob.org 
My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

Many in our community are seeking information in this quickly changing situation. We invite you to visit Whatcom Unified Command website, https://whatcomcovid.com/. This website is a one stop location to provide the most current information regarding COVID-19 efforts.

From: Tresa Mariotto <mariocart85@gmail.com> 
Sent: Wednesday, June 17, 2020 11:22 AM 
To: MY - mayorsoffice@cob.org <mayorsoffice@cob.org>; CC - Shared Department <cc@cob.org>; G.Proj.City View <cityview@cob.org> 
Subject: City View

I received an email behalf of the Mayor’s office advising me to direct my emails to the City View email. Perhaps implying not to bother the mayor or the council. After responding I would comply I decided against it. The Mayor and Council are elected and I am a tax paying home owner. My neighborhood is being walled in by apartments and the intense amount of garbage and disrespectful for home owners that goes with renters. They are often transient and not stakeholders. The studies on traffics done by the City View planners were conducted when WWU was not in session.

I am still waiting to read any environmental studies done. Behind our homes lies a wildlife corridor. And with the destruction done to make room for Elwood Edge. Safe green spaces are running thin.

It was windy this AM so the crap and the garbage photographed early this week has now blown all over the connecting streets and yards. Do you think any of the renters are going to pick up? Below I have inserted a picture of the crap left out by our mailboxes. This home was once owned by a dear friend and family, but one meeting with the City View people and the greedy city planners who were clearly blind to Constituents concerns, caused her to move to the county- The home was turned into 6 rental units! And guess what they do with the crap that does not fit!

Yes, I am mad. I have a right to be! Trust me I am no lunatic! I am asking you why we need more rentals invading neighborhoods especially those with no sidewalks or street lamps. I am asking why I have to walk by mountains of garbage and be mindful of speeding cars. Or cars parked in the middle of the street and blocking driveways because too many renters are crammed into a home. I am asking why we have to consider moving so my young son 19 months or
even our pets won’t be killed in the street with no sidewalks. Why his wagon has to pass by junk piled on a corner!

There is no good answer! Why should our quality of life be diminished? Why not cram it all not Alabama Hill or Northshore! This is wrong and if my emails and photos make you uncomfortable... Good!

Don't send a patronizing response, save it.
I am writing in regards to the proposal to build a concentrated, multi-family housing in a forested, wetland slope in the Puget Neighborhood. This project concerns me for a variety of reasons: First, increasing impermeable surfaces on this slope could lead to increased stormwater runoff that could impact the houses below and bring more sediment into our streams. Second, impacting this forested wetland will have negative consequences to wildlife and the environment. This tract of forested land is currently acting as an important refuge and wildlife corridor for many species. Keeping these tracts of forested land intact is critical, once they are removed they are gone forever. The mature trees in this stand are also acting as important carbon sinks and climate moderators. Third, the proposed complex is out of character to the rest of the area. This neighborhood consists of single-family homes and the addition of over 300 people and their vehicles will totally change the character of this neighborhood.
While I know we are suffering from an affordable housing shortage problem in Bellingham, I don't feel that this is the place to be building concentrated housing units. This area is ecologically too sensitive and vulnerable. Please find a more suitable place to build these housing units.

Thank you for your time,
Kirsten McDade

EMAIL
kamcdade@gmail.com
From: Marc Westenberger <marcwestenberger@yahoo.com>
Sent: Wednesday, July 1, 2020 1:42 PM
To: CC - Shared Department <cc@cob.org>; MY - mayoroffice@cob.org <mayoroffice@cob.org>
Subject: Consolidation student housing proposal

To all,  
The proposed building of student housing at the top of Consolidation can't happen. There are several reasons. First, the property values of the single family homes adjacent to the project will plummet with multistory buildings peering down into their homes. Secondly, there are 318 proposed bedrooms (all en suite) and only 256 parking spaces. Nevada Street will become a parking lot between resident overflow and visitors. Consolidation, which is already, virtually a one way street due to overflow Maple Street Apartment parking will be even worse. On S. 41st we already have them parking, it will only get worse. Besides the traffic, the noise associated with college students will be unbearable. Thirdly, there will be increased runoff down steep Consolidation with the loss of rain-shed. Then there is the constant daily littering with unwanted furniture on Maple and Consolidation. Today, it is especially bad. See pictures. Imagine amplifying this. This just isn't a viable project, especially considering that COVID will lead to more online courses with students staying at home rather than renting near campus. Please say no to this attempt to destroy what is left of our quiet family neighborhood.
Marc Westenberger  
127 S. 41st St.  
Bellingham. WA 98229
Two or Three weeks ago the dogs and I watched Sanitation services pick up sofas and junked furniture piled on the side of the street. We walked a half mile more only to see more abandoned furniture piles left by owners never to return. Renter with no respect for the property or people in the neighborhood. One lone black sofa was left, it became an invitation for more furniture to be junked. Attached you will find photos

Enjoy your day!
Sent from my iPhone
From: Tresa Mariotto <mariocart85@gmail.com>
Sent: Thursday, July 23, 2020 8:54 AM
To: G.Proj.City View; MY - mayorsoffice@cob.org; CC - Shared Department
Subject: Thank you

I wanted to thank you for ruining our neighborhood. Four more houses have been put up for sale, the garbage from existing renters vacating apartment continues to pile up and for rent and lease sign are appearing on a daily basis. The crater in the earth has displaced wildlife and filled the air with smoke and debris and will soon be the home for another apartment high rise on Elwood.

Neighbors who once took pride in their homes, have tended their yards and mended roofs and fences preparing to leave. We will soon join them. Your greed and disregard for our neighborhood has won. You have failed us and you should be ashamed. You all should be ashamed.

Sent from my iPad
To the Officials at the City of Bellingham,

As a resident of the Puget neighborhood, I'm absolutely appalled at the scope and size of the proposed Cityview Project. I have written you repeatedly expressing strong opposition to this project as it is currently proposed on the grounds of it being: inappropriately placed, out of character, disproportionately dense, and placing undue strain on fragile neighborhood roads.

I'd like to take a moment to focus on that last bullet point: Undue strain on small roads in a family neighborhood:

Morgan Bartlett, a ruthless, profit-centric, developer, has completed a flawed traffic study of the area in support of his proposed cash-cow dormitory project. The study was completed during the summer months, likely intentionally as to promote his cause, in the absence of any student presence in the Samsish and Puget neighborhoods. This contrived study grossly underestimates the traffic in and around
the streets of Nevada and Consolidation. I call in to question it's validity.

Furthermore, another recent application for project less than 1000ft away from Cityview has been submitted at 913 Nevada St for yet another 37-unit townhouse complex with roadway access only back to Nevada St. Either project alone would over-tax the fragile neighborhood streets of Nevada and Consolidation. Together, they will catastrophically impact the Puget neighborhood and Nevada St and Consolidation Ave.

I implore you to not rubber stamp an intentionally flawed, now outdated, and irrelevant traffic study and instead listen to the residents who drive those roadways every single day: These roads are already unsafe!

Regarding Nevada St: The City of Bellingham felt it necessary, for an indication unclear to me, to install traffic control devices that impinge into Nevada Street at several locations and wildly truncate traffic. These control devices force opposing cars to come uncomfortably close to one another, risking a head on collision. In the event of a successful Cityview proposal and the dramatic increase in traffic on this fragile road, the likelihood of a future collision is considerable.

Regarding Consolidation Ave: Consolidation Ave is a narrow 2-lane neighborhood street at baseline and is routinely lined with parked cars that impinge into traffic and force opposing cars to come uncomfortably close to one another. This already represents a major hazard at current utilization levels. I, personally, feel uncomfortable driving large vehicles down this hill at its current traffic levels for fear of coming dangerously close to opposing vehicles. Increasing traffic by hundreds of cars daily on this street if Morgan Bartlett's inappropriately scaled paycheck palace is approved, will further increase that risk of future motor vehicle accidents.

I demand that a non-biased review be re-evaluated during a time when Western Washington University is in session to accurately reflect the college student residents of the neighborhoods. Furthermore, If Cityview was approved, I strongly believe that traffic lights would be needed (and are already so) at the intersections of Nevada St and Lakeway Ave but also at the intersection of East Maple (where
Consolidation Ave ultimately leads) and Lincoln St.

Morgan Bartlett's Cityview proposal is an assault on the Puget neighborhood. It's out of character, it's inappropriately sized, and the addition of the hundreds of cars that it adds to my neighborhood is unsafe.

Deny the Cityview proposal.

-Erik Bernhoft

EMAIL
eberhoft@outlook.com
The latest round of renters have either moved out or elsewhere in Bellingham. I just wanted a small sample of the crap left behind! By my count this is the 5th pile in July!
As my neighborhood declines primarily because of the City View proposed plan, I feel it’s important to share as much as possible with the responsible parties. The attached photos are the parting gifts from the existing renters.
On my walk this AM, we (dogs and I) passed by the crater in the earth that will soon be Elwood Edge. Another huge apartment complex in a 10 mile radius. Not to mention all the home owners that I been forced out with the greedy building spree that the Council and Mayor have turned a blind eye to.

We passed the piles of garbage and the for rent sign. And for a moment I thought to take pictures once again of the overflowing bins and the signs all in a row. But decided not to. We could hear the rumbling of earth movers and smell the diesel in the morning air. The ground trembling as we drew near. I looked passed, a small brown creature appearing in the distance. A lone fawn. No trees for shelter. No grasses or berries to be found. Just smoke. Just noise. Just man!

Be ashamed!
Just wanted to share some photos what the Western student abandoning the rentals and moving home to complete the next semester/quarter at home have left behind. 4 more home owners gave left Nevada and Consolidation. And finally at least 10 families have moved into the multi-family housing units located at 911 Nevada.

Traffic is horrible. 40th - 44 streets have no sidewalks or street lamps. Renters park on the street and if they are drunk enough block driveways. Thanks again for running long term home owners from the neighborhood.
Sent from my iPhone
As I walked the dogs this AM every apartment complex on Ashley and Consolidation had for rent signs or apartments available! I thought I would share what the movers left behind.
Sent from my iPhone
So three more neighbors have put their house up for sale and are preparing to move. Some of the current and new renters in near by homes have taken to parking on the street and in the wrong direction. All because there are more renters than parking spots. Others come and go at random times and fly up and down the street in excess of 40 miles.

My closet neighbor has contracted someone to build a steel fence out to the street since we have no sidewalks, in order to keep renter who park blocking driveways and on private property off of his. Oh and the junk from renters leaving and moving in continue to pile up. Enjoy!
Public Comment

Name
Debbie and Jim Easton

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
The City of Bellingham has accepted the application from developers of CityView’s dormitory style complex above Consolidation and Nevada Street. We live in the Puget neighborhood and plead with you, please do not approve this proposed development. This complex requires renters to share areas other than their bedroom and bathroom with strangers, similar to a college dormitory but without amenities needed for college students. There are insufficient amenities provided for seniors or families with children as well. The facility lacks adequate support but is proposing extremely high, per person rents. We are supportive of developing housing that meets the needs of the community. Unfortunately, we don’t believe the CityView proposal satisfies these needs.

The people of Bellingham have a proud history of protecting our environment. The environmental impacts of locating such a large complex at the proposed location would be contrary to that goal. The site is extremely steep. Water runoff and erosion are a major concern. Our yard already absorbs runoff from underground water and homes around us. Neighboring landscape changes have required us to install special drain systems in our yard twice. A major development above Nevada Street will only bring more runoff issues to those of us downhill from the site.

Recent traffic control modifications to Nevada street have complicated flow. Concrete islands a few feet from the sidewalks have been added in two locations as well as a round-about. This creates narrow areas in the road that require one car to stop and allow the oncoming car to pass through first. Some neighbors have lost parking in front of their home because of the dual islands. Adding hundreds of additional cars to this situation would be irresponsible.

If the City determines there is a need in Bellingham for dormitory style housing like CityView, please require the location be changed to a more appropriate site. There are better locations along Lakeway and Samish that are closer to bus lines, grocery stores and services.

Sincerely,

James and Debbie Easton
4206 Thimbleberry Place
Bellingham, WA 98229

Files
Documents or images related to your comments.

Email
ddeaston55@gmail.com

Enter your email address to confirm your identity and receive a copy of your comment.
Public Comment

Name
Lucas Nardella

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
The project is too large for the lot and the family neighborhood. The topography is hilly, wet, and well forested. The city would better serve the neighborhood and community by acquiring the lot and allowing those that to enjoy the trails and nature to continue to do so. As someone that has a home nearby, a lot of people enjoy the access to trails and forest. Additionally, the developers needs and goals would be better served utilizing a different piece of property, one that is flat and already deforested. A closer location to WWU would better serve the tenants the developer is seeking to attract. There are plenty of good examples of land to be developed near Samish Way or on Lincoln st, near Viking circle. If you lived in our single family home neighborhood, would you want this development to be approved? Would you want to lose access to your favorite trails? Thank you for your consideration.

Files
Documents or images related to your comments.

Email
Nardellalucas@gmail.com

Please provide your email address to receive a copy of your comment or testimony and confirm its receipt by the Council.
May 10, 2021

via email to: Bellingham Planning Commission (planningcommission@cob.org)
copies to: Mr. Rick Sepler, Director, PCDD (rmsepler@cob.org)
         Ms. Kathy Bell, Senior Planner, PCDD (kbell@cob.org)
         Mr. Seth Fleetwood, Mayor, City of Bellingham (smfleetwood@cob.org)
Subject: CityView

My questions and comments in this letter pertain to your upcoming consideration of the proposal from Mr. Morgan Bartlett to build CityView, a 106-unit, 318-bedroom student housing development in the Puget Neighborhood. The two issues I am highlighting are new traffic and parking demand generated by CityView.

Here are the three questions I would like you to ask Mr. Bartlett. In the remainder of this letter I will elaborate on why I think these are important questions that the developer must credibly answer while you are examining his proposal.

1. Why was new traffic predicted using data for multifamily housing instead of data for off-campus student apartments?

2. Why was traffic counted during an atypical week of the WWU school year and then used as a "normal" count?

3. Because nearly all future student residents of CityView will have cars, how can you ask local neighbors to accept anywhere from 50 to 100 extra vehicles as overflow parking on their neighborhood residential streets?

Regarding Question #1:

from the Transpo TIA:

“Trip generation was calculated based on the average trip rate for a standard multifamily housing mid-rise apartment building (LU #221) from the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition (2017).”

There are data in the ITE manual for Land Use #225, Off-Campus Student Apartments. It was not used here. Why not? It seems clear that CityView is targeted at college student tenants. CityView is designed to serve this market with 318 private bed/bath units leased individually, much like The Lark Apartments on Lincoln Street. I don’t know if using LU #225 for trip rate calculations would increase or decrease traffic predictions, but it should be evaluated as possibly a more realistic predictor of traffic generation.
Regarding Question #2:

In a memorandum from Transpo Group to Mr. Bartlett dated March 3, 2021 the claim is made that “These [traffic] counts were collected while school was in typical session (prior to finals week)” (emphasis mine). The week before finals is not typical since it is “dead week” when there are very limited classes. June 5, the date of traffic counts, was in dead week. Therefore, it is almost certain that the counts were not representative of normal traffic in the survey area.

The TIA submitted by Transpo Group purports to predict future traffic in the area of CityView. All the predictions for new traffic and its impact on evaluating LOS for intersections submitted by Transpo Group are built on two pieces of data: the average trip rate in the ITE Manual and the current traffic counts. Since both of these data sets used in the TIA are very likely to be wrong, as I have tried to show here, how can future traffic calculated in the TIA be correct? It can’t, unless the sources of the data are re-evaluated.

Regarding Question #3:

If you ask parents of upperclassmen at WWU or similar universities you will hear that nearly all students have a car. This is not speculation, it is simply reality. These cars will need to be parked somewhere. If there are not sufficient slots in the CityView plan, and it appears there aren’t, where will they be parked? Answer: along neighboring residential streets which were not built to absorb this parking load.

The developer is trying to claim that providing 160 bike parking spots will induce a significant number of student residents to forego having a car. This is, in my opinion, fantasy. If you doubt this, ride a bike up Consolidation Avenue from Ashley Street to the CityView site. Also, what about visitor (read: party) parking? The developer claims that parking will be strictly enforced. Parking overflow will then have little choice but to flood into neighborhood streets to the detriment of local homeowners.

In Summary:

Consolidation Avenue is the dividing line between Puget and Samish Neighborhoods. Current residents of both neighborhood areas will be impacted by a future CityView and should be entitled, along with the Planning Commission, to a realistic picture of what the development will do to their streets. In my opinion the developer has yet to provide that. You are in a position to insist that he does.

Sincerely,

Steve Abell
Member of the Puget Neighborhood Working Group
Public Comment

Name
George Francis Sanders

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
ATTACHED DOCUMENT
2020 Hawley Development--Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride.pdf  ATTACHED

COMMENTS

Any new zig-zag, graveled foot trail constructed into this forested hillside will be shortcut daily (see analysis ATTACHED).

The muddy mess along the existing trail straight down the fall line from Puget Street to Consolidation Avenue will get worse with increased traffic.

Bellingham's South Hill neighborhood has stairways down the steep portions of the hillside.

Why isn't the City of Bellingham insisting on stairways down these steep slopes too?

Files
2020 Hawley Development--Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride.pdf

Documents or images related to your comments.
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
Environmental studies must take these unpermitted, primitive foot trails into account. Pedestrians are currently trespassing on private property on these steep, muddy trails, with no practical way to prevent access, creating danger to themselves and causing damage to riparian habitat. The City of Bellingham currently lacks any policy on this issue.
Permitted development of the Ashley Street Apartments in 2017 failed to take into consideration the risk of pedestrians shortcutting through the Lincoln Creek Critical Area.

This is an ongoing problem, and the unpermitted, primitive foot trail cutting through the 75’ riparian buffer zone continues to be used when WWU is in session.
Existing Primitive Trail Shortcut From Puget Street To Consolidation Ave Will Continue To Attract Pedestrian Foot Traffic

Pedestrians will always take the shortest route, especially downhill. The proposed gravel foot trail would be short-cut daily by pedestrians in favor of the existing unimproved trail going straight downhill towards the WWU park-and-Ride.
Density Allowances for CityView Development Challenged

I agree with the findings in the attorney's letter ATTACHED which challenges the 176 unit density allocated to the 11.5 acre Tract F of the Hawley Property.

I believe the City was in error allowing this density to be applied to this property, and that the City did not intend for this property to be zoned for such density.

I would support a campaign to fight this issue in court if the City of Bellingham permits this project to go forward under these false premises, threatening to ruin the character of my neighborhood.

George F. Sanders
Licensed Engineering Geologist, WADOL #400

4062 Consolidation Ave.
Bellingham, WA 9829
gsanders@openaccess.org
Documents or images related to your comments.

Email

gsanders@openaccess.org

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

Date

5/11/2021
February 6, 2020

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


Dear Ms. Bell:

I represent the Puget Neighborhood Working Group. 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. Unfortunately, both the name of the site and its location have had as many variations as the calculations. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

INTRODUCTION

This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance. On November 15, 1993, Jepson and Associates produced a set of project plans for Exxel Development Company. (Exhibit H). On page 7 of the plans, an undeveloped portion of the site, labeled "Area B", noted a designation of 176 units. Neither the plans nor any accompanying documents explain where this number came from. It is the first mention of a density allocation, which reappears sporadically in plat maps that have never received public review, let alone approval.

The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the
phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive

Buri Funston Munford & Furlong, pi-LC
Bellingham officet 160' Street, Bellingham, Washington 98225 P 360-752-1500 360-752-1502
Mount Vernon office: 825 Cleveland Agenue, Mount Vernon, Washington 98273 P 360-336-6508 F 560-336-5-58
www.BuriFun5t0n.com

BURI FUNSTON
MUMFORD FURLONG
ATTORNEYS AT LAW

February 6, 2020

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


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The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive investigation into the source of this mystery number. We ask that the City reject the phantom density for good and require CityView's proponent to provide an accurate density calculation.

Our review of the public record leads to three conclusions:

1. **THE CITY HAS NEVER CALCULATED OR APPROVED THE UNIT DENSITY FOR TRACT F.** Review of the public process and official actions involving the overall Hawley Replat starting in 1994, shows that assignment of a Unit Density to the current Tract F was never explicitly identified in the Bellingham City Council Agenda Bills or Resolutions. A review of public documents reveals that no Unit Density designation is explicitly defined by official action and filed for the subject property.

2. **THE CONFUSING PLAT MAPS MERELY REPEAT AN ERRONEOUS ASSUMPTION.** Since Unit Density was never explicitly defined for the current Tract F, the fallback has been to cite notations printed on the various plans (Plat Maps) as reporting Unit Density. Unfortunately, the notations on the Plat Maps are confusing, lack definition, or omitted from official filings. For example, the original Project Lot Layout includes a printed notation for "Area 'B' Future Development (176 Units)". However, Area "B" is not defined as to size, physical location or boundaries. Regardless of the size or configuration of the remaining undeveloped portion of the Hawley Replat, the developer puts the "1 76 Units" label on it.

3. **THE APPROPRIATE DENSITY CALCULATION ACCOUNTS FOR CURRENT CONDITIONS.** Since the original project plan was submitted, and resulting process, reviews and filings have occurred, additional issues have arisen. For example, the original proposal did not include multi-unit residential development in what is now Tract F. Other actions, such as the Wetlands/Open Space dedication, resulted in post hoc agreements that conflict with earlier
actions. These all have impacts on Puget Neighborhood and the appropriate density for any development on Tract F.

The City has yet to conduct the required public process to determine the appropriate Unit Density for Tract F. Until this is completed, any review of the CityView proposal is premature.

MAP 1: BOUNDARIES - HAWLEY REPLAT AND TRACT F
Map 1 shows the original Hawley Replat boundaries (blue line) and the current Tract F boundaries (purple line).

1. UNIT DENSITY - NEVER DEFINED FOR TRACT F.

The City's public records establish that the process required by the original Council Resolution for the Hawley Replat — Preliminary Plat (Exhibit C, page 8, Future Phases), never occurred for the subject area, Tract F.

Throughout the process, none of the City Council Agenda Bills included notice of a Unit Density designation for the portion of the Hawley Replat that would eventually be designated Tract F. All other portions of the Hawley Replat included an explicit Unit Density designation in the text of the Agenda Bills and resulting City Council Resolutions.

A. Planning Commission and Planning Department Report

The Agenda Bill (11302, April 25, 1994), Attachment A, presents the findings of the Planning Commission including Staff Analysis (Planning Department),

1) In the Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property, contains the most severe slopes on the property and will require additional review prior to development." (emphasis added)

2) Under Applicable Comprehensive Plan Goals and Policies (Exhibit A, page 5, Vision for Bellingham Goals, paragraph 1) the report states, "Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character." (emphasis added)

3) Future Phases of Development (Exhibit A, page 7) states, "Because of the environmental constraints, development of future phases east of phase 1 will require additional staff and public review " (emphasis added). From the same report (Exhibit A, page 9), "However, due to environmental constraints, it will be extremely difficult to achieve maximum density on the property." (emphasis added)

The City recognized from the earliest stage that before Phase 2 is permitted for development, additional review would be required to assure the goals of the Comprehensive plan are realized. Careful determination of an appropriate Unity Density would be critical on a property that has significant environmental constraints.

Map 2 Shows the original Hawley Replat boundaries (blue line) and the
Phase 1 boundaries (western part of property) and Phase 2 (orange line),

MAP 2: BOUNDARIES — PHASE 1 AND PHASE 2
1. UNIT DENSITY - NEVER DEFINED FOR TRACT F
(continued)

B. City Council Agenda Bills and Resolutions

From 1994 through 2002, starting with the Preliminary Plat and ending with the Final Plat, the City Council reviewed and approved various developments within the Hawley Replat. The City Council never reviewed or approved a Unit Density for Tract E

1) City Council Resolution (No, 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4) that the Hawley's Replat Plat Area included Phase 1 — 16.55 acres, consisting of 123 units; Phase 2 — 30.16 acres, with no Unit Density.

2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, "A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [emphasis added] located in Area 17 of the Puget Neighborhood" (Exhibit E, page 1, paragraph 1). No Unit Density was included for Tract F,

3) City Council Resolution No. 2002-24, continues by reference the requirements of the Preliminary Plat Resolution 19-94, "attached hereto as Attachment 2, and made part hereof by reference as though set forth fully herein." (Exhibit E, page 7, Future Phases), that additional public review is required before development.

In 2013, the Hearing Examiner (Exhibit G, page 3, sentence 2) restates that, "The tract labeled Future Development is the subject property. The plat conditions provide that additional public review would be required prior to development of the reserve tract." (emphasis added)
2. PLAT MAPS - CONFUSION AND OMISSIONS

The various Plat Maps included with the Agenda Bills and Resolutions created the confusion over the allowed densities, incorporating notations that are inaccurate, lack definition, or omitted crucial information from filed documents.

A. Original Project Plan

The original Proposed Lot Layout (dated 11/15/93) for the Hawley Tract (see Exhibit H) has numerous notations that are undefined as to size, physical location or boundary,

1) The initial Proposed Lot Layout (Exhibit H, pages 2 and 6) for the Hawley Tract (46.71 acres), included two notations; "Area "B" Future Development (176 Units)", and "Area "D" Future Development (50 Units)", for a total of 226 units. No definition is provided for Area "B" or Area "D" as to size, location or boundaries.

2) The Agenda Bill (11302, April 25, 1994), Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), shows 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property." The Proposed Lot Layout does not include a notation identifying Phase 1 or 2; no Plat Map attached to Agenda Bills or Resolutions includes these designations.

3) The printed notation for Area "B", in the lower right corner, on the Proposed Lot Layout (Exhibit H, page 6), is likely the source of the assumption that the Unit Density for Phase 2 and eventually the smaller Tract F, is 176 units.

Map 3 on the next page shows the original Hawley Replat boundaries (blue line), with the Area "D" and Area "B" notations from the Original Project Layout.

MAP 3: AREA "B" AND AREA "D" NOTATIONS FROM PROPOSED LOT LAYOUT
2, PLAT MAPS - CONFUSION AND OMISSIONS (continued) B.
Unit Density Reconciliation — Original Project Plan with
Preliminary Plat Approval (1994)

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public
Hearing, paragraph 1, sentence 4) included a statement that 164
single family lots were planned.

1) The Original Project Plan (Attachment A, page 11) identified only
64 single family lots, leaving 100 lots (164 less 64 identified on the
Plat Map) that were not identified as to location on the Hawley Plat.

2) This statement appears to preclude future development that is high
density since the plan being presented was for single family lots with
a minimum of 5,000 square feet.

The following (Table 1) reconciles the Original Project Plan with the
Preliminary Plat Approval (1994). As shown on Table 1, the Original
Project Plan (Plat Map) printed Unit Density notations for Area "B" and
Area "D" (226 units), match the total Unit Density presented to the City
Council by the Planning Department (226 units).

TABLE 1: ORIGINAL PROJECT PLAN UNIT DENSITY RECONCILIATION
WITH CITY COUNCIL RESOLUTION

<table>
<thead>
<tr>
<th>Original Project Plan</th>
<th>units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area &quot;B&quot; Unit Density (notation on Plat Map)</td>
<td>176</td>
</tr>
<tr>
<td>Area &quot;D&quot; Unit Density (notation on Plat Map)</td>
<td>50</td>
</tr>
<tr>
<td>Total Proposed unit Density</td>
<td>226</td>
</tr>
</tbody>
</table>

| City Council Resolution No. 19-94, April 25, 1994 (Preliminary Plat Approval) | Units |
| City Council Meeting - Planning Department Presentation | |
| Total Single Family Lots Planned (City Council Minutes) | 164 |
| Less: Single Detached included in Phase 1 (see below) | (64) |

| Agenda Bill 11302 - Phase 1 | |
| Single Detached (units) | 64 |
| Duplex (2 units), Triplex (3 units), Fourplex (4 units) | 9 |
| Multiple (units) | 50 |
| Subtotal - Single Family Lots (not identified in Phase 1) | 100 |

| Subtotal - Phase I Units | 123 |
| Subtotal - Dedications | |
| Lots 5, 6, 7 dedicated to Rain Garden | 3 |
| Subtotal - Dedications | |
| Total - Proposed Allocation of unit Density | 226 |
Area "B" included more than just the eastern portion (Phase 2) of the Hawley Tract; it included all the Single Detached lots on each side of Nevada Street. Map 4 below shows how Area "B" was misunderstood.

2. PLAT MAPS - CONFUSION AND OMISSIONS; (continued)

1) As noted earlier, the Original Project Plan, shows a notation for Area "B" in the lower, right portion of the Plat Map. No information is provided for Area "B" as to size, location or boundaries. As similar is found located left, center for Area "D", also without information as to size, location or boundaries.

2) The eastern portion of the Hawley Replat identified as "Phase 2" by the Planning Department, was apparently misunderstood to represent the boundary of Area "B", located to the east of the orange line.

3) City Council Resolution 19-94, when reconciled with the Original Project Plan, shows Area "B" would include all Single Detached units shown by the red line.
3. DENSITY SHOULD ACCOUNT FOR CURRENT CONDITIONS.

Since the initial plan was submitted, and the resulting process, reviews and filings have occurred, additional issues have arisen. A. Single Family Lot Designation Issue

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned

1) This statement appears to preclude future development that is high-density since the plan was for single family lots with a minimum of 5,000 square feet.

2) The original Proposed Lot Layout (Exhibit H), did not include multiunit development in what is now Tract F, consistent with the statement in the Public Hearing.
3) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), has a printed notation, 'Tract F — Multi Site,' which conflicts with the earlier statements that single family lots were planned.

B. Final Plat — Cedar Ridge Division 2 (formerly Hawley Replat)

The final Plat filing for Cedar Ridge Division 2 (revised title for the Hawley Replat) introduced additional confusion and issues.

1) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), consists of one map, and an entry in the lower right-hand corner for "Tract F — Future Multi Site". This was the first time the notation "Tract F" appears on any document for the Hawley Replat.

2) No definition is included on the Plat Map (Attachment 1) for Tract F as to size, location or boundaries.

3) None of the City Council Agenda Bills or Resolution ever included an explicit reference to Tract F.

4) Attachment 1 does not show a Unit Density. This is consistent with the text of the Resolution which states that, "Whereas, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1).

5) The Hearing Examiner Report (see Exhibit G, page 3, item 7) states, "The Final Plat Resolution shows a site plan identifying the
subject property as Tract F, Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution. " (emphasis added). Nothing in text of the ordinance or the plat map assigns a Unit Density to Tract F.

C. Discrepancies between Resolution 2002-24 and the Plat Filing
The Cedar Ridge Division 2 Plat was filed with the Whatcom County Auditor on July 23, 2002. This filing was done on behalf of Peoples Bank, Irving H. Hawley Jr. and Joan Hawley, The attached Plat Map shows a Tract F, with a notation of 11.16 Acres, Future Units — 176 units (Exhibit F, page 5).

1) The Hearing Examiner Report (Exhibit G, page 3, item 7) states, "The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution." However, the text of Resolution 2002-24 did not include an explicit Unit Density to Tract F.

2) The Filing of the Plat Map was a separate action performed by the property owners and their representatives after Council approval of Resolution 2002-24. Unlike other Resolutions previously identified, there is apparently no record of Resolution 2002-24 having been formerly filed with the Whatcom County Auditor that included a Unit Density designation for Tract F.

D. Wetlands Dedication — Unit Density Reduction Issue
The agreement recorded in the Conversation Easement (Exhibit D, page 1), states that allowable Unit Density is reduced by 100 units. This raises numerous issues:

1) The net results of the reduction in Unit Density is unknown; the remaining units are defined as to size, physical location or boundaries.

2) The reduction of Unit Density due to the Wetlands Dedication is never referenced in future Agenda Bills or Resolutions.

3) It appears that no reduction of Unit Density has been applied to any portion of the Hawley Replat, in spite that it is part of the Wetlands Dedication that was required to gain approval of the Preliminary Plat Plan.
CONCLUSION

For 25 years, what is now the Hawley Replat Tract F has been a conundrum for all involved, the property owner, developers and especially the neighborhood. The phantom Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. This is truly an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn't work,

The Hawley Replat was a multi-year process that in the case of Tract F, is still a major issue for the community. 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, using the City's own Infill Toolkit to bring all parties together, to move forward with development that fits and expands housing in the City of Bellingham.

Sincerely,

Philip Buri

EXHIBIT LIST

A. Bellingham City Council Agenda Bill No. 11302, April 25, 1994
B. Bellingham City Council Meeting Minutes, April 25, 1994
C. Bellingham City Council Resolution No. 19-94, April 25, 1994
D. Conservation Easement and Deed, December, 1994
E. Bellingham City Council Resolution No. 2002-24, July, 15, 2002
F. Cedar Ridge - Division #2 Plat Filing No. 202703650, July 23, 2002
G. Findings of Facts, Conclusions of Law and Order, City of Bellingham Hearing
    Examiner, HE-13-PL-007, October 23, 2013
H. Proposed Lot Layout, November 15, 1993
Consideration of preliminary plat approval of a 123 unit subdivision commonly known as the Hawley's Replat. The subject plat is located along the extension of Nevada Street, between Consolidation and Edwards Streets.

## ATTACHMENTS
- Planning Commission Finding of Fact
- Vicinity Map proposed plat Map
- Original plat Design
- Neighbor's Letter

## CLEARANCES:

<table>
<thead>
<tr>
<th>Ing Manager</th>
<th>4/22/94</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rob Hav. Associate Planner</td>
<td></td>
</tr>
</tbody>
</table>

## PUBLIC HEARING

Consideration of preliminary plat approval for the Hawley's Replat, located along the extension of Nevada Street north of Consolidation Street and south of Edwards Street. The Hawley's Replat consists of 64 single family lots, 1 duplex lot, 1 triplex lot, 1 tour-plex and a 50 unit multi-family trace (123 total units).

The planning Commission considered this application on March 17, 1994 and unanimously approved the proposal subject to a minor plat re-design and open space dedication.

## RECOMMENDED ACTION

Recommend approval of the Hawley's Replat preliminary plat; subject to the Technical Review Committee and Planning Commission. Direct staff to prepare a resolution for review in committee.

## COM T 10

 Recommend approval of the Hawley's Replat preliminary plat; subject to the Technical Review Committee and Planning Commission. Direct staff to prepare a resolution for review in committee.
CITY OF BELLINGHAM
PLANNING COMMISSION
FINDINGS OF FACT AND CONCLUSIONS
MARCH 17, 1994
Re: HAWLEY’S REPLAT - PLANNED RESIDENTIAL SUBDIVISION

A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract.

The subject property is the old Hawley’s Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.

Nevada Street extension, future development on up hill property.

STAFF RECOMMENDATION
Approve Phase 1 with conditions.

PLANNING COMMISSION RECOMMENDATION
Approval with conditions

Background/Prior Hearings

Historical use of the Property:

Since 1920 this site has been used for rural farming activity. For many years the Hawley’s Poultry Farm operated from the site. As early as 1920, the western half of the site (relatively flat) was cleared for farming activity.

Neighborhood Meeting:

The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.

Documents Considered

Staff Report, Public Testimony

Exhibit BCC Agenda Bill No. 11302, April 25, 1994
Public Hearing

TESTIMONY

Please see the attached draft minutes from the March 17, 1994 Public Hearing.

STAFF/TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Approve the design of phase I subject to the conditions listed in Appendix A. Based upon the application, record and public hearing held March 17, 1994, the Planning Commission makes the following:

FINDINGS OF FACT

Applicant/Initiator

Exxell Development Ron Jepson and Associates (Keven DeVries, Contact) Engineer

335 Telegraph Road 222 Grand Avenue, Suite C
Bellingham, WA 98226 Bellingham, WA 98225

Proposal

Exxell Development owns 46.71 acres located north of Consolidation, south of Edwards Street, east of Moore Street, and west of Pacific Street.

There are 123 units proposed in Phase 1 consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract. The project will extend Nevada Street between Consolidation and Edward Streets.

Future phases of development will require additional review by staff, the Planning Commission, and Council.

Site Description

LEGAL DESCRIPTION See attached

3. COMPREHENSIVE PLAN DESIGNATION

PUGET NEIGHBORHOOD Area 11

This is a largely undeveloped area which includes wet areas, hillsides and areas which are relatively flat. The area is an ideal multiple housing area,
<table>
<thead>
<tr>
<th>General Use Type</th>
<th>Residential - Multi.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Qualifier</td>
<td>Planned.</td>
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<tr>
<td>Density</td>
<td>5,000 square feet per unit overall density,</td>
</tr>
<tr>
<td>Special Conditions</td>
<td>Clearing, view, no access to Lakeway via Nevada or Puget Streets from that area south of Edwards Street, water distribution system design.</td>
</tr>
<tr>
<td>Prerequisite</td>
<td></td>
</tr>
<tr>
<td>Considerations</td>
<td>Whatcom Street to Nevada Street and Nevada Street from Whatcom to Lakeway should be improved prior to development north of Edwards Street.</td>
</tr>
</tbody>
</table>
venient to town, parks, and commercial areas. As this area develops, warrants
for a traffic light at Lakeway and Nevada should be analyzed. Higher densities should be allowed on the level, dry areas, while the wet areas and steep areas should remain open. Water lines for development within this area must be carefully designed to provide adequate fire flow.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

- ResidentiQ' Multiple Planned designation should accommodate a variety of residential uses in a manner which will allow property to be developed as a coordinated unit according to an approved detailed plan in order to achieve flexibility to solve site specific problems, minimize impact on surrounding properties, and maximize utilization of the land.

- Steep hillside areas and stream corridors or low wet areas are recommended as a general theme for open space patterns in future development.

To preserve the visual integrity of the wooded hillsides which provide the backdrop for the City and many of the neighborhoods and to preserve the bluffs and slopes that reinforce the edge between water and City. Also to preserve the natural integrity of these areas by retaining vegetation, minimizing disruption of soils and slopes, maintaining drainage patterns, and encouraging wildlife habitats.

Provide a functional, convenient, safe and pleasant bicycling and pedestrian transportation network in the City,
Visions For Bellingham Goals:

- Because Infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.

- Bellingham continues to retain its natural, green setting by protecting unique natural features and public open spaces, creating greenbelts and preserving wooded hillsides in and around the City. New development is encouraged to incorporate existing mature vegetation and additional trees and native vegetation.

SURROUNDING USES AND DESIGNATIONS

North: Single family development and zoning (8,500 square feet minimum lot size),
South: New single family development (Briarwood Subdivision a planned subdivision, Futurespec Development). Planned Residential zoning (5,000 square feet per unit)
East: Future Hawley’s Plat Phase 2. Forested hillside. Toledo Hill single family development and zoning.
West: Lakeway Mobile Estates. The Moore Street right-of-way unimproved, identified in the Comprehensive Plan as a buffer between the mobile home park and the single family zone to the east. Maple Park apartments. Residential multiple zoning.

4. Existing Site Conditions

Acreage: Phase 1: 16.55 Acres
Entire property: 46.71 Acres

Number of Lots: Phase I 123 units: 63 Single Family

0005,FFC
Exhibit A

1 Duplex Lot
1 Triplex Lot
1 Four-plex Lot
50 unit MF Tract

Minimum Lot Size: 5,000 Square Feet
(Largest SF Lot - 8,689 Square Feet)

Plat Density: 5,000 square feet per unit overall density required.

Phase 1 - 123 units on 16.55 acres = 7.4 units per acre.
Phase Single Family - 64 lots on 12.37 acres 5.1 units per acre.

Topography: The entire property has a natural slope from east to west up to 30%. Phase 1 is gently sloped and is located in the lowest and flattest portion of the site. Phase 2, located in the eastern region of the Hawley property, contains the most severe slopes on the property and will require additional review prior to development,
Exhibit A

Hydrology:

The Hawley site is located in the Lincoln Creek watershed. This watershed is 803 acres in size and drains the northwestern portion of Samish Hill. All surface water runoff collects in Lincoln Creek and empties into Whatcom Creek at its terminus.

The local geology consists of bedrock, primarily sandstone, overlain by glacial material. The springs and hillside seeps found here produce numerous intermittent streams in the area. This is the source of water, in addition to direct precipitation, that feeds the wetlands on the Hawley farm.

Infrastructure:

Streets:

Nevada Street abutting proposed Lots 31-37 is 3/4 City standard with sidewalk, curb, gutter, and street lights on western side. Nevada Street south of Consolidation Avenue is improved to minimum City standards. Nevada Street north of the proposed development has approximately 16 feet of paved surface with open ditches.
Exhibit A

0.005, FFC

(5)
Water/Sewer/

Stormwater: Utilities are currently available from the south. All new extensions shall be consistent with the Public Works infrastructure plan for the area.

6. **Staff Analysis**

   **Land Use:**
   Area I I of the Puget Neighborhood is zoned for multi-family development at 5,000 square feet per unit (8.7 units per acre). The entire site (Phase 1 and 2) is comprised of 46.71 acres and current zoning would allow a maximum of 406 units. However, due to environmental constraints, it will be extremely difficult to achieve maximum density on this property.

   Phase I consists of 123 units in a mix of single family and multi-family housing types. This meets the intent of the Residential Multiple Planned Land use Designation.

   **Nevada Street Dedication:**
   The Nevada Street right-of-way connecting Consolidation and Edwards Street was dedicated as a plat condition of the Briarwood Subdivision (see attached). However, this dedication was platted over a regulated wetland. The plat design under consideration will vacate the former right-of-way and dedicate a new Nevada Street right-of-way west of the original dedication. The new alignment will reduce the impacts to regulated wetlands. A City of Bellingham Wetland Permit and Army Corps of Engineer's permit must be issued for impacts/fill to regulated wetlands. (See attached Memo from Chris Spens, Senior Environmental Planner.)

   **Nevada Street Connection:**
   It has been the position of the City that the Nevada Street connection is an important circulation element in this area. This link will allow an alternative route to 1-5 without using Lakeway Drive.
For additional background, please see attached memo from Tom Rosenberg, City Engineer.

(6)
Plat Vacation:

Once approved and filed with the Whatcom County Auditor's office, this subdivision will vacate portions of the Cedar Addition to Whatcom Plat and streets/alleys located within the plat. (The Nevada Street right-of-way was dedicated by the property owners with the understanding that this plat would be vacated and the owner would not have to compensate the city for vacated rights-of-way.)

parks/Open Space:

The subdivision ordinance requires applicants to dedicate 100 square feet per lot within the plat boundary for parks and open space. In lieu of park dedication, a $300.00 per lot payment into the Park Acquisition Fund is allowed.

If dedication of open space occurs within the Hawley Replat boundary, the preferred location would be within Phase 2 along the wooded hillside. Staff would support dedication for the entire property at this time. Said dedication should occur within the boundary of future Phase 2 and should incorporate the forested hillside areas and identified wetland areas.

If dedication of open space for the entire property is not feasible at this time, staff would prefer payment into the park acquisition fund in lieu of dedication for Phase I.

In addition, staff may propose an open space dedication upland as mitigation for wetland fill. Please see attached memo from Chris Spens.

Wetlands:

A wetland determination indicated there are 13.1 acres of wetlands on this site. Wetlands such as these that are located higher up in the drainage are very important for flood control downstream because they store water so effectively and then "meter" it out slowly. Wetlands of this size can be very valuable if a physical connection to other wetlands or open space is retained.
As more vegetation is removed from the watershed, particularly trees, drainage patterns are altered and there is a greater volume of runoff. This can overwhelm downstream capacity. Greater runoff volumes can also have a damaging effect on the wetlands if the water level fluctuation is dramatic.

Ehases Of Peyetopment (7)
Because of environmental constraints, development of future phases east of
Phase I will require additional staff and public review.

ADDITIONAL FINDINGS AND SPECIFIC SITE FACTS

1) The proposed layout of Lots 1-4 would require partial fill of a forested wetland.

2) The extension of Nevada Street would allow multi-dimensional circulation in this area.

3) Open space/parks dedication is preferred over payment in lieu of land dedication.

Based upon the above findings, the Commission makes the following:

CONCLUSION

1) The plat should be modified to redesignate or eliminate proposed Lots 1-4.

2) Nevada Street should be connected between Edwards and Consolidation Streets.

3) Open space/parks dedication for all phases of development should occur in the area designated within the boundary of future Phase 2.

4) Additional open space should be dedicated as mitigation for wetland fill.

0005, FFC
From the above Conclusion, the Commission comes to the following:

**RECOMMENDATION**

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation, Appendix A.

ADOPTED this ___ day of___ April___, 19__

Mary J. Cheney
Chairperson

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney
RECOMMENDATION

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation; Appendix A.

ADOPTED this

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney

0005, FFC
RECORD OF PROCEEDING OF CITY COUNCIL
CITY OF BELLINGHAM, WASHINGTON

BELLINGHAM SENIOR ACTIVITY CENTER
Monday, April 25, 1994, 07:00 PM
Book: 48, Page: 1

REGULAR MEETING

Called To Order

The meeting called to order by Council President Ame Hanna with a salute to the flag.

Present:

First Ward Councilmember Oon Giocher
Second Ward Councilmember Gene Knutson
Third Ward Councilmember Arne Hanna
Fourth Ward Councilmember Bob Hall

April 25, 1994
Excused;

ANNOUNCEMENT(S)

LAIC WHATCOM MANAGEMENT cowc1L SIB-COMMITTEE MEETING FFDAY. APR-IL 29. 1994, AT no AM, m
THE POLICE TRAINING B
APPROVAL OF MINUTES ROOM ON STREET (ENTER THROUGH THE PEDESTRIAN GATE THE PANQ-JG LOT).

15-MINUTE PUBLIC COMMENT PERIOD

1. Cry: Ramp, 1700 W, Connecticut: addressed address the the Henfiz project the S Quahcum Park area had presented a handout from Planning Commission dated August 1981 regarding zoning of planned land use for an area. She requested that the area be given consideration for the placement of a park.

With no further comment.

PRESENTATION the public comment period close.

Mr. Castle, Director of the Burlington County Education Association (Art Castle) conveyed that he had lived in Kitsap County in one week he volunteered with the organization as a leader. She expressed gratitude to Mr. Castle for the leadership role he provided. Councilmember Rowe praised Mr. Castle’s energy level and added that he would be missed. Councilmember Hall gave fond farewell to Mr. Castle and for the inspiration he provided. Councilmember

NTOOC022D2-AS14Q015110953 AM
ABI 130: 1. CONSIDERATION OF PRELIMINARY PLAT APPROVAL OF "KNOWN AS THE HAWLEY’S REPLAT, LOCATED ALONG EXTENSION OF SEVADA STREET, BETWEEN THE COUNCIL AND EDWARDS STREET."

Rob Nye, Plan.Ruag Department, made the Motion that project been Behre the approval for 2 year. Concern die conderation at the 1-5” 3aaw.h uea. The 3anvoad development had approved for theu der*impuezt the condition they a neht-of-way to the development to the north with Nevada at It wa-- plated at that tune- Hawley, then-owner, dedicated a 60-foot at-tlip to the alignment which tvaz approved by the Public Work’ Departmen... The Limpact% orkzaDee wu then adopted which opened up the opporunity for development that cleated impact-a to be azed an mupaet fee for each lot being developed at the tune ofbuilding permut A detated wetland analysis was pufouaed and the alignment that was preously dedicated for Nevada wet through wetland% than Zeez sanr. They a-ked the Cit-y to the alzer,ent which a eunez condition of plat. Th.exe were 1 acre ofwetland' identified the project and during With Plannng Staff. It we determined that the upland between the wetland mea identified and Puget Street, could be pre-e. & Hawley aged that Ee would add wooded area from Puget Sdct to die wetN1dr- already dezigned. *n, illing a total of 15 acres dedicated for Open %space. The proposed augment of Nevada Street, E which eucumvent the wetlandz area. Hawley a larger parcel eerepected to development. The neighborhood meeting- held to date revealed an iuze relazng to Nevada Sdct coozectLOZ and may be a muuzeit andmg in tint Nev&A Street d.ezired by the City to connect

Lakeway Drive for Nevada decided by Work’ at mule ofthe approval. The damage be handled mth the wetland and

The hearing was opened.

1. prooerty and partne m the developzent of the prop6U, %tated drat laic faun-ly has waited for many yee the until az acceptable plaz came fo2It, drat they could be m*oved ux and be proud of. Ee ‘Gated that thro a plan he a-e-kz for COuneiJ appzoal of development.

Councilmember asked for the dollar ofthe fee imp0'ed fox each lot Clark Williams, Public that each would be $270 the Sazu/h11-5

2. President Spec that he developing 50 on 44th ud Street that they have developed 10 Bnarwcod Subdx1•E10u. He tugge-at% not Nevada and %topptzg it It cuexez unto Branoowd If the i’ only going to 10-12 unit on the eud ade

Of Nevada Street. The taffic :mpaet on the neighborhood: mould be to the
The concern over the proposed baffles at Puget and Lakeway and potential problems with the due to Luited 'lighting where Edward—. meet-. It appear to be an accident potential and a hazard for the local areas only in Pacific View not helping and the astrage speed E-40 mph that area With some speed close to 50 mph when they reach Edward-. and Puget.

Clark Willmar, W011-, responded that there was a one block length (about 2 auth of Lakeway Drive) that connects Nevada Street with Puget Street. But, the length is not a public street. It is a pm-ate access road. If this became a cut-through route for City would mitigate the traffic that is 13 not a City street.

4. Updated that Nevada would be a through street, but with pace and the wildlife corridor Bannwood's leadent ve' connect With the cleaning from development. They believe this to be "bad planning and development" and a-uk that City enforce the law with axonotting of the development. He does not a concern for the record. that re-oldent of Nevada Street and Bannwood were told at neighborhood meeting: that the connecton a ozn Lakeway through Nevada to 44th will not connect With the is as the next of Elwood.

5. Rated that when Zhe wait to the Planning Depaurment Zhe war. not a platted map, but wu a large map and wa. told It would be hr the to proceed. She was not oppozed to developat, but plopany With that It would quet that Zhe could enjoy the Midlife. There are other to the du-ough feet of Nevada: such a: roungh half of the Hawley development name auth on Nevada to Consolidate at and another half duough Lakeway.

6. Tied to the Planning Dept. before bought her property at Nevada and told that at that time there were zo plau, to make Nevada a through street. She pleaed a penonn of 23 agrature hendent who are oppozed to Nevada beoung through feet. She exp explained that the development and traffic were acc many routes. to not a propon, but a done deal.

7. Barry Windling, 1061 Nevada, spoke in opposition to the con performed. The many different zoning uses surrounding the area to the council of Nevada Sheet and ked fut future speed be

A decision then ensued between Corneth.neu er and staff regarding traffic and acc access route of the current and future development.-

Knutson Uked when the Bnanwood development was approved approx.mately late1988.

S. Nancy Woon eye. 82) Nevada expre e over the tramc patternz and tated that people to be ZE-zagguxg all over to get to Lakeway.

Chri% Spe%, referred that there would be no connectons die YtYSamEnb connector and urged Council to consider the pozse upcet rzload acc% that are acc% Able and 0-0, is bame prure and Offer. mole opozue to rendenE. This naturally the tramc become more Oopne— are avaiable to A through road alternatvez of destuxahoa and for Erc and police acc% It mote ophoz I am we to wetlaze. Fp project stated out 13.2 acette ofwetland% They will need to fill alligly less than acre. and dre Cifr square foot acreage et:Eer in the of ab%0tue wetlandz or newly gained upland:, uplope of large shape of tEe deaged to uzzmmzce clearing ou the property to hak up Wet meadow, temb and foated wetlandE vnt tEeir zeccZy countapait, forreted uplaadz. The pucez 46 azd the puck dedication zpprox.mately 1/3 of die propertz phu.% ngghz ofway to be dedicated, so the public benefit of project great. The development: proposed oz a down-ikde of the wetland. wh:eh good because the ettubanee: twdd drain away fiozn the wetland. The wetland configuiation Olt with a get meage of what cuitze plus tEe SO foot buffer which averaged to a pc.7tu, harmoniousy system.

Cotumknezuerber Knutson emphaz-ed that the situatou iz not soaway and that he puton71ly %0ld to get away taffie which now edged to home. There are that zeed to be on all ud that a cze-vnde problem.
9. Cuidv S04 Salmon Benz If all be taken diat adJu st appropriately. She that If Zhe haz to thu eVe1yone eke %shouId
10. clanfed d2it the Plu duimg the Bnaxwood approval were cut at the area south of Nevada exit t.outh. That becaus the Bvao Coazolidadau Parkway war. under consideratoon_v nth the freeway (near Denzy%) Coazolidadanz teEe thoroughfare nth area would exit to the major f010ug.âäE It that had moved ‘outh z01V San Juan Boulevard âäAerent so Nevada Saeet the acquired ‘reet to go thlough. Hawleyt dedicated that to the

With Ruth ger Comments forthcoming, the Public Hearing was closed

MOVED'HALL SECO>DED approval of the prelunzn,ay plat subject to the Teehnz.eal Review Comuuttee and Pta.ung County
Coun%vau condihonz and tereuuent%. Staff dzected to prepaxe a resoluhon for review u: committee. MOTION CARRIED 7.

ABIU03 2. rTILITV SERVICE *219

CB 11956 ORDANCE RELATING TO UTILITY SERVICE EXTENSION, pvxsvæcr TO CODE CHAPTER 15.36 PROVIDING FOR Ti-lE UNEXCEPTION OF AREA LOCATED EAST OF DEEIER ROAD AND souH OF E. BAKER%LEW ROAD. TO THE CITYS SEVER SERVICE ZONE AS EXTENSIONNO. 219, PVFSVA>-..> TO TENIS CONDITIONS MOE PARTICVLA31Y DESCRIBED HEREN

Geoff Smythe, Public WINE, made the "taffteratanou. There are 29.4 ul die application mth 7 piece: ofland desuug to come Into City •4%ctzn. The development i: actaeent to city limit", and conhguouz to other uen with utility %emce zone: aid iz wiitiu the tubu xviee bounday. Thea* no popo%d development for the land involved, only exza.ang %tuctuez and Qty unpozed zeveal stipulanonz which uxeluded the Language The readent applicant: have indicated concenz ‘ooze ofthe capulation%. The public *ied.

I. E. an applicant. %tated that be does not want to be responsible for future LID to unprove the ‘beets due to uemaed hafEc caused by the retail development. The City haz planned to upgrade the Deemer and Bakemew Roae beu. He doe not thu.k Lt i' fau for the City to maie die or for an exza.ang %tuctuez and Qty unpozed zeveal stipulanonz which uex aluded the Language The readent applicant: have indicated concenz ‘ooze ofthe capulation%.

The public *ied.

2. T stated oppoz:honto the Er future LID

Exhibit B - BCC Meeting Minutes, April 25, 1994
LID Jack Gamer. Public Work-a. that the applicant beaute the propery City not under City conhol for zubd.iviuicu building rezozung, etc. The %tipulanouz are applied ifthe puope•ty were in the City to provide some City conol over lur u:e- penult, aanzpottatioa impact drainage controE, etc. If a plat Or wele *Led for the City, ffe adjacent must be lите land panel; subdivided diete %tipulanouz une the It L: di/Ecult to unpoze LID to aea out-ad the Cry liuutz. so they use "P—ma.f. Tthe axe approved the it would the to decide ffe method and degree ofaze%uent and paniczpatiom

3. Hawk Weeb, 679 F Bakevred, has owned his 5 acre property since 1983 and supports the utility service zone. He stated that when future property development occurs, it would be right to pay the proper fees and costs; but he would want clear instructions the time. He asks that Council act on this service zone extension.

4. Lloyd Austin, 1838 Lakeside, reiterates his theory of assessing LID's city-wide rather than to individual neighborhoods: as the city as a whole uses all street. He does not feel that this idea should extend to neighborhoods: clear to the Canadian border. However, he also asks how much capacity our current sewer is set up for.

Jack Gamer responded that the City has a 20 year growth cycle for sewers and 30 year cycle for water.

With no further comments forthcoming, the public hearing was closed.

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Exhibit B - BCC Meeting Minutes, April 25, 1994
Council for WA

AB1 1. CONSIDERATION OF FINAL PLAT APPROVAL FOR Dmsross 1 OF THE MT. BAKER
FOEST st-BDIITSGS

ES #16-94 A FESOLVTION PLAT EPROAL TO MT BAKER FOREST [RESIDENTIAL
DIVISION 1 LAND Dn.7S1ON 2 (TZ*GLEWOOD) FAFX_ DIITSION 1, contams 51 SINGLE
FAMILY CLUSTER LOTS. TANGLEWOOD. 2. CONTANS 23 SINGLE FAMILY CLUSTER LOTS MT
FOREST 3ESIDEN11AL IS GEER-ALLY LOCATED NORTE OF SOT-LEVAFD AND 'EST OF TVÆED

Mizutes Apal 25.1994 of Belh.ugLaaL

Twnrry BRENT WOOD SUBDIVISIONS.

Councilmember Rowe reported that thr- final plat approval was requested by the apphcmt prior to eouveletion -Abject to
Committee recommended 3-1 to approve the subst. 10m The bonding of 150%. Councilmember Gucher e.re%ed concem
over gaiting final approval pnror to completion due to the to the CIO'. Other councilmember. arenttoted eoneem over die
approval prior to suggeed to add the% a topLC for at the Committee of the

offinal plat approval MOTION CAEXED. 5-2 (Gucher, HaUopposed).

ALL COVSCIL MEMBERS; ARNE
Monday, Apr 25, 1994; 1:45 PM 4:30 PM, 210 Central

AB11309 1. PRESENTATION: VRBAN RESOENTL VAC/EST LAND StTPLV

Councilmember Hanna reported diat a preza•taaon WE Aven at the eomuuttee inchehng by Roger Aluzka•, Bill Henzhaw.
Dayl McClelland Joe Burton, and Bill Geyer who dr.euzed the land zupply. ufannonal only, no acnon requra The "staff
will be forthcong a pw.entralon on land management.

AM1310 2. CONSIDERATION OF PARIUNG PLAS AND DISTRICT FOR FAIRHAVEN

Councilmember Hanna lepcated that council made recomendatiozt regarding the plan and that %staffvhl be bnmng a
rezoludon for the next meeting for approval the

 amusing plan in Fairhaven. Councilmember Ayers reported that they
to approve the recommendations ofthe Plannx.ug Coamziou

AM 1311 3. COSSIDERATION OF PROPOSALS PREIIOCSLY PRESENTED AT PBLIC HEARINGS
28TH APRIL 1STH ON POSSIBLE SIT-PLUS ACTION AND DISPOSITION OF A WBEMBER OF
PROPERTIES I.WOLTD A COMPLEX RESPONSE TO THE REQUEST FOR PROPOSALS FOR
REDEVELOPMENT OF THE WASI-ENCTON GROCERY BLILDISC

Councilmember Hazza repotted flat New Improvement Company removed the 40 We Padden parcel theuproposal In
Cotuxd talkâ Catholic Chantuiy Service and Critiial Veatu•ez regarding theu propuaE.

Councilmuber Ayer, roolted that the eomuuttee action wac to the propotaE to die Estate Appraizal CoamEtte for (return on urce-
financial consideration; (return on 2 weeks.

Councilmember Haara recoced the following citizen to speak:

'636 questioned why refened to %taffdooe not ahavayz

Exhibit B - BCC Meeting Minutes, April 25, 1994
Council for WA

Exhibit B - BCC Meeting Minutes, April 25, 1994
RESOLUTION ACCEPTING PRELIMINARY PLAT OF HAYLEY'S REPINE

WHEREAS, pursuant to Chapter 18.16 of the Bellingham City Code, Cypress Partners (Exxell Development and Irv Hawley), proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 A-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant to section 1B.16.040 of the Bellingham City Code, the applicant met with the City's Technical Review Committee, and thereafter said committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March X 7, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said Preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan i and

WHEREAS, an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

April 25, 1994
WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above Preliminary Plat, NOW THEREFORE,

of Bel 1 Inghau
210 Lottie Street

Bellingham,
YashSpgo:
Telephone (206)

Exhibit C- BCC Resolution No. 19-94,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 10th day of May, 1994.

[Signature]
Mayor

ATTEST:

[Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

April 25, 1994
GENERAL NOTES:

PLAT AREA: PHASE 1 - PHASE 2 30.16K LOT SUMMARY: 64 SINGLE DET.

2 (DUPLE X LOT)

3 (1 LOT)

4 (1 FOURPLEX LOT)

50 (MULTI. UNITS)

123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS .PER ACRE

ALLOWABLE DENSITY 8.7 UNITS PER ACRE

ZONING. 8M - 5000

SEWAGE DISPOSAL. CITY OF BELLINGHAM WATER SUPPLY. CITY OF BELLINGHAM
Exhibit C

DEVELOPER........CYPRUS
PÅRÑERS

ENGINEER/SURVEYOR ASSOC.

Hawley's Replat Conditions:

g-enquux:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to standard Development Regulations found in Chapter 20.30.040. Attached single family structures shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and tour-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.3B.050 B.

3. Two Street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees).
Exhibit C

4. Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

girigation

1. The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.

4. All within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac shall be a minimum of 50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase 1.

1. All street signs and pavement markings shall comply with public Works Department

1. All corner lots shall access from the street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

(206) 676-6903
1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

Trappportatippp xnp4et peep:

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

1: Stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham watershed Master Plan. The following elements must be addressed:

a) Permanent water quality facility shall be

b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.

City of

Hagley s
doeg\ rgn\hagley s
Bellingham
210 CITYLottie grese
Hoghingt\or
90225
Telephone
c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department Improvement standards. All sewer mains, along with their size and location, shall be reviewed and approved by the public works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing main in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

I. The water supply for fire protection shall be a minimum of 750 gallons per minute at 20 pounds per square Inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetland mitigation shall be addressed by a Wetland Permit approved by the Planning Division for the site.

*404 p gap ing

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and
integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction, and the erosion control plan approved and installed. Selective clearing of brush and trees shall not unnecessarily disturb ground cover and shall be limited to rights-of-way and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved by the City.
Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant's open space/park dedication requirement for the entire Hawley's site.

The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

Additional public review will be required prior to development of Area B as shown on the attached site plan.

Phasing of single family lots will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor's Office.
THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE
SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN
BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST .10 FEET OF
MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN 34 AND ABU'ITING
THE SOUTH
HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 ALL
OF. VACATED BLOCKS 27, 28, AND 32 INCLUDING VACATED STREETS Aid
A1., LEYS, ALL "CEDER ADDITION TO NEW WHATCOM, n NOW PART OF THE
CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS
PER THE MAP THEREOF, RECORDED IN VOLUME OF PLATS, PAGE 20, IN
TF.2: AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND AS DESCRIBED IN AUDITOR'S FILE
NO/ 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSEIP 3a
NORTH, RANGE EAST OF W.H. , AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTPAL LINE
OF STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH FOR STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C :

TRACT OF LAND IN GOVERNMENT LOT - SECTION 32, TOWNSHIP 38 tiORIF.,
PANGE 3 OF W.H. , DESCRIBED AS FOLLOWS:

COMMENCING AT STAKE 403 .84 FEET E>.ST OF THE UO?FIRWEST CORNER OF
SAID LOT 1 ; THENCE RUNNING EAST .76 FEET TO THE ST CORNER NORTHEAST
OF SAID LOT 1 ; THENCE SOUTH 433. o; FEET; THENCZ WEST 543.50 FEET;
THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET ; THENCE NORTHE 313.o;
FEET TO THE. POINT OF BEGINNING; CO?.TAINING g ACRES MORE OR LESS.

SITUATE COUNTY OF WHATCOM, •op WASHINGTON

(CONTI.%)2D)
PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 3B NORTH, RANGE 3 EAST OF w.m., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLE'I'TE WORNOTH, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS FOLLOWS:

THE NORTH 5 ACRES WEST of THE CENTERLINE OF PACIFIC STREET IN SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET, WHICH TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW ESTATES, DIVISION NO. 1, " AS PER THE MAP THEREOF, RECORDED IN VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STAT?., OR WASHINGTON
GRANTORS, IRVING AND JOAN HARLEY, do hereby covenant, grant and convey to and for the benefit of the CITY of BELLINGHAM, GRANTEE, in perpetuity a conservation easement on portions of their property legally described in Exhibit A, Township 3B North, Range 3 East, West one-half of Section 32, Whatcom County Washington, follows:

1. In accordance with the provisions of Plat Resolution No. 19—94 which is associated with the "HAWLEY REPEAT" this Conservation Easement and subsequent dedications in fee, shall fulfill all conditions pertaining to Parka obligation, Wetland preservation and Open Space allocations.

2. This easement area and dedication in fee shall occasion a reduction in over unit, denisty, as provided for by zoning of 100 dwelling. The allowable density as computed by utilizing gross acreage shall therefore be reduced by 100 units by this grant and dedication.

3. This tract, which is now a natural part of the overall site drainage also be incorporated into the projects mitigation and drainage controls in order to perpetuate the natural hydrologic functions.

These covenants and easements shall run with the land and be binding on successors and assigns.

Executed this day of December, 1994.

Irving Hawley
Joan Hawley

STATE OF CALIFORNIA)

I certify that I know or have satisfactory evidence that Irving Hawley and Joan Hawley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated December 27, 1994
Notary Public in and for the State of California, My Commission Expires 1/24/96

Vol: 425 Page: 535
File No: 94123088
EXHIBIT D

Exhibit D Hawley Replat Conservation Easement and Deed, December 30, 1994

EXHIBIT A

DECEMBER 1, 1994

CLIENT: EXXEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION

OPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 3B, RECORDS OF THE WHATCOM COUNTY AUDITOR;

THENCE SOUTH 1° 53' 41" WEST ALONG THE CENTERLINE OF NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTERLINE SOUTH 88° 06' 19" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 06' 19" EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET' THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET; THENCE SOUTH 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE SOUTH 1° 55' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04" EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 88.49 FEET; THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET; THENCE NORTH 62° 33' 50" WEST, 94.16 FEET; THENCE SOUTH 86° 12' 35" WEST, 39.88 FEET; THENCE NORTH 67° 59' 28" WEST, 87.62 FEET; THENCE SOUTH 54° 24' 26" WEST, 58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET; THENCE NORTH 700 56' 02" WEST, 58.09 FEET; THENCE SOUTH 630 51' 48" WEST, 82.09 FEET; THENCE NORTH 5° 31' 21" WEST, 158.72 FEET; THENCE NORTH 56° 02' 06" WEST, 366.08 FEET; THENCE SOUTH 85° 58' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 14° 01' 18" WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON THE EASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE
OF 124.29 FEET TO A POINT or TANGENCY; THENCE NORTH 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING IS. 0 ACRES)

THE GRANTORS IRVING H. HAWLEY, JR. , ANR JOAN F. HAWLEY, HUSBAND AND WIFE
fur und In consideration Of One Dollar ($1.00) and Other Valuable Consideration
paid, conveys and warrnvs to CITY OF BELLINGHAM, A MUNICIPAL
CORPORATION following described real estate. situated in the
County Of WHATCOM State Of Washington.

SEE ATTACHED
REQUEST OF: RONALD JE
Shirley Forslof, AUD

BY RL, DEPUTY

$9.00
vol: 425 Page: 337
File No: 941230009

DECEMBER 1994

CLIENT: EXCEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL PESRIPTION
OPEN SPACE

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38
NORTH, RANGE 3 EAST OF w .M. MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT CONCRETE MONUMENT MARKING THE INTERSECTION
OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR
ADDITION TO NEW WHATCOM" NOW A PART OF THE
CONSOLIDATED CITY OF BELLINGHAM AND RECORDED IN VOLUME 6
OF PLATS, PAGE 3B, RECORDS OF THE WHATCOM COUNTY AUDITOR;
THENCE SOUTH 1 ° 53' 41" WEs r ALONG THE CENTERLINE OF
NEVADA STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID
CENTERLINE SOUTH 88 ° 06' 19" EAST, 30.00 FEET TO THE TRUE
POINT OF BEGINNING; THENCE CONTINUING sou'ry 88 ° 06' 19"
EAST, 10.00 FEET; THENCE NORTH 1° 53' 41" EAST, 59.93 FEET; THENCE SOUTH 88° 03' 06" EAST, 128.00 FEET; THENCE NORTH 1° 53' 41"

53' 41" EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF EDWARDS STREET; THENCE south 88° 03' 06" EAST, ALONG SAID SOUTH LINE 112.00 FEET; THENCE NORTH 1° 53' 41" EAST, 40.00 FEET; THENCE SOUTH 88° 03' 06" EAST, 296.76 FEET; THENCE SOUTH 1° 55' 01" WEST, 323.09 FEET; THENCE SOUTH 59° 45' 04" EAST,

EAST, 162.23 FEET; THENCE SOUTH 88° 03' 06" EAST, 200.00 FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE SOUTH 1° 55' 01" WEST ALONG SAID WEST LINE 599.78 FEET; THENCE SOUTH 88° 39' 56" EAST, 20.00 FEET; THENCE SOUTH 1° 33' 12" WEST, 88.49 FEET; THENCE SOUTH 78° 09' 03" WEST, 29.31 FEET; THENCE NORTH 62° 33' 50" WEST, 94.16 FEET; THENCE SOUTH 86° 12' 35" WEST, 39.88 FEET; THENCE NORTH 67°

59' 28" WEST, 87.62 FEET; THENCE SOUTH 540° 24' 26" WEST, 58.75 FEET; THENCE SOUTH 16° 32' 48" WEST, 34.15 FEET; THENCE NORTH 70° 56' 02" WEST, 58.09 FEET; THENCE SOUTH 63°

51' 48" WEST, 82.09 FEET; THENCE NORTH 50° 31' 21" WEST, 158.72 FEET; THENCE NORTH 56° 29' 06" WEST, 366.08 FEET; THENCE SOUTH 85° 58' 57" WEST, 125.84 FEET TO A POINT ON THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH 74° 01' 18"

WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9° 12' 22" AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83° 13' 40" WEST, RADIAL TO SAID CURVE. 80.00 FEET TO A POINT ON THE EASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE ARC OR A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00 FEET THROUGH A CENTRAL ANGLE OF 4° 52' 39" AN ARC DISTANCE OF 124.29 FEET TO A POINT 0? TANGENCY; THENCE NORTH 1° 53' 41" EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)

File No; 94123131339
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

state of
County Of

on

before me, Cindi L. Buell, Notary Public

Pugoc• personally appeared Tt-vănq

Hawley. gr. and Joan F. Hawley

-OF S'GNERIS)

-X proved to me on the basis Of satisfactory evidence
to be the person(s) whose name(s) is/are
subscribed to the within instrument and ac•
knowledged to me that hegebe/they
executed the same in *séhec/their
authorized capacity(ies), and that by
signature(s) on the instrument the
person(s), or the entity upon behalf Of
which the person(s) acted, executed the
instrument,

WITNESS my hand and Official seal.

OPTIONAL

Though the data below is not requmedbylaø;, It may prove to persons relying the document and fraudulent
reattachment this form.

CAPACITY CLAIMED BY SIGNER

D INDIVIDUAL
C] CORPORATE OFFICER

I .1 PARTNER(S) C] LIMITED
C] GENERAL

ATTORNEY.'N-FACT
L) TRUSTEE(S)
C] GUARDIAN/CONSERVATOR
I. OTHER

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER _____OF PAGES

DATE OF DOCUMENT

425 P.ae: sag

SIGNER(S) OTHER THAN NAMED ABOVE

D Hawley Replat Conservation Easement and Deed, December,30,1994 This page
intentionally left blank.

Exhibit -
A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE PRELIMINARY PLAT OF CEDAR RIDGE, DIVISION 2, CONSISTING OF 48 SINGLE FAMILY LOTS, 1 DUPLEX LOT, 1 TRIPLEX LOT, 1 FOURPLEX LOT, A 50-UNIT MULTIFAMILY LOT, AND A RESERVE TRACT LOCATED IN AREA 17 OF THE PUGET NEIGHBORHOOD AND GENERALLY LOCATED ALONG THE EXTENSION OF NEVADA STREET BETWEEN EDWARDS STREET AND CONSOLIDATION AVENUE.

WHEREAS, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment I); and

WHEREAS, said plat received City Council approval on May 10, 1994, by Resolution No. 19-94; and

WHEREAS, on December 30, 1994, the welland/opon space tract was dedicated to the City of Bellingham: and

WHEREAS, on May 7, 1996, Division I, consisting of 7 single family lots, was recorded at the Whatcom County Auditor's Office (960507105); and

WHEREAS, on June 5, 1998 the Edwards Short, consisting of 9 single family lots, was recorded at the Whatcom County Auditor's Office; and

WHEREAS, on May 6, 2002, the City Council approved first and second reading of an ordinance for the vacation of the undeveloped portions of Nevada, Lopez, and alley rights of way associated with said plat; and

WHEREAS, the public Improvement requirements associated with Division 2 have been installed or bonded for at time of approval; and,

City Of Bellingham
ary ATTORNEY
210 Lottie Street
WHEREAS, the Council has reviewed Division 2 of this plat and finds that the public use and interest will be served and that Division 2 of this plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 19-94 (Attachment P),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

Cedar Ridge, Division 2, consisting of 48 single-family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 19-96. attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as attached.

PASSED by the council this 15TH day of JULY 2002.

Council President

APPROVED by me this__ day of // , 2002,

Mayor

ATTEST:

APPROVED as to form;

Offiee of the City Attorney

CedarRidgeDiv2.fni
WHEREAS, pursuant to Chapter 18.16 of the Bellingham City code, Cypress Partners (Exxell Development and Irv Hawley) proponents for the proposed subdivision, comprising 46.71 gross acres, located along the extension of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-family tract, and

pursuant to Section 18.16.040 of the Bellingham City code, the applicant met with the City's Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, the developer met with the neighborhood to discuss the proposal; and

, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 17, 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication of open space; and

WHEREAS, said preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above preliminary Plat, NOW THEREFORE,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

[Signature]
Council President

APPROVED by me this 24th day of May, 1994.

[Signature]
Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

Exhibit E - BCC Resolution No, 2002-24, July 15, 2002
That the preliminary Plat: has been Presented for acceptance, approval, and filing, as shown in Exhibit and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. 'The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "Ct."

PASSED by the council this 10th day Of May 1994.

TO FORM:

The City Attorney
GENERAL NOTES:

PLAT AREA: 16.55 AC. - PHASE 2 - 30.16M LOT SUMMARY: 64 SINGLE DET.
2 (1 DUPLEX LOT)
3 (1 TRIPLEX LOT),
4 (1 FOURPLEX LOT)
50 (MULT. UNITS)
123 UNITS TOTAL

LOT SIZE
(TYPICAL SINGLE FAMILY) 5000 S.F.

GROSS DENSITY 3.65 UNITS PER ACRE

ALLOWABLE DENSITY 8.7 UNITS PER ACRE

5000 SEWAGE DISPOSAL CITY OF BELLINGHAM

WATER SUPPLY. CITY OF BELLINGHAM
Hawley’s Replat Conditions:

1. The applicant or its successor in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham Municipal Code Applicable Land Use Development Regulations:

   Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040.
   Attached single family structure shall be subject to regulations found in Chapter 20.32.045 C-J.

   The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.

   The 50 unit multi-family tract shall be subject to Planned Development Regulations found in Chapter 20.38.050 B.
3. Two Street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees). Street tree requirements for the 50 unit multi-family tract shall be those specified Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City. Internal shall be named by the planning Commission prior to final plat consideration.

The existing Nevada Street right-of-way shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.

Nevada Street: shall be improved to a minimum standard north of the plat to Lakeway Drive In any area where it

All within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. shall be a minimum of '50 feet.

5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase I.

All street signs and pavement markings shall comply with public Works Department standards.

1. All corner lots shall access from the cul-de-sac street.
2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Sanigh Overpass project.

A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master plan. The following elements must be addressed:

a) permanent Water quality facility shall be provided.

b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval.
An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

There shall be provisions for positive lot drainage for all lots within the subdivision.

c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department Improvement Standards. All sewer mains, along with their size and location, shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and to the north of the plat.

All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department Standards and shall be approved by the Fire Marshall.

Fire: The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Department, and shall be located no greater than 500 feet intervals.

Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetlands: Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site until after construction plans have been approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction, and a bond's approval.

City of Bellingham.

Exhibit - BCC Resolution No. 2002-24, July 2002
control clearing of disturbed ground, IS, plan approved and installed, brush and trees shall not cover and shall be limited and utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction Plans. Additional clearing on any lot shall not occur until a building permit has been issued or a clearing management plan has been approved and shall be limited and not occur until a building permit has been issued or a clearing management plan has been approved until a building permit has been issued or a clearing management plan has been approved.

Approximately 15 acres of the site, as shown on Exhibit IS, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant's open space/park dedication requirement for the entire Hawley's site.

The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space. Public access points to the open space area shall be provided in locations approved by the Planning Division and Park Department. Additional public review will be required prior to development on the 50 unit multi-family residential site.

Additional public review will be required prior to development on the 50 unit multi-family residential site. The final plat shall be extended each time a final plat is recorded with the Whatcom County Auditor's Office.
EXHIBIT LEGAL DESCRIPTION NO. 4112B

PARCEL A:

THE SOUTH HALF OF LOT g, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 '1'0 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST 30 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH HALF OF LOT g AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL -OF. VACATED BLOCKS 27, 28 AND VACATED STREETS AND ALLEYS, ALL IN "CEDER ADDITION TO NEW WHATCOM, NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.H., DESCRIBED AS FOLLOWS:

ALL OF NORTH FIVE ACRES LYING OF THE CENTRAL LINE OF STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEST FOR A STREET.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

N. TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 32, TOWNSHIP FORTE, RANGE 3 EAST OF W.M., DESCRIBED AS 30LLORS:

AT A STAKE 403.84 FEET OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 91:76 FEET TO THE NORTHEAST CORNER OR SAID LOT 1; THENCE SOUTH 433.04 FEET; THE EXCE WEST 543.50

THENCE NORTHEAST 120 FEET; THENCE WEST 370.26 FEET; THENCE E

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
EXHIBIT C — LEGAL DESCRIPTION

PARCEL b:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 3B NORTH, RANGE 3 EAST 07 W.H., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE WORNOTH, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS FOLLOWS:

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30 FEET, WHICH IS TO BE LEFT FOR STREET.

EXCEPT., ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW ESTATES, DIVISION NO. 1, " AS PER THE MAP THEREOF, RECORDED IN VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON
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Exhibit F

PLAT Filing Whatcom County No. 202703650, July 23, 2002

NAME OF PLAT:
Cedar Ridge - Division #2

DECLARANTS:
Peoples Bank
Exing H. Hawley Jr
Joan Hawley

SURVEYOR:
Ronald T. Jepson & Assoc.

SECTION: 2 TOWNSHIP: RANGE:
Exhibit F - Plat Filing Whatcom county No. 202703650, July 23, 2002
Exhibit This page intentionally left blank.
IN RE: HE-13-PL-007

AMBLING UNIVERSITY DEVELOPMENT

APPLICANT FINDINGS OF FACT

4413 Consolidation Avenue

CONCLUSIONS OF LAW

AND ORDER


J Planned

for University Sharon Rice. Hearing Examiner

This matter came before the Bellingham Hearing Examiner for hearing on the 11th day of September 2013 on the application of Ambling University Development Group, LLC Planned Development approval, height variance, Design Review approval, and a Critical Areas Permit for located at 4413 Consolidation Avenue in Bellingham to construct and operate purpose-built student housing known as Ridge consisting of four multi-residential buildings, a clubhouse and parking.

Testimony received from Kamy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; Charies Perry, Applicant's representative; Glen Peterson, Applicant's architect; Brad Swanson, Applicant's legal counsel; Ron Jepwn, Applicant's engineer; Joseph Carpenter, 4215 Adams Avenue; Don Diebert, 4414 Marionberry Court; Gaythia Weis, 1713 Edwards Court; Steve Abell, 1021 34th Street; Rod Dean, 848 Nevada; Madeleine Baines, 4417 Marionberry Court, Beth Fryback, 200 Milton Street; Ajit
I. FINDINGS OF FACT

PROPERTY LOCATION, DESCRIPTION & HISTORY

1. Ron Jepson, on behalf of Ambling University Development Group, LLC, applied for Planned Development approval, a Variance from height restrictions, a Critical Areas Permit, and Design Review for 3 proposed 164 unit purpose-built student housing development with 576 beds in four multi-unit buildings and a clubhouse on property located at 4413 Consolidation Avenue.

2. The subject property is legally described as Tract F, Cedar Ridge Division 2. It is located in Area 17 of the Puget Neighborhood. This area is designated Residential Multi, Planned, 5,000 square feet per unit overall density. Special conditions include clearing and view.

3. The property is owned by the Irving H., Jr. & Joan Hawoey Trust.

4. The property is located north of Consolidation Avenue, west of Puget Street, east of Nevada Street and south of Marionberry Court. It abuts Area 13 of the Puget Neighborhood on the eastern boundary. Area 13 is designated Residential Single. Detached. 10.000 square feet minimum detached lot size and is developed with single-family residences across Puget Street from the subject property. To the south, across Consolidation Avenue are Areas 2 and 4 of the Samish Neighborhood. Area 3 is designated Residential Multi, Planned, 5,000 square feet per unit. Area 4 is designated Residential Single. Detached. Cluster detached, 12,000 square feet minimum detached lot size. one loU12.000 square feet overall cluster density. The properties across Consolidation Avenue from the subject site are either undeveloped or developed with single-family residences. The properties to the west of the subject site are located within the same area as the proposal. Area 17 of the Puget Neighborhood, and are developed with single-family residences. The property to the north was dedicated to the City for open space purposes as part of the subdivision approval for the Hawley Re-Plat, also known as Cedar Ridge Plat, which included the site of the proposal. This open space area is approximately acres and contains a Category I wetland and buffer. This area will not be developed. It was intended to satisfy the required open space for the Cedar Ridge Plat.

5. The subject site is approximately 1.15 acres or 485.444 square feet in size. The property is currently undeveloped and contains a mixed deciduous and coniferous forest canopy.
With an understory of shrubs and ground cover. The typical slope of the site is 20 — 22%, sloping down from east to west. The eastern portion of the site contains slopes in excess of 40% and is a geologically hazardous area, regulated by the City's Critical Areas Ordinance, EMC 18.55 (CAI)). A 100-foot wetland buffer for the Category wetland began on the City-owned open space property to the north, and along the northern property line of the proper*, extends onto the subject site.

The Hawfley Repl&t. or Cedar Ridge Plat received Preliminary Plat approval in May in Bellingham Resolution No. 1904. The plat included 46.71 acres and provided for a total of 123 units, including 84 single-family lots, one duplex lot, one triplex lot, one four-plex lot, and 3 50-unit multi-family tract. It also contained 3.15 acre open space parcel that was dedicated to the

G Hearing Examiner Report HE-13-PL-007
City and tract that was Future Development. The plat conditions that additio.1 pubb. revea *' . wuld be required. a nor to deveecpr. of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat ocncered the seven single-family residences abutting Nevada Street north of Consolidation Avenue and immediately the west of the subject property. Final Plat for I was granted in April in Resol.ution 28-06.

7. Division 2 of the Cedar Ridge Plat received Final approval in July 2002 in Resolution 2002-24. Division 2 consisted of 48 single-family lots, one of which was a duplex lot, one four-plex lot, one 50-unit multi-family lot and a reserve tract (the subject property). The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site. See Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution. As recorded with the "176 units" on Tract F. The plat shows the subject property as Tract F Future Development. The Site Plan, sheet 4 as recorded with the "176 units" on Tract F. The plat shows the subject property as Tract F Future Development. The Site Plan, sheet 4 as recorded with the "176 units" on Tract F. The plat shows the subject property as Tract F Future Development.

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

The minimum density for the entire 4771 acre parcel included in the Cedar Ridge Plat under the Residential Multi, Pinned. 5.000 square feet per unit designation was AOB units. If density was not clustered on the subject by the Cedar Ridge Flat the subject property vaould be able to accommodate 97 units at 500 square per unit zoning.

PROCESS
10. The Cit/ o.ducted a pre-applicable conference for the proposal on December 11.2012. A neighborhood meeting was conducted at Cail Coze Ekmentary School on January 3.2013.
1. On July 17, 2013 the Applicant submitted an application for a Variance from height restrictions. This application was put on hold by the Applicant on March 8, 2013.

12. On April 29, 2013 the Applicant submitted applications for the planned development multifamily Sign review, 3 critical areas permit and SEPA checklist. The variance application was amended and incorporated into the application submittal.

13. A Complete Application was issued on 24, 2013. On May 28, 2013 the City issued a Request for Information. On June 18, 2013 the Applicant submitted a response to the Request for Information.

14. On June 10, 2013 the City issued a Notice of Appeal and Pending Action for the proposal, with comment period ending 25, 2013. The was posted by the Applicant on June 14, 2013.

15. On August 8, 2012 the City issued a threshold Determination of Non-significance (DNS) pursuant to the State Environmental Policy Act (SEPA) for the proposal, with comment period ending August 23, 2013. The DNS is G to the Staff Report.


17. The application for Planned Approval, Multi-family Design Review and Critical Areas Permit are Type II processes pursuant to SMC 21.10. The application for the Variance from height restrictions is a Type III-A process. The request for consolidation of the hearing is hereby denied. Review NOTE: The complete Hearing Examiner's Report and Exhibits can be found at www.cob.org/gov/dept/hearing/Lists/cases/Attachments/858/HE-13-PL-007-decision.pdf
Exhibit H - Project Lot Layout 1993
Exhibit H - Project Lot Layout 1993
Exhibit H - Project Lot Layout 1993
Exhibit H - Project Lot Layout 1993
Public Comment

Name
George Francis Sanders

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
ATTACHED DOCUMENTS
2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf  ATTACHED
2020 Hawley Development--Consolidation Ave Loss of Parking.pdf  ATTACHED

COMMENTS

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.

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

This will be a very, very big excavation and fill operation, with thousands of truck trips on Consolidation Avenue - the only truck access route.

Consolidation Avenue is too narrow for thousands of tandem dump truck trips.

The neighborhood will lose dozens of existing parking spaces along Consolidation Avenue to accommodate this gigantic earthmoving project.

George F. Sanders
Licensed Engineering Geologist, WADOL #400
4062 Consolidation Ave.
Bellingham, WA 9829
gsanders@openaccess.org

Files
2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf
2020 Hawley Development--Consolidation Ave Loss of Parking.pdf

Documents or images related to your comments.

Email

gsanders@openaccess.org

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.
Date
5/11/2021
CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
The geologic setting of the proposed development is basically the same as that of similar-scale construction at Western Washington University campus. Both sites lie atop Eocene-age Chuckanut Formation sandstone overlain by glacial deposits. This buried and often deeply weathered post-Eocene, pre-glacial topographic surface can present many problems for construction of large buildings if not correctly predicted and mitigated. Construction of multi-story buildings on the Western Washington University campus were predicated on geotechnical boreholes which reached solid bedrock. No such geotechnical borings were undertaken anywhere on the proposed development site. The only subsurface investigations were via test pits excavated to a maximum depth of about 12-feet, far less than the proposed depth of excavation required for the proposed multi-story buildings. This is worrisome because there is no history of such deep construction excavations on this ridge of Chuckanut Formation anywhere in the area of the proposed development.

The geotechnical investigations to date are simply not deep enough on this site.

The proposed multi-story buildings are no different than similar height buildings at Western Washington University. The developers should be held to the same geotechnical requirements as applied to construction on the Western Washington University campus, because of similar bedrock and overburden geology.
Geologic Hazards and Mitigation

Erosion Hazard Considerations

As currently envisioned, the proposed development will require cut and fill slopes and retaining walls. The slopes will be configured at 2H:1V (horizontal:vertical) or flatter, which will be stable at the site. Any disturbed slopes will be re-vegetated to provide resistance to erosion on these surfaces. Accordingly, in our opinion the constructed project will maintain or reduce the overall soil erosion potential.

Where are the cross sections showing the bottom of all the excavations, especially the deep excavation to accommodate a 5-story building?

How high will the retaining wall need to be on the east?

How much loose soil will need to be excavated on the west?
Where is the drawing of the excavation bottom beneath this tall building?

This is because no proper geotechnical borings were undertaken in the area of the building footprints. True subsurface conditions remain unknown below 12-foot depth beneath this proposed development.
The community needs to know how big an excavation project this will be.

What will the impact of the excavation/fill be on the road infrastructure?

What will the carbon footprint be for these large excavations?
This letter report presents the results of GeoEngineers’ geologically hazardous areas site assessment for the proposed CityView development located at the northeast quadrant of the Nevada Street and Consolidation Avenue intersection in Bellingham, Washington. We previously completed a Soil Conditions and Preliminary Findings Memorandum dated April 9, 2013 and a Geologically Hazardous Area Site Assessment report dated April 29, 2013 for a previous development proposal. A geotechnical engineering report for the project will be completed at a future date as the project goes to design. Our geotechnical services for this new geologically hazardous area site assessment letter report were completed in general accordance with our Services Agreement dated August 16, 2019.

A future geotechnical engineering report is promised. This is where we will find out how deep the excavations need to be to accommodate the 5-story buildings at the east portion of the site.

The current status of our understanding of what lies beneath this proposed development is based upon 12-foot deep test pits, two of which encountered Chuckanut Formation bedrock beneath glacial sediments (TP-2 and TP-6).

The risk of over-excavation on this hillside is huge if the geotechnical investigations are not sufficient. The City will be forced to approve more excavation/fill volumes than predicted once this project begins. There are no buildings this size anywhere else along this ridge, and we don’t have a clue as to the details of the bedrock topography. We don’t know the nature of the Chuckanut Formation bedrock with regard to its hardness and amenability to excavation.
There is risk of needing significant over-excavation if irregularities in the buried Chuckanut Fm. paleotopography are found within the depths of the proposed foundation excavations on this hillside. Irregularities in this buried Chuckanut Formation paleosurface in the Bellingham region are typically large cracks between blocks of sandstone, often several feet wide, indicating that the downhill block has moved. Chuckanut Fm. sandstone is often deeply weathered, and in this condition, it is not considered to be a good foundation bedrock. Irregular paleosurfaces were found and mitigated at WWU campus, this development must be held to the same geotechnical level of study because the proposed buildings are of similar scale to those on the Western Washington University campus.

Proper geotechnical boreholes are needed to investigate subsurface conditions to the bottom of these proposed excavations. Shallow test pits are totally inadequate.
CityView Applicant Response to August 10, 2019  
City-Issued Notice of Incomplete Application

Presented by concerned resident of Samish Neighborhood based on review of documents submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Consolidation Ave Loss of Parking

2020 Hawley Development--Consolidation Ave Loss of Parking.pdf

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG
4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400
Only two access/egress routes exist for this very large development.

- Access via Nevada Street
- Access via Consolidation Ave.
Excavation for proposed development will require several thousand truck trips.

Large haul trucks will not be able to travel on Nevada Street due to recent City of Bellingham construction of traffic calming fixtures.
Neighborhood parking is already scarce on Consolidation Ave and side streets, and parking spaces are filled most days.

Consolidation Ave, looking downhill to the west, just before Ashley Street.

No bicycle lanes exist on Consolidation Ave.
A large haul truck will barely fit in this steep section of Consolidation Ave., and there is a school bus stop at the base of the hill.

Our community will lose all parking spaces on Consolidation Ave. due to increased haul truck traffic if this development is allowed.
Public Comment

Name
Robert and Darlene Flack

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
To: Bellingham City Council

This is our second letter to try and have some say in whether or not this massive student housing complex should be allowed in this location. It is disingenuous to call this development a "Residential multi-family project". This will be in fact student housing for WWU. To place this monstrosity in the middle of what is primarily a neighborhood of single family homes is wrongheaded.

The resulting traffic on Nevada St, Consolidation and Byron Avenues will lead to dangerously heavy congestion on streets that were not designed for the number of vehicles that will result from this development. Many of the homes in this neighborhood have families with small children.

This project will very likely result in storm water damage to the homes downslope from the disturbance of this steep hillside.

The value of the homes in this neighborhood will be affected negatively.

It is likely that we are tilting at windmills on this issue as the developer has already bought this tract of land for a reported $1,800,000. We still have to hope that common sense from the City of Bellingham will prevail.

Respectfully;
Robert D. Flack, MD (US Army veteran)
Darlene S. Flack, MS Librarian (ret)
4217 Marionberry Ln, Bellingham, WA, 98229

Files
Documents or images related to your comments.
Email
rdflack@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
5/12/2021
The density equation used to justify this extremely high density project has been revealed to be an error. See Northwest Citizen (https://nwcitizen.com/entry/cityview-lives) "The proposed CityView [development] relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood." This is unacceptable and a fraud on the citizens of Bellingham and the Puget Neighborhood in particular. The correct density number MUST be used. Those buildings that exceed that number CANNOT be built. Greed and lies do not over-ride the Bellingham City Zoning Code. Especially given the State Legislature's redefinition of the term "Family" which Bellingham is not in compliance with at this time; when it is in compliance it will negate the developer's claim that these buildings are not considered "student housing" but are for couples and "refuges." This is a poorly sited project with a history of bad faith on the part of the developer and should not move forward.
Hello Kathy,
Please see the forwarded email below.
Thank you,

Shelley Halle
Central Reception
City Hall
210 Lottie Street
Bellingham, WA 98225
Phone: 360-778-8000

Note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

-----Original Message-----
From: Sylvia Williams <sylviajwms@gmail.com>
Sent: Wednesday, May 12, 2021 10:49 AM
To: MY - info@cob.org <info@cob.org>
Cc: Nancy Wopperer <nancywopperer@gmail.com>; dondiebert@outlook.com
Subject: Public Comments on CityView

I am writing on the subject of the City View apartment complex being planned off Nevada St.
Yes, Bellingham needs more concentrated housing units, not contributing to urban sprawl. However, building on this site is of concern to me because: 1) the massive stress on the streets of potentially 257 vehicles which is just the parking allotment, not however many cars there will be for 318 possible tenants. 2) the issues of building such massive structures on a steep landscape leading to slope & drainage issues which may not be known until the structures are built, & 3) impact on the existing neighborhood which is strongly opposed to this building site.
Please reject the permit for building these huge structures on this site. Sylvia Williams
Project: City View Project

1. The rendering of project is nice and located in a beautiful setting. (Attached)
2. This rendering to 100% misleading and not the facts.
   Please look at Consolidation on the right side of rendering of complex.
   Looks like a nice wide access road.
   (A) Look at attachment with picture of same with the red X. That is the base of a mountain.
entrance. Same consolidation street as shown on rendering. There are two homes - one on each corner and maybe twenty feet of end of road.

That is a mountain that developer is suggesting cutting away for the entrance. Above is Puget which cannot be connected. (Way to steep)

(B) What happens to the homes on the corners?

(C) The front of apartment complex shows open property. IT IS NOT OPEN.

What developer is not showing are all the homes on east side of Nevada Street that are twenty five feet away.

(D) Attached is picture of Consolidation. A skinny Street that is supposed to feed this complex from construction to traffic after completed.

I wanted to point out facts. There are many reasons that have been presented but these facts are a show stopper.

Please send this project to another property where it works.

John

John Parish.
852 Nevada Street
Bellingham, WA 98229
john@jstriker.com

(360) 733-3674  Bellingham
(805) 5709182  Santa Barbara
WHAT DO THE HOME OWNERS DO?

X marks the one entrance to this monster project
One side road is the total entrance for this complex
Out of this one entrance for at least eighteen months neighbors will have Tree cutters
Tree Hauler trucks - Flat Beds transporting Caterpillars. Earth movers, earth dump trucks
Supply trailers, dry wall deliveries, pipe deliveries, Cement Trucks
* Not including no parking so delivery flat beds & trucks park on side streets.
We have not even covered the construction workers & their parking.

What will the home owners do all this time. Leave town!
This project on this property makes no sense - Like strip mining a property
Not much left when finished.

From 7:00 AM to 6:00 PM SEVEN DAYS A WEEK all Neighborhood residents will
not get sleep in or have peace and enjoy their homes and back yards.

This is 100% family residences - why drop this 5 1/2 story building
Right in the middle of one & two story houses.
Letter to the City of Bellingham 2021-05-17

Nabil Kamel, Ph.D.
Associate Professor
Department of Environmental Studies
Huxley College of the Environment
Western Washington University
Nabil.Kamel@wwu.edu
https://huxley.wwu.edu/people/kameln

Summary:
The information is pertinent to documents submitted in response to the latest CoB RFI.

Concerns about design and form compatibility with the neighborhood continue to show a complete
disregard for the character and needs of the neighborhood. The response to concerns in CoB RFI is
inadequate and misleading.

Form, proportion, design, scale, and scope of the project are utterly incompatible with the existing fabric
of the neighborhood. I include a rough analysis of the diagrams and sketches provided in the response
to CoB RFI and show that
  a) the proportion of the proposed buildings is incompatible with the texture and pattern of the
     neighborhood;
  b) the height and bulk of the proposed structures overwhelms and fills the cone of vision from
     multiple angles adjacent;
  c) proposed mitigation measures are skin deep and do not remediate the intrusive impact of the
     proposed building blocks that exceed 5 stories high in a 1 and 2 story neighborhood.

With respect to the SEPA checklist revised 3/12/2021:
The “revised” version is essentially identical to the original with the same answers that are incomplete,
misleading, and/or erroneous. Consequently, the document is not credible and cannot serve its
intended purpose "to determine whether the environmental impacts ... are significant." CoB should
reject it and require resubmission, as they did with the original.

Critical Areas Assessment and Mitigation has virtually no updated information that address CoB RFI.

Similarly, virtually none of the tree retention plan/map provides adequate response to the RFI. The
principal omission is location/identification of trees that would be retained and trees that would be
removed. Location of trees to be removed is required to determine whether plan complies with Critical
Areas Ordinance protection of landslide hazard areas. A general shaded area does not satisfy the
requirement. Plan also includes many other deficiencies and distortions -- e.g., "replacing" mature trees
with shrubs and 1 gal. pots or 18” tall replacements.

SEPA checklist, tree retention plan, wetland mitigation report documents contain so many omissions,
errors, or misleading statements that they are not credible. They must be revised/resubmitted before
CoB makes any responsible decisions about the proposal. (See list of some deficiencies, above.)

Wetlands A and B are continuous. This means that the entire wetland unit requires a category I buffer,
which would be inviolate -- no buffer averaging allowed. This larger buffer would extend into the
proposed development -- so the development application/plan would have to be rejected or substantially modified.

The 100 ft. buffer around wetland A is not adequate. Wetland mitigation report and development plan use 100 ft. buffer around wetland A, which would follow from a low habitat function score (>3-4pts). Given the inadequate reporting of habitats, a higher habitat score would require wider buffers, 150 - 200 ft. [BMC 16.55.340(B)]. The wider buffer would extend into the proposed development -- see point (2) above.

Tree retention plan and hazard tree removal. As noted above, the plan is likely to remove "hazard trees" that are within the required buffer [at least 50 ft.; BMC 16.55.460(A)(1)] around 40% slopes along the eastern portion of the property. Trees and other vegetation within that buffer cannot be removed [BMC 16.55.460(A)(4)].

Conclusion:

CoB has not only the right, but the legal and moral obligation to reject this project. The rejection is based on the unfair burden imposed on one of the most diverse communities in Bellingham, on the environmental degradation caused by the development and construction, and not addressing concerns raised in COB RFI.

Detailed Analysis and Comments:

DESIGN REVIEW
SITE DESIGN
A. Neighborhood Scale:
   The massing of buildings remains by-and-large unchanged despite Action Items A and B under DESIGN REVIEW.
   Similarly, Actions 9 and 10, address in minimal and superficial ways the RFI Action Items A and B under DESIGN REVIEW. There is no way that a single mass of a 5.5 story building with 12 units per floor can be made compatible with single family units by means of painted ornaments or imperceptible breaks in the elevation.
   In fact, the updated rendering purposefully omits any of the neighborhoods homes as it would reveal the gross disproportionality of the proposal.
B. Neighborhood Compatibility:
   The very housing typology that is used in Action 10 submission as reference reveals the gross mismatch between the proposed development and existing neighborhood fabric.
   Similar Proportions: not even close.
   Similar Roof Form: the continuous repetitive roof form that extends for the length of 6 units is in no way similar in form to those of the adjacent neighborhood. There are no breaks in elevation sky line, pitched and gabled roofs are overly shallow and imperceptible given the imposing building mass.
Similar Patterns and Proportions of Windows:
The examples provided show a distinct difference in terms of solid vs. open surfaces, where the proposed development includes much higher percentage of façade closed.

Orientation:
Requirement: Orient buildings to public streets and open spaces in a way that corresponds to the site’s natural features and enhances the character of the street for pedestrians. Nothing in the response demonstrates enhancements to the character of the street for pedestrians. On the contrary, added traffic, large parking surfaces (half the frontage on Consolidation Ave.), and a built-form that is out of character with the neighborhood negatively affects the pedestrian experience.
Tree Retention Plan

Plan would replace large canopy dominants w/ small understory trees
c.f. p.3, Request for Information & RFI response
"Identify trees that will be removed and those that will be retained."
-- plan fails requirement: does not show trees that would be removed on 5.73 acre project footprint
-- does not show critical root zone for retained trees
-- does not show fencing method to install at critical root zone
replacement trees (Thuja plicata) along west side are not provided sufficient root protection

Most replacement trees would be small understory species. Those cannot "replace" large mature canopy dominants that would be removed.

Note in eastern portion of site:
"(59) hazardous trees to be removed and replaced"
This contradicts wetland mitigation plan assertion that 48% of property would be retained as natural habitat. Removing (so many) trees in that part of the property does not constitute protection or retention.

Some "hazard trees" to be removed are likely within buffer area of landslide hazard area (steep slope, 40%). CAO requires retention of all trees within buffer. Cannot determine whether tree removal would violate CAO because tree retention plan does not locate trees to be removed.

“Revised” SEPA Checklist
Previous concerns not addressed and not included in CoB RFI.

3 Water
(a) surface water
(1) wetlands: wetland B "artificially created"?
   There is no credible information or basis for assertion. Wetland mitigation report does not mention "artificial".
   Moreover, while states they are disjunct, independent on site expert inspection shows that the wetlands are continuous. This means that the entire wetland unit requires a category I buffer, which would be inviolate and no buffer averaging allowed. This larger buffer would extend into the proposed development. As such the development application/plan would have to be rejected or substantially modified. Evidence of wetland continuity includes, but is not limited to, obligate wetland plants growing in the area "between" the wetlands and consistent soil color and texture.
(d) site disturbance +/- 50% does NOT "minimize" impacts

5 Animals:
Only "deer" marked. Ignored all birds, including songbirds and owls, which are abundant in the area.
Although not regulatory issue, gross omissions show applicant lack accuracy and diligence with the checklist
(c) Migration route? "No." YES -- site is part of the Pacific flyway
(e) Invasive animal species "none" -- not credible (eastern gray squirrel, eastern cottontail rabbit, starlings, ...)

14 Transportation
(f) Number vehicle trips/day = 68
   This figure is not credible, given the 106 units with 257 parking spaces.
   (h) measures to control transportation impacts
   The increase in number of bike racks is done by way of "internal storage", which assumes tenants willing to bring their bikes up the stairs and into their apartments. Given the inconvenience, this is unrealistic.
Development plan caters to private vehicle use, without credible plan to support/encourage other modes or mitigate traffic impacts. Severely underestimates traffic impacts (i.e., 68 vehicle trips/day).

15. Proposed measures to reduce or control direct impacts on public services
"Walking/biking will be encouraged to reduce auto traffic."
   -- w/ essentially unlimited parking, driving would be more convenient than bike/bus,
   -- would not "reduce auto traffic" and not "encourage" walking/biking.

Proposed measures do not reduce or control impacts

**BROADER OBSERVATIONS**

The wrong project:

Infill should NOT cannibalize urban green space. Good Infill does not take away precious little green space within a city and replace it with generic multi-family development. Rather, good infill consists of upgrading and increasing the density of previously developed but under-utilized land such as low-density commercial, strip malls, car dealerships, and the like. Good residential infill with multi-family development has to be accompanied by a mix of uses to include amenities needed by the added residents. This is why mixed-use development is the best infill practice. To accommodate the increased population density associated with infill development, these projects need to be accompanied by infrastructure and service upgrades. This project is slated for 106 3-bedroom units and parking for 249 cars on site. This means that when fully occupied there will be a minimum of 300 people moving in and out on the local residential streets, 249 cars driving in and out, and at a minimum an additional 30 to 50 cars trying to find street parking. I don’t understand how anyone thinks this is a good project for the neighborhood.

The wrong place:

The location for this project presents serious problems in terms of traffic. It is proposed on a narrow local streets over 3,000 feet (1 km) from Lakeway Dr., which already suffers from congestion as it is the primary connection to I-5. The added traffic on Puget St. and Consolidation Ave. will dramatically affect the quality of the neighborhood and the safety of pedestrians, especially children and elderly. I have yet to see a successful infill in the heart of a single-family residential neighborhood. Infill takes place on the edges where there is direct access to arterials and services.

The wrong time:

This may be one the biggest factors for rejecting this project. In the major economic downturn that we are experiencing, the worst in US history since the Second World War, and one that is expected to last for years, investments in real estate development face high uncertainty. There is a very high probability, almost certainty, that the proposed project will face difficulties in financing and marketing. This means a typical case of “arrested development” whereby the city and the neighborhood will see its open space destroyed and replaced by the dirt of an unfinished construction site for years to come. Ultimately, the city will end-up “making a deal” with the developer to finish the project by removing mitigation measures, downgrading amenities, waiving fees, providing subsidies, allowing higher density, etc. The result is low-quality development and complete deterioration of the Puget neighborhood.
**Attack on protected an environmentally sensitive area:**

The proposed project presents serious environmental risks. The development is proposed on land within the Whatcom Creek watershed, which drains to Bellingham Bay. It is entirely on wetlands according to CoB 2015 inventory and with additional site-specific wetland designations. This urban natural jewel is home to a rich bio-diversity of plants and animals. It is unclear how the report by Miller Environmental Services finds no impact on wetlands. Based on CoB wetland maps, the report wrongly identifies the location and size of on-site wetlands. Similarly, the report recognizes that the area provides habitat to species, but fails to identify the types. Moreover, the report callously suggests that because the developed area takes away “only” 50% of the forested area, it does not present any significant impacts on wildlife. Finally, and while the CoB notice and the report suggest that “approximately” 50% of the site will be cleared, the proposal shows the development affecting about 75% of the site. Given this precedent, there is no guarantee that the remainder will remain forested.

**Attack on social diversity:**

The Puget neighborhood is one of the most diverse neighborhoods in Bellingham, by every indicator – from ethnicity and race to age, income, and educational attainment. It is unfortunate that CoB would consider a project that undermines a neighborhood that has evolved harmoniously. While it is not unusual for developers to try to place controversial projects in areas with high levels of diversity because they think that such areas are less capable of resisting their plans and that elected officials are less likely to pay attention. I hope this is not the case in CoB. I know that my neighbors and myself stand united to oppose bad development that destroys the environment and the community.

**Death by a thousand cuts:**

We are all aware of the housing shortage, the high cost of living, and the overpriced housing in Bellingham. Expanding the housing stock is needed. However, what this project considers as infill is adding multi-family projects in a checker-board pattern in the heart of middle-class neighborhoods. As mentioned above this is not how it is done. What we are witnessing in Bellingham is puncturing middle-class neighborhoods with projects that lower property values of adjacent homes. This, in turn makes new development more profitable and allows developers to prey on these properties. Eventually the entire neighborhood is gutted. This process falls under the labels of “creative destruction” (i.e. destroying existing investments to create new profits) or “accumulation by dispossession” (i.e. theft of the wealth accumulated in home equity).

**High geological risk from incomplete and inaccurate project documentation:**

The Geologically Hazardous Area Site Assessment recognizes that extensive portions of the project take place in slopes of up to 50% but downplays the effects of erosion, and subsequent flooding and mudslide potential, especially with the loss of vegetation and increased impervious surface. Moreover, current test pit depths do not meet the minimum standard of 1.5 times the height of retaining walls. If approved, the CoB would be liable for subjecting Puget neighborhood residents to flooding and mudslide hazards.
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.
Public Comment

Name
John and Susan Keates

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
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.

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 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
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 in 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
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


**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**

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 46th 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 46th 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

View from Lot 7 on Nevada St. from RFI Response, Looking up to Building C.
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 44th 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/47th Street intersection via 46th 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 46th 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 46th Street right of way.

**Analysis of RFI Response**

The trail location was reviewed and determined to connect to 46th 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 46th 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 45th/Consolidation intersection provides for the reasonable extension of 45th Street south to serve those undeveloped platted lots on 45th 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\textsuperscript{th}, 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)](image)

Blue circled area is where the Emergency Exit pavement will be located, over drainage that is not accounted for in the Stormwater Plan.
• 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.
• 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 least 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 46th 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 ACTUALLY 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 46th, 47th and Byron cul-de-sac.
Appendix A: Trip generation for CityView development

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  
May 5, 2020

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

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

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.
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](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.*

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**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
COB residents,

Never have I seen a neighborhood come together so cohesively to resist a development as I see my neighbors resist City View. And for good reason; it is not appropriate for this neighborhood.

If more new apartments are needed in south Bellingham, they should be located in neighborhoods that support them and won’t suffer from them. Lincoln Street, Lakeway and Samish Way are more logical than the Samish and Puget neighborhoods.

In an effort to keep this letter brief, I'll just bullet point list other reasons why City View should not be built in the location currently proposed:

- Too much vehicular Traffic on neighborhood streets
- Area Parking will be overcrowded
- Excessive Noise
- Reduced values of nearby houses
- Student housing in family neighborhood

Thank you,
Mike Merrick
The CityView project does not belong in the proposed neighborhood. It will lower the house values in the Puget neighborhood. It will increase traffic on Puget. It absolutely should not be allowed to be built.
Comment or Testimony
You have my letter on file. My position has not changed a bit. The renderings Cityview has supplied do nothing to show the actual scope of the size of these buildings in my backyard. This project is far oversized for our neighborhood and parking is completely inadequate for the number of people they intend to house and will spill over onto our street making it more dangerous for pedestrians and children. This is a family neighborhood and introducing dorm style housing is a big mistake. WWU is having decreasing in person enrollment even before the pandemic so there is not so great a need for this type of housing. What Bellingham needs is affordable single family homes and the City has very few, if any, incentives to build them. Families want neighborhoods and outdoor space and autonomy-not apartments and crowded living spaces. College kids can always rent houses together but families cannot afford this apartment complex or to rent houses in Bellingham. This type of housing is not what we need. Please do not let this project go through. If it goes through, a lot of the families will move out and sell to rental companies who will just rent to college kids and the neighborhood will completely erode. We’ve had our problems with college students in this neighborhood in the past and we are finally becoming more family and owner-occupied and the pride of our neighborhood is growing. Cityview would end that. This is not a good location for this type of housing, even if we did need it-the ground is very steep and wet from run-off. Deer, coyotes, hawks and eagles all use this area as they move between their ever decreasing pockets of habitat. The City has designated Nevada St as a safe bike route, but this will not be a SAFE bike route with 300 extra cars on these streets every day. The traffic count study that was done was at the very end of the academic year at Western when many students have dropped out from the Fall and Winter quarters or have completed their studies or have no finals so left school early. It was not an accurate study. Done in October, they would have found much more traffic as no one walks anywhere in the bad weather and enrollment at WWU would have been at a peak. Cityview just wants to slam this project through and the City of Bellingham needs to consider future use, neighborhood conformity, and quality of life.
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Public Comment

Name
Janelle Gavin

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 do not want this in my neighborhood. The city has done very little to protect neighborhoods from this kind of negative development. We can see what has happened to Roosevelt Neighborhood. What about traffic on Puget Street? No one drives the speed limit of 25 mph now. We don't need these mega apartment buildings. Isn't there a way to house students in a better more aesthetic way.

Files
Documents or images related to your comments.

Email
gardenoasis@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
5/31/2021
Public Comment

Name

Jorge Pobre

Full name or organization

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

Choose Topic

CityView Project

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Comment or Testimony

City View Project

We strongly oppose this project because of its potential severe adverse environmental and social impacts in our neighborhood.

The proposed dormitory/ housing consisting of multiple 2 -5 storey buildings for 300+ tenants does not belong in this small, quiet and family oriented neighborhood of young families and senior citizens.

We love this neighborhood because it keeps our balance, feels home and close to nature. We would hate to see those woods and trees destroyed to give way for this housing project.

Neighborhood traffic safety obviously is also a major concern since the existing streets are not designed to handle additional traffic caused by multiple vehicles from expected hundreds of tenants. Young children in the neighborhood like to play outside and ride bikes on our streets. We won’t feel safe with the hundreds of strangers coming and going in this neighborhood as a result of this huge housing project.

This project is not appropriate for this area. Please look somewhere else where it belongs.

Thank you!

Files

Documents or images related to your comments.

Email

jipobr@yahoo.com

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

Name
Rebecca Belford

Full name or organization
Your name is required for identification as a part of the public record.

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

Comment or Testimony
I do not see any transition area between the single family homes surrounding the proposed City View Apartment complexes. I believe when the development of this neighborhood requires a transition between housing types. Since the City View apartment complexes are surrounded on all 4 sides by single family homes, does it not require transitional housing types between the two. Especially on the North, South and west sides as these buildings will sit very close to the existing single family homes. During the Planning Commission broadcast on Sun. May 30th. It was explained that apartment buildings are not allowed in these zones. I do not see either plans nor space for the allowed type of housing required when going from single family homes to apartment buildings in an established single family neighborhood. It doesn't look appropriate or in compliance to me.

Files
Documents or images related to your comments.

Email
pcsrwba@yahoo.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
5/31/2021
To Whom it May Concern:

I am in opposition to the Cityview proposal because I feel it would be detrimental to the Puget/Nevada homeowners to put student housing apartments in the middle of an existing neighborhood of single-family homes (that is already surrounded by apartments on the west side). The traffic alone to this development would harm the essence of this single home family neighborhood.

Under the 2016 Comprehensive Housing Plan consideration for what type of home goes into this existing neighborhood should be of the utmost importance. There are little to no homes available for first-time home buyers in Bellingham and this area could be utilized to address that and help the existing homeowners at the same time. I realize it is zoned for multi-family so maybe duplexes are the answer.

Below are some bullet points from the 2016 Comprehensive Housing Plan that should be taken into consideration when approving a developer’s plan for the area:

- **Policy H-28 Protect and connect residential neighborhoods** to retain identity and character and provide amenities that enhance quality of life.
• Policy H-31 Promote high-quality design that is compatible with the overall style and character of established neighborhoods.

Since most of the new single-family homes built on this side of town have been in a higher priced income bracket (ie. Lopez and San Juan developments) it would be very desirable to have townhomes or duplexes put in this area (like those in Cordata and behind Costco) to meet the needs of the Comprehensive Housing Plan put into place in 2016, helping the housing shortage and helping the existing neighborhood flourish while controlling the impact of traffic and green space. The water coming down the hill into this neighborhood also needs to be addressed when this area is developed too but I'm hopeful the city will make the best possible decisions for us and our beautiful city.

Sincerely,

Shawn Flaherty
908 Puget St.
To whom this may concern,

We reside at 110 South 46th Street - which directly abuts the Southeast corner of the proposed CityView Dormitory Project. As such, we clearly have our own very personal reasons for objecting to this large scale construction project - i.e. plummeting home value and the noise associated with living immediately next to hundreds of college students and a parking lot larger than that at Whole Foods.

However, beyond our own selfish concerns, there are multiple reasons why this gigantic project is a mistake for this neighborhood. I am only going to list three:

(1) **Neighborhood location:** Although this location has been deemed appropriate for multi-family housing (which is clearly needed in Bellingham), it is interesting to note that the proposed CityView project only abuts single family homes. Families who bought these homes likely knew that this heavily treed property could eventually be developed - but not for giant dormitories completely removed from other multi-family dwellings.

(2) **Automobile & parking issues:** As most recently presented, this project will clearly result in more automobile traffic and more on-street parking on nearby Nevada Street, Consolidation Avenue, Puget Street, 46th Street and 47th Street - which are really not capable of managing more traffic or parking.

(3) **Neighborhood scale & compatibility:** These are huge buildings - the largest of which is 70 feet tall and > 300 feet long. The developer's submitted documents regarding neighborhood compatibility actually attempts justification based upon roof gables and picture windows of nearby houses. To suggest that these structures fit into the neighborhood landscape is ludicrous.

We are firmly opposed to this project for these and many other reasons - of which the Puget Neighborhood Working Group have done an excellent job of addressing. Thank you Puget Neighborhood Working Group for your diligent work, and for looking out for our neighborhood. I urge the Planning Commission to thoroughly review the available information, and carefully consider the short & long-term outcomes this project will have on this portion of Puget neighborhood and its residents.

We regret not being able to attend the June 3 meeting. Thank you for reading our letter and considering our opinions.

Sincerely,

Lon and Susan Swan
110 South 46th Street, Bellingham WA 98229
(360) 393-8450
lswan@gmail.com
swans.five@comcast.net
Aven, Heather M.

From: Jemma Everyhope <jemma.everyhope@gmail.com>
Sent: Monday, May 31, 2021 7:33 PM
To: G.Proj.City View
Subject: CityView - North of Consolidation

Dear City of Bellingham,

I am a new homeowner on Consolidation Avenue and I am writing about the planned CityView project. I have two areas of concern:

1. Increased traffic
2. Wildlife habitat

By adding 106 units within a block, I would expect to see increased traffic along Consolidation Ave. Given that children are regularly riding their bikes along the street, people cruising too fast down this hill are a major safety concern for me. If the project proceeds, there should be multiple speed bumps put in to prevent any children from being injured due to through traffic.

The other aspect is wildlife habitat. Currently that green area provides a gateway for animals that live in the interurban area to the east to access habitat along Whatcom Creek. We have several large owls—not certain of the species—that live nearby and call at night. We have also seen turkey vultures in the area. I would like to be certain that these animals are not put at risk and their habitat is not lost through this development.

Sincerely,

Jemma Everyhope-Roser
4307 Consolidation Ave
Bellingham WA 98229
CityView Dormitory Project

June 1, 2021

To Whom It May Concern:

We own the home and live at 120 South 46th Street, Bellingham, WA 98229, next door to Lon and Susan Swan.

We moved here in 2020, attracted by the relatively quiet residential nature of the neighborhood. If we had wanted to live next to hundreds of college students (or unrelated individuals living three to a unit), then there were places nearer the WWU campus we could have chosen.

We oppose the CityView Dormitory Project for the same reasons (unsuitability of neighborhood location, intractable auto and parking issues, and incompatibility of scale) stated in Lon and Susan's May 31, 2021 email submitted to cityview@cob.org

Sincerely,

Stan and Victoria Hodson
120 South 46th Street
Bellingham, WA 98229
(805) 701-0757
stanhodson1118@aol.com
victoria.hodson@sbcglobal.net
Public Comment

Name
Lani Gabriel

Full name or organization

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

Choose Topic
CityView Project

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Comment or Testimony
1. **Affordability**

   For many students, the cost of living is not affordable, so the easy and obvious solution is to double up per room. Live-in boyfriend/girlfriend/partners will result in this 3 bedroom, 3 bathroom unit design. Apartments need to be practical, 3 bedroom and 1.5 bathrooms is more than enough for a unit. Students will learn to share, manage a schedule, and coexist with other people. We have families in town living in old homes that have 3+ bedrooms and only a single bathroom (or 1.25 bathroom). Student priorities need to be education, studying, and working a part time job! Students shouldn’t be wasting their money on living spaces with “views”. Go socialize and enjoy the free views at one of our many beautiful parks in the city, such as Boulevard or Zuanich.

   Bellingham is always priding itself as a green city. Apartments need to be no frills, provide the basic amenities, and be strategically located where students will be set up for success. Conveniently located near campus, grocery stores, downtown, bike lanes, sidewalks, and bus routes. Students will be less reliant on vehicles, save money on gas, and potentially be able to give up their vehicle and car insurance payments.

   Perhaps a handful of families with chose to rent at Citiview, but the majority of families cannot afford to rent a 3 bedroom, 3 bathroom unit. In addition to not being affordable, it’s not practical to have 3 bathrooms and this model doesn’t align to Bellingham’s pride on being green. Too many bathrooms is just wasted living space. The housing market in Bellingham is insane right now and has been for the past several years. We needs more affordable single family homes in this town so seniors and families have the ability to move from being a renter to a homeowner. There are enough apartments popping up in town to accommodate students, especially when you consider the increased number of students studying remotely from out of town or from a family residence.

2. **Drainage and stormwater runoff.**

   I rented a place off Milton Street for almost five years so I’ve witnessed the drainage and stormwater runoff issues as I walked or rode my bike to work. Runoff issues occur on the east end of Byron Street (which turns into a steep gravel dirt road), along S 44th St (which lacks sidewalks and drainage for roadway runoff), on the east end of Consolidation Ave (which is the at proposed CitiView entrance), and along the south end of Nevada Street (which receives runoff from Consolidation Ave and S 44th St). At times, water overwhelms the roadside drainage on S 44th St. The amount of water feeding into the roadside drain surpasses its max capacity, causing water to run over onto the roadway on S 44th. There are streams that run between a number of homes on the east side of S 44th St. There were times when I walked along S 44th St that I could hear the loud sounds of babbling water- I can only imagine what is going on in the backyard and in the crawlspace. At times, the water runoff from the east end of Byron St and east end of Consolidation covers the roadway in dirt.

   When it’s below freezing, the roadways ice over where there are drainage and stormwater runoff issues, especially where Byron St intersects S 44th St, along S 44th St, and where Consolidation Ave/S 44th St/Nevada St intersect. I was driving to work one ice day and I came across a man lying in the roadway where Byron and S 44th St intersect. He was clearly in a lot of pain and he couldn’t get back onto his feet. I am very aware of the poor drainage in this area, so if it’s icy, I know to avoid walking on the concrete surfaces in this area as much as possible and to walk on the grass lawn of the corner property (144th S 44th St). I helped the man back to his feet and directed him to the grass. Also, the sidewalk on Byron just...
Planning Commission,

I am extremely disappointed in the developer’s (Morgan Bartlett) revised proposal to your Request for Information from July 6, 2020. You stated in your notice: **With all land use applications, it is the applicant’s burden to demonstrate how a proposal meets code and addresses public concerns.** The surrounding neighborhood was very clear in over 200 responses to his earlier proposal that the size of the project in numbers, height of the buildings and layout of the apartments does not fit with the current neighborhood. There was an openness to a project that would actually fit with the current scale of the Puget neighborhood (townhomes, smaller buildings, true family apartments and not 106 3 bedroom units in large buildings to be rented by the room to unrelated people.) Mr. Bartlett chose to disregard the comments.

The concerns remain. He lists the 5.5 story 65 ft. Building C being 210-250 ft. from the western property line. He doesn’t mention the increase in elevation where that building would be set. It would completely tower over the existing neighborhood homes and the 8 ft. replacement trees he proposes.

The 106 units with 318 rentable rooms would bring a large amount of traffic into the area. Parking would leak onto the existing neighborhood streets, as would noise from the complex. There would be increased safety issues for children playing in the existing neighborhood with the large increase in traffic. Concerns remain with almost all aspects of his response to the July 6, 2020 RFI-- the geohazard assessment, geotechnical engineering plan, tree removal and replacement, parking, ingress/egress and other areas. I refer you to the thoughtful response which was submitted by the Puget Neighborhood Working Group for a full discussion of all of these concerns.

I remain in opposition to the CityView project as it is currently proposed and hope you also recognize that the latest proposal does not meet what you outlined in the July 6, 2020 RFI.

Respectfully,

Greg Halleen
Public Comment

Name
Rebecca Belford

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
Comprehensive plans talk about preserving the character of existing neighborhoods. Allowing a large private un supervised student dormitory to be built smack dab in the middle and surrounded on all sides by single family homes destroys the character of my neighborhood. [regardless what the developer calls it, rent by the room housing is structured for students] This age group has not had the life experience yet to understand the negative impact of loud music, laughter and yelling, racing up and down streets at all hours has on neighbors. Because the police do not have the resources to enforce the noise ordnance, drunken parties and speeding laws, it falls on the city to engineer in such curtails into the development of neighborhoods. i.e. location of such complexes, speed tables on neighborhood roads etc. This statement is based on the issues and living conditions of this area the mid to late nineties. The city's resources to combat this has decreased over the years. [Speaker from the police department in the early 2000s explaining to us that they simply do not have the manpower to respond to non life threatening calls. I personally resent being driven from my home by inappropriate and irresponsible to the city's citizens, development of this type in this spot. This type of development would be better served being built on the west side of Lincoln street.

Puget neighborhood Plan requires a transition area between land uses. This has been put into place by transitioning between apartment complexes to town houses [triplexes, duplexes etc.] to single family homes beginning on Lincoln St clear up to Nevada St. Aesthetically this all blends together nicely. But going from single family to an overpowering apartment complex with just a row or two of trees separating them does not blend the land uses together. [developer's rendering of the complex is way off scale and fails to show how it actually will fits into the tract of land] It is destructive to the look and feel and safety of this area. And as in the past [ late to mid 1990s] promises an increase in harassments of people out walking or driving the speed limit, property damage, trash. This type of development in the middle, surrounded on all sides by single family homes does not preserve the character nor enhance the neighborhood. It promises to migrate this area back into a trouble area that the city does not have the resources to combat.

Files
Documents or images related to your comments.

Email
pcsrwba@yahoo.com

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Date
6/1/2021
Public Comment

Name
Rebecca Belford

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

Choose Topic
CityView Project
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Comment or Testimony
I was very disappointed to read Mr. Morgan’s reply to the questions given to him by the city. All he did was reword the question and say he would or wouldn't do that. If his responses were answers on a high school essay test he would of failed.
The panning department has failed to answer the numerally asked question concerning how this tract of land went from zoned for 85 units to 176 on acreage that has been reduced from 12 to 11. [area survey maps] I think we as citizens of this city have a right to know.

Files
Documents or images related to your comments.

Email
pcsrwba@yahoo.com

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Date
6/1/2021
To whom it may concern,

I am writing as a very concerned citizen that will be directly impacted by the inappropriate proposal for the City View apartment complex in the Puget Neighborhood. Our home at 802 Nevada street is directly below the proposed project. I have two young children and my greatest concern is for the safety of my own family as well as the safety of others regarding this project. Currently, the intersection of Nevada and Consolidation streets is dangerous. I have been nearly hit in my car and while walking by motorists that fail to stop or even yield at posted stop signs. I greatly fear that the massive increase in traffic will and the potential accidents that may result and I fear for the safety of my own children and that of others that live and play along Nevada Street. If this project is to go through something major would need to be done to address the safety of this intersection. Furthermore, I worry that the connecting streets cannot handle the increased traffic and further safety issues will ensue. People already illegally park on Consolidation Avenue often causing dangerous conditions where visibility is limited and there is not enough room for cars to safely pass by. With increased use the dangers of this street and others will only be increased.

My next concern is the environmental impacts this project may have including hydrology and the impact that may have on surrounding habitat as well as current drainage systems. While I have limited experience with hydrology, I do have an environmental studies degree and know that an impact to one aspect of an environment can have profound impacts to the rest of an ecosystem. I worry that the proposed project will affect groundwater flows and will in turn affect the trees that will be left standing as can be seen with another development just down the road. Some of the trees that could be affected are very large and should they become weakened, -or die could fall on our house harming my family. This is a genuine fear I have after seeing the tree die-off at the bottom of Consolidation Avenue in relation to the new apartment complex on Ashley Street, a complex that is much smaller than the proposal for City View. We watch each year as the hill that is our back yard slips a little further and am concerned that this is an indication of the movement of the slope beyond our property. If the slope is moving, even if it is slowly moving how will that impact the safety of my family and those residing in the proposed project?

My final concern is that this project is not consistent with the neighborhood and the density of the project is inappropriate given the single-family nature of the neighborhood currently. It is my understanding that compatibility with surrounding property is outlined in the city’s codes, this in no way is compatible with the way the Puget neighborhood, Nevada Street in particular, was developed. The housing options outlined in the city’s infill toolkit would be much more appropriate development of this land. As it would maintain the feel of the neighborhood and would not overwhelm already troubled streets. The proposed dormitory style units would house over 300 individuals overwhelming our neighborhood and drastically changing the culture of the place we call home. I also feel that the need in Bellingham is for affordable family housing to ensure Bellingham remains a family friendly community as currently the housing market continues to price out families of low or median income. I want to live in a community where everyone can be successful and can afford to live. I want to live in a place that celebrates equity and does not promote capitalistic endeavors to benefit wealthy investors.

I beg of you to not approve this proposal. We love our home and our neighborhood and want to provide a place where our children can feel safe growing up. We were barely able to afford our home when we purchased it and would not be able to afford another home in Bellingham given current market prices. I
love Bellingham, my husband grew up here and I would be devastated if we were no longer felt safe or comfortable in our home due to inappropriate development. Please do what you can to protect the culture of our neighborhood. We are a diverse group of people that care deeply about where we live.

Thank you.

Sincerely,

Jacque Barnett
Public Comment

Name
Rebecca Belford

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
Please, Please, Please do not permit the City View development to work extended hours. This development sits two close to homes to allow construction to take place on weekends and extended hours of the day. There is too much tree cutting, construction vehicle traffic, vehicle backup alarms, sawing hammering and so forth to not give the people of the neighborhood a break on weekends and evenings. This project is in close proximity to homes on all sides and the construction noise will be overpowering. I plead with the city to show some consideration to the residents of this neighborhood and not permit extended construction hours.

Files
Documents or images related to your comments.

Email
pcsrwba@yahoo.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
6/1/2021
Public Comment

Name
Tina Janni Zuccaro

Choose Topic
CityView Project

Comment or Testimony
As residents and homeowners in the Puget Neighborhood since 2008, my husband and I are deeply concerned about the adverse impacts to our community that the CityView Project would bring. We’ve already experienced higher volumes of traffic on Puget/Consolidation, due to vehicles heading to the synagogue, as well as the residential developments off San Juan Blvd that are taking the short cut, rather than accessing their neighborhoods via Yew Street. This has also resulted in vehicles traveling at faster speeds that endanger our pedestrians, pets, children and wildlife. Furthermore, when homeowners have politely asked vehicles to slow down, they’ve received rude responses from driver’s speeding through our streets.

We are also concerned about the other types of activity that such a development could attract and the increased visibility into our neighborhood. Within the last few months, we’ve had increased incidents of prowlers and attempted theft on W. Pacificview Dr. that have resulted in police calls. Additionally, a car prowl and theft occurred on a vehicle parked near the trailhead by the synagogue. Items from that car were found strewn along a section of W. Pacificview Dr. Consequently, the CityView Project is not a welcome addition to our area and we stand with our neighbors who oppose this development.

Email
tinajanni@yahoo.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
6/1/2021
Public Comment

Name
Corrin Easley

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
I oppose the development plan for CityView, echoing all the concerns raised by others in the Puget neighborhood. In addition to the listed concerns, the proposed amount of non-family residents and their cars increasing traffic on Nevada (at a rate of at least 249+ cars anticipated, with frequent trips up and down the street for school, work, and errands) is a significant concern because as a homeowner on the corner of Nevada and Marionberry, within the first three months of living here two cars hit the light pole on my easement, resulting in the pole cracking, visibly leaning towards my home the city has not fixed in over three months from report date and locate complete. On any given day, I see many cars nearly miss the roundabout turn that if missed places a car up on the sidewalk, hitting the pole, or in my yard or house. Given the existing setup of Nevada and the traffic it already struggles to support, more traffic expected due to the planned development entrance/exit being just a few houses up from the roundabout increases the safety risk for my home and the neighbors who walk the established sidewalk.

Files
light pole crack.jpg
light pole leaning.jpg

Documents or images related to your comments.

Email
corrin_easley@outlook.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
6/1/2021
Public Comment

Name
Linda Kohlstaedt

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
To Whom It May Concern,
Strictly from the standpoint of a homeowner, I could fill paragraphs with emotional pleas to stop the CityView project. My husband and I recently purchased a home on Nevada Street doing so in large part because of the quiet, single family home neighborhood surrounding the property. It both saddens and makes me anxious to think about such a huge development being built so close to my residence. However, emotional pleas mean little when considering the reality of a project like CityView. The most important facts to think about are the multiple impacts such a project would have on a variety of very real issues. Stormwater management, sewer and garbage surges, increase in noise and traffic, the ability of the police and fire departments to provide adequate service for the large population planned for the project, and the negative effects of both environmental and conservation matters stemming from the project need to be carefully considered. Further, CityView is out of character with the surrounding neighborhood. I am firmly against CityView moving forward, but would ask, if it does, that all of the above issues be most thoughtfully addressed and the negative impacts on the surrounding neighborhood be mitigated.

Perhaps a development a quarter to a third of the proposed size with the remainder of the area being designated “public green space” with walking and biking trails along with ample parking for both the green space and the CityView project might be considered.

Files
Documents or images related to your comments.
City View does not meet the city standards for new construction in existing neighborhoods. By a mile. And it never will. Just one of the smaller buildings in the current plan would be far out of character with the neighborhood and would violate both the Comprehensive Plan and the In-fill Development Toolkit that we, as citizens, should be able to rely on in making our own decisions about where to invest and live.

Rather than simply saying NO when the City View monstrosity was first proposed, more than TWO YEARS ago, the City has engaged in what we call an infinite loop:

1. Developer submits a plan that is clearly inconsistent with City guidance, is based (where it is based on anything) on incomplete and out of date “studies,” and ignores the structural weaknesses of the planned construction, damage to the environment and the surrounding neighborhoods, and the violations of city guidance.
2. City planners ignore all of this and ask for input from the citizens they are paid to serve.
3. We citizens provide that input, almost all of it strongly opposing the tenementization of our town. We point out the shortcomings of the plan, the violation of city guidance, the inadequacy of content that was found lacking when first presented a decade ago. We do the research, make the arguments, tell you where to look and what to look for. (Do you look?)
4. City responds to Developer, stating why the proposal is insufficient, violates city guidance, and has not succeeded in changing reality. City tells Developer what he must add or change, all of which will be ignored.
5. Developer requests, and City approves, extensions of time in which to not respond to the shortcomings. Don’t know why it takes so long to submit the same proposal. Repeat this step several times.
6. Go to step a.

It's confusing to us why this has dragged on for years when it appears so obviously to be a terrible idea.

The City at some point evidently thought it made sense to pour much time and effort into developing a Comprehensive Plan and a toolkit for infill development. I assume that the intention was to give the planning director and his mignons guidance for what the city saw as its communal vision for what our town was and what we value and want to maintain. So why couldn’t we exit this vicious loop the first time we completed step c? We knew then that the proposal was out of compliance in numerous fundamental, dangerous, unfixable (How do you make a tenement look and function like a family home?) ways, and that the citizenry was opposed to waiving our growth plan in order to let the carpetbaggers destroy our neighborhoods. Done.
Can we speak frankly? I’m sure I’m not the only person who is increasingly irritated by reading the same fictions about this proposed building over and over.

1. This housing is designed for students (plus, now, three refugees . . . .). No one else will live there. This is transient housing for students.
2. As in most high-density housing, and certainly in student housing, 300 bedrooms does not equate to only 300 tenants. Let’s quit pretending that there would be only 300 students in residence. Five hundred is probably an underestimate.
3. The students are not going to be hiking to campus, the store, restaurants, etc. They will be driving cars. Two parking spaces per bedroom, minimum, if the streets are to remain passable.
4. If parking spaces for a building cost extra rather than being included as part of the rent, many tenants will park on the street. We have seen this already--Can’t pretend we don’t know.
5. Planting baby trees will do nothing to hide this thing. Look at the scale of it on your own website. The neighborhood houses have been here since the start of this century or before, and none have yet disappeared behind the foliage.
I've already written about traffic and density and drainage and landslides and parking and noise, so I started thinking about what might lie in the future if our planning hierarchy actually feeds us to this developer. It led me to do some reading about the various eruptions the tenement movement in the 20th century -- what governments thought they were doing and what actually happened. Some well-meaning politicians, some corrupt, money-grubbing conmen, but no good outcomes.

Bottom line, if this City View project is approved somehow and gets built and is a success, initially, from the Developer’s viewpoint, the surrounding neighborhoods will be destroyed for all the reasons that have been stated again and again.

If it is approved and gets built or partially built and is a failure in any one of many possible ways (not finished, sparsely occupied, collapses, faulty construction, etc.), the surrounding neighborhoods will be destroyed. As a succession of tenements-are-the-answer campaigns in our large cities has verified, what is left behind when the buildings fail is not pretty. The City is left to deal with the mess.

Either way, money into the pockets of the out-of-town developer and whatever middlemen are greasing his path; money out of the pockets of the citizens. Some of us will pay on the upside as the bulldozers move in, and all of us will pay to clean up the mess.

That seems to be the way it works.
To whom it may concern,

I do not want to see this massive apartment complex developed in the this neighborhood as its just out of place for any reasons that I have stated earlier.

However, a big one for me is the following:

1. Lack of sufficient road width and sidewalks. A walk to the mailbox for me or riding up the Byron/44th St. road network places us at risk of being hit. Where are we to walk, on this street with higher traffic loads in dark conditions with immature distracted students? Without wider street and sidewalks we are fodder waiting to be hit. This is just plain commonsense. When this area was developed in 1995, the developer when bankrupt to my understanding which is why the street is narrow with no sidewalks. Allowing this development not creating a condition for developer to pay for these necessities is not acceptable. As I stated before, if I am hit, I will go after the party that hit me and secondarily to COB for allowing this condition to persist doing nothing about it. Cycling around 5k miles/yr having been involved in motor vehicle collisions 3x, I know what to do. Please refer to the photos I have attached.

Other issues with the development I have are listed below:

1. Creation of student housing blight/ghetto. These parties never mow and landlords just do not care.
2. More parties/noise as students are not respectful
3. Spillover student parking from Cityview
4. Most likely increased conflict as students/homeowners do not share the same values.
5. Commonsense here. Simply put, the development needs to be placed in another area with sufficient street/road infrastructure. It is stupid to think that any homeowners are happy with this inconsiderate proposition.
6. Again, please rezone the Hawley Tract to single family, light/heavy industrial. Please, anything other than students would be tolerable.
7. From this, why is the most amazing part of neighborhood spend on a student housing when it could be enjoyed as a city park offering great city/bay views from middle of town. It was the inconsistency of COB not knowing what area should be, apartments/single family housing. As I've stated before, the two options do not mix.
8. Please don't allow this. I am 62 retired not wanting to move. I have moved all my life for job experience and etc. A betrayal from COB on this issue will force me to move.

Ok that is it for now.

Please assess photos I’ve sent pertaining to street width and lack of sidewalks.

One photo is of intersection of 44th/Consolidation looking north.

The other photo is of 44th Street looking south. Obviously, no sidewalk.

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

Name
Kathleen Taylor

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
WHEN IS ENOUGH ENOUGH?
A city vacancy rate of 1-2% was given by City View. I truly doubt that to be the case unless they did not take into consideration the MANY monolith apartment buildings that have recently been completed in the City limits or have been recently approved by the city or under construction. Planning Commission could you please request these numbers from whatever sources necessary and pass along to our neighborhood association?

LOSS OF OUR NEIGHBORHOOD CHARACTER
Already many homeowners on Nevada and Marionberry have moved because these large buildings LOOMING over our neighborhood would forever change the character of this neighborhood. I am starting to prepare my home and property for sale in case City View is approved. At the age of 75, I would not have thought I would have to figure out another place to live due to some multi-story buildings being built on a HILLSIDE directly behind my back fence. I love Bellingham and moving will take a toll on me. When will the City start taking into consideration the will of the residents? I ask sincerely. When City View referenced 2740 residential dwelling units in the Puget Neighborhood, 55% of those being rentals, it does not mention what percentage of those are already in the Lincoln Street to Puget Street area. This area is becoming saturated with large buildings with little regard to the single-family dwellers. As much as I love Bellingham, I cannot recommend anyone to move to Bellingham if they like the character of a single-family neighborhood. THIS is where the Bellingham Planning Commission can make a difference and take a stand to represent those of us who are not "big enough in numbers" to implement a change in our neighborhood. We would like to see that the City Planning Commission cares enough about the single-family owners to keep the high-rise buildings to a reasonable concentration in this area of the Puget Neighborhood.

LAYOUT
I don't see much difference between this 3bedrm/3bath w/common kitchen/living room layout compared to the proposed University Ridge 4bedrm/4bathlayout that was denied approval because of the difficulty new owners would be less likely to find renters with this layout.

ONSITE Management
Will there be an ONSITE Manager to take our noise or other complaints or must we call the Bellingham Police Dept every time there is a problem?? There should be. The city should demand it so they will not be overcome with noise/parking complaints etc., from neighbors.

TRAFFIC STUDY
Was another traffic study completed? If it was, it could not possibly give a clear picture of normal neighborhood traffic during this past pandemic year. I still have all the concerns as previously written if this complex is built with 300+ individuals driving about. Lack of parking is already a problem on Consolidation and Nevada streets. Consolidation is not wide enough for the cars that park on both sides AND two lanes of traffic. What will be done to improve walking capability on 44th street between...
Public Comment

Name
Morgan Glenn

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
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Comment or Testimony
I have lived in the neighborhood for over 15 years now and I don't believe the City View project is a good fit for the area. We already have significant issues with ground water coming to the surface in the area near the project. This water flows over the road almost constantly and in the winter it freezes thus creating an even worse driving hazard.
I am also concerned about traffic congestion on residential streets that are already busy.
While I believe we should be looking to build more homes in the city, I am concerned with the current project seeming to disregard the natural conditions of this area.

Files
Documents or images related to your comments.

Email
mg Glenn510@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
6/1/2021
Public Comment

Name
Jeffrey A Eastman

Full name or organization
Your name is required for identification as a part of the public record.

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Comment or Testimony
Three questions I have re: the CityView project. I live in Marionberry Court close to where the project is planned.

1. In your March 12, 2021 letter on page 3 you state that "over 50% of the site (5.42 acres) will remain in its natural vegetated state." However, on page 1 of the same letter you mention that the project site is +/- 11.15 acres. Simple math indicates that 5.42 acres is not more than half of 11.15 acres. Please clarify.

2. The 12’ wide emergency access road leading down to Nevada Street is to be a maximum of 15% grade. Federal road signs indicate that 6% is a steep grade and trucks should use caution going downhill. How can your access road be more than twice as steep? Will the gates at either end be locked with access limited to emergency vehicles? If private vehicles were to use the road they would not be able to squeeze past each other going in opposite directions, especially since you indicate there will be "stamped concrete walls on either side of the 12’ wide roadway.

3. You mention fines for people leaving trash around the grounds or for creating excessive noise. Will Real Property Managers LLC be the enforcers of these rules? How will they enforce the rules?

Files
Documents or images related to your comments.

Email
jeff.eastman@eastmanart.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
6/1/2021
June 1, 2021

City of Bellingham

Bellingham Planning Commission

RE: City View Development Proposal

I am opposed to the City View Dormitory Housing project proposal to be located in the Puget Neighborhood being considered by the City of Bellingham Planning Department. I believe this proposal comes now as a result of a failure to mitigate the situation with appropriate zoning clarifications five years ago when we had a very similar ‘rooming house/dorm’ dwelling project, known as University Ridge, proposed. The current City View project is even more objectionable than University Ridge by virtue of it’s out of bounds size and height. Our neighborhood has been, with a few reasonable exceptions, an established single family home residential community for more than 50 years. These are decidedly middle income houses occupied by middle income earners. It is a family centric neighborhood. It is a neighborhood where we know our neighbors, their children and if they are elderly, what their special needs are. We help each other. I said this in my communications to the City over five years ago and I repeat it now: Puget Neighborhood is the quintessential example of the middle class American home owner dream. Veterans, teachers, attorneys, GP workers, nurses, police and fire staff, Western staff, contractors and small business owners are some of the types of achievers and taxpayers who saved and saved for their down payments. They are the backbone of the economy locally and nationally. They aren’t speculators or ‘house flippers’. And, they are most definitely not opportunists driven by profit only intentions. They are the 40+ hours a week working families who strive to make a home and community the best place they can. They and I did not do all this for a lifetime only to find a massive pricey dormitory/transitory housing project sprouting up and towering over our homes after having been approved as appropriate by the Planning Department. The mantra and determination to infill Bellingham must not cause ruinous harm to the existing character of our neighborhoods.

I watch nearly all the City Council Meetings, County Council Meetings and some Planning Commission Meetings on BTV. I am, as are my neighbors, grateful for the efforts of those who serve our community. We appreciate the need for genuinely affordable housing. Historically, affordable housing has always been a societal challenge. I am a big fan of the efforts for infill in Vancouver BC with a strategic eye for well planned urban living for families. It has been a success except for the pesky issue of affordability. I do favor more buildings going up in height especially for low income/mixed income (preferably) housing where the location is decidedly urban and appropriate to the needs of the population.

I am also supportive of former Governor Christine Gregoire’s Challenge Seattle group. Their focus is toward the rarely mentioned at Council Meetings affordable middle income home building. While I realize that Planning’s mission is DENSITY, I favor the efforts by Kulshan Land Trust to build single family starter homes at the most affordable price possible. The land where City View is proposed to be built on would be ideal for such housing. Two story duplexes or row style multi houses would also be
appropriate for the neighborhood and would not be objected to by area residents. And equally as important, would not cause negative environmental impacts.

Realistically there is not a current shortage of buildable land for a project like City View even closer to the University. There is land perfectly suited on Lincoln Street. There will be properties on Samish for such projects. In my opinion Samish construction should all be many more floors in height than is currently being constructed. There is land west of I-5 and I understand that Western is endeavoring to build more student housing. Additionally, one more consideration that should be made by the City is the impending influx of ADU/DADA’s in and around this area and throughout Bellingham. I hope to find it in my budget at some point to convert this house to accommodate a separate living quarters in my lower level with a two bedroom rental unit. One of my neighbors recently remodeled and added a new ADU for rental purposes. Several more in my area are in process. This is the future for many homeowners and will have significant positive impacts on reducing housing shortages for persons who would like to reside in a residential neighborhood away from dense apartment living at an affordable price.

Former Mayor Linville lamented that the Puget Neighborhood “was zoned multi-family/single family many many decades ago”. However it was never intended that the Puget neighborhood would become a student dormitory style housing location. Three bedroom/bathroom units, each bedroom with their own lease contract is no different than dorm/rooming house models.

There is a long list of valid and serious concerns including but not limited to: extremely steep slope, wetlands, fire response (severely limited effective access for emergency and fire vehicles), excessive traffic in very narrow streets, offensive and disturbing all night long lighting, lack of adequate parking and cars parking and blocking area private properties, noise, invasion of privacy due to the height and position of the structures, flooding and instability from the construction on such a steep slope, not to mention that it would be a hideous out of place eyesore.

I am not anti student or anti renter. I’ve been both as have my children. Several houses surrounding mine are currently occupied by renters. I welcome them as my neighbors no differently from a property owner. My strong opposition to City View is based on the structure and nature of the housing type. In no way will this complex do anything to assist the City of Bellingham toward low income/density housing. It is geared to be a highly profitable private pricy dorm-style temporary residence/massive structure amongst humble single family beloved homes. This is a purely profit driven plan by a developer with no regard for the long list of harmful impacts to the environment and residents. Approval of such a proposal would be a travesty and a betrayal to the Puget Neighborhood community. It is my understanding that the City of Bellingham has a mandate to preserve the character of the diverse neighborhoods named and established by the City Council.

We are the people who have strived to be good and contributing community members. For decades we have voted to approve school, park, EMT, and projects levies for the ‘greater good of our Bellingham’ even though dollars are limited. There must be a best intentions compact with and from the City. The “rights” of a developer does not include the potential devastation of the surrounding area of a development. Please don’t lose sight of basic values of respecting the residents. We are not asking for
anything costly or unreasonable from our City. I urge the Planning Department to make every possible careful and reasonable consideration to protect and preserve the upper Puget area and ask that you not approve the City View application.

Very truly,

Susan Bayer
825 Queen Street
Bellingham, WA 98229
Public Comment

Name
Courtenay McFadden

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
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Comment or Testimony
I have major concerns for this development beyond the traffic congestion. I live in the neighborhood below the planned site for this and feel so lucky to live in a neighborhood with new young families. I have lived here for the last 11 years and I’ve watched the neighborhood blossom from being filled with college rentals to becoming first time homes for young families like myself. This apartment project is aimed for student housing and you cannot deny that. I was in college once (at western) and I know what it looks like, feels like, and how college kids act. I do not want our quite quaint neighborhood to become filled with loud college kids who drive fast, party and have no regard for the young families and kids around the neighborhood. I also have lived in all sorts of neighborhoods throughout Bellingham and have seen with an area heavy in student housing/student rentals petty crime rates have increased. In those high rental neighborhoods I have had 3 houses broken into and my car broken in multiple times. I feel safe in our neighborhood and don’t need an increase in petty crime bc of the student rentals.

This apartment complex will change the beautiful dynamic of the neighborhood - the young families with kids playing on the streets, families walking and enjoying the outside, to a traffic heavy, fast driving highway. We don’t need that. As mentioned, this neighborhood has changed over the years from rentals to young families with children. Let’s keep it that way please.

Files
Documents or images related to your comments.

Email
courtenay.mcfadden@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.
Public Comment

Name
Morgan Bartlett

Full name or organization
Your name is required for identification as a part of the public record.

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Comment or Testimony
Please see attached aerial as a reference for this evening's Planning Commission Meeting.

Files
15) CityView Aerial.pdf
Documents or images related to your comments.

Email
morgan@madronabayllc.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
6/3/2021
Public Comment

Name
RJ Halloran

Full name or organization
Your name is required for identification as a part of the public record.

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Comment or Testimony
This project attempts to solve a dire problem that our city is currently facing. Bellingham is in the midst of a housing and homelessness crisis, and anyone seeking to provide shelter for people without should be applauded. However, the proposal as it stands lacks efficacy, for multiple reasons.

First, the concept of private dormitories has been a proven failure. Lark (formerly NXNW) and Elevate (formerly Gather) are examples of the lack of demand for this type of housing. Students at Western Washington University don't want to live in overpriced housing projects; they want affordable apartments, 2-5 bedroom houses, and 2-4 unit converted homes. Every person who has searched Craigslist and Facebook for a bedroom in Bellingham for the last 3 years knows they can always find a sublet at Lark or Elevate, as the current tenants find the properties don't have the value to match their high price. It's impossible to imagine that a similar complex, with a view of the city and Bellingham Bay, would be able to keep costs low enough to create affordable student housing.

The scale of the project is also problematic. We absolutely need to increase the density of housing, but the proposed 4-story building with 400 tenants needs to be downsized significantly, if not abandoned altogether. A project this size would affect the neighborhood in a variety of ways, including increases in traffic, hydrological, and environmental impacts. A less tangible concern of mine is the change in status quo that happens when 400 college sophomores drop in an established community. A healthy balance of college students, young professionals, families, and retirees have found a way to thrive together and build community in the Puget neighborhood. As a recent college graduate (WWU ‘17) I am highly aware of the need for an increase in the housing supply for college students. I also recognize that I am a much different neighbor now than I was back in 2015, when I witnessed several people my age drunkenly climbing through backyards and vandalizing property. I live within earshot of a family that has a trampoline in their yard, and it always brings me great joy to hear the kids (and sometimes parents) bounce around, making memories that will last a lifetime. I can easily see a scenario where exclamations of glee turn to screams of horror as an inebriated CityView resident decides that a trampoline at 10pm is a shared amenity for all living in the neighborhood. Other less-than-ideal scenarios I can envision are students driving to campus in a hurry to make their 8am class (because the project is not adjacent to public transit) and as they speed down Consolidation Avenue, they hit the dog I frequently see walking off-leash, or perhaps that dog’s human guardian. Though they may sound extreme, these extrapolations must be considered; because while of course events such as these can and will happen as the city grows, their likelihood increases with this brand of development.

This project has come this far in the planning stages because the developers are hoping for a liberal application of city building standards. Let us take the opportunity to consider the full impact of the project, err on the side of caution, and protect the financial and cultural investment of the current homeowners and residents. I urge the planning commission to restrict the scale of this project to the absolute smallest possible size, and I plead with the developers to reconsider the location of this project or find a more suitable way to develop the land. There is a way to still create housing, create jobs and profit from this land, and mitigate impacts to the community to a tolerable level.
Public Comment

Name
Thomas Dohman

Full name or organization
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Comment or Testimony
I am a resident of Samish Neighborhood and have a keen interest in how the CityView project - if approved - will impact both the Puget & Samish neighborhoods. I have followed many of the twists & turns of the proposed CityView Project Development since the original public meeting held by the developer to begin to inform interested & concerned neighbors. Given the numerous deficiencies related to this housing development - which in nearly all respects lean toward negative impacts due primarily to the size & location of this structure - I am hopeful that this project will not be approved for this particular site.

Files
Documents or images related to your comments.

Email
tokadohma@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
6/3/2021
I have been watching you discuss the proposed Cityview College Dormitory. It's very depressing because it is obvious that, with the exception of Scott Jones, none of you cares about the average citizen. You are more concerned with your ideological agendas. You didn't hear a word any of us said. Oh, except Mr. Bartlett. You heard him just fine.

Anyway, it was clear that the meeting was for show only. Again, with the exception of Mr. Jones. He seems to care about people.

Thanks,
Christopher Jensen
Public Comment

Name
Dick Conoboy

Full name or organization
Your name is required for identification as a part of the public record.

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Comment or Testimony
Notably, the developer is asking for the "option' of doing construction in 2 phases, essentially buildings A and B (the two smaller buildings) and the foundation of building C (with 60 units), followed at some indeterminate time by building C in its entirety. What this tells me is that financing might be a problem and that building C may very possibly remain as a bare foundation to collect dirt, debris and graffiti for years to come. Worse yet financing may fail while the development of the first phase is ongoing and the neighborhood will be left with a gaping hole in the stand of trees, bull-dozed land and the sight of construction detritus for years.

Files
Documents or images related to your comments.

Email
riton@comcast.net

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Date
6/4/2021
Public Comment

Name
Cathleen Cunniff

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
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Comment or Testimony
As a current homeowner on Nevada Street, I attended the city planning meeting last night, June 3rd, on ZOOM. I did not speak during the ZOOM meeting but have sent in other written comments in 2020 about City View. I am writing today because I continue to be vehemently opposed to this project. It is just plain wrong for our neighborhood. The changes that the developers made and highlighted in their presentation last night do not come close to alleviating the concerns of neighbors on Nevada Street who will be living in the shadow of this huge development. The sheer size of these buildings is the issue. They will LOOM over the single family homes on Nevada Street. Adding a little more open space, trees and vegetation will not give our neighbors the privacy and residential enjoyment they deserve to have. Besides losing the visual privacy, they will face the noise, the light pollution, the slamming car doors, the parties, the loud voices and music at all hours which will travel easily into their backyards and windows. At the heart of the matter is the right of current Bellingham residents, who have paid taxes and supported this community for years and years, to enjoy their own homes and neighborhood. I understand the need for the planning committee members to be impartial and logical in their analysis in last night's meeting, but it upset me very much that there was a lack of empathy for what these homeowners and residents are facing.

Someone on the planning committee said something about "well, this kind of development needs to be built somewhere." As if that is the most important fact. Currently there are hundreds of new apartment units coming available in Bellingham. Do we need this development to be built? Is there a demand not being met by all the other projects currently coming to fruition? Maybe when City View was first proposed there appeared to be a need. Now that so many units have been build and are being built, I think it's a fair question to ask if these units are needed. There was also a committee member's comment about how everyone says "not in my backyard." Well, in this case the buildings in question are huge monstrosities that don't belong next to 2 story single family homes. I do not think that the neighbors on Nevada Street are closed to all development. They just want development that fits this neighborhood that is decades old and is well established with single family homes. There was talk last night that the city made a mistake allowing only the single family homes to be built, that they should have included more multifamily homes in the areas, so that this situation didn't happen. But the problem is, it has happened. This is a long established neighborhood with single family homes, and it has character, scale and integrity. Are the neighbors now going to have to pay the price because the city of Bellingham didn't go about the development of the neighborhood in a smarter way including the multifamily housing sooner? It seems incredibly wrong to make the neighbors on Nevada Street have to pay such a high price- their home values, their privacy, their enjoyment of their home and property, and at the most extreme level, potentially even their safety and the safety of their families. While the city must consider the rights of the developer to build this project and make the money they are striving to make, they need to give weight and concern also for the human beings who are currently living in this neighborhood. I assure you that if this project is built, that many of our neighbors will leave. They will be driven out by the city's desire to put a developers priorities over the people who have already been calling this area home, who have contributed taxes and support to make our neighborhood and city a community. Those future residents, those future profits, will take precedence over common sense that says City View is too large, too out of character for this neighborhood. I would like to mention that the core issue here is the density allowed for the property. The density numbers used by the city of Bellingham are phantom numbers without solid backing or verification. I heard in last night's meeting that the city is "looking into" how the density numbers were originally decided upon, what the history is behind the numbers. My question is, why is it taking the city of Bellingham so long to get to the bottom of the density numbers? The neighborhood association raised this question months and months ago. The question is simple- How did the city come up with the density and what process did they use? Who was involved and how was the public notified.
Files

Documents or images related to your comments.

Email
cmcunniff@yahoo.com

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Date
6/4/2021
Public Comment

Name
David and Madeleine Baines
Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
To the Planning Commission, further to a previous letter expressing concerns re drainage and construction on the hillside above Nevada Street and Marionberry Court, we believe it is time for an end to this and all future similar projects. This has been hanging over our heads like the sword of Damocles, and has become like a festering disease. Access for emergency vehicles is minimal at best and in an emergency situation, chaos could ensue.
When we bought our home in 2003 on Marionberry Court, the realtor told us that the adjacent land is designated wetland and cannot be built on. Maybe that's as much as he knew then.
Regarding your expressed concerns last night for affordable housing in Bellingham, please don't lose sight that it is good paying jobs which are the fuel of an area's economy. Bring back the lost jobs, back off the green frenzy and you will see the desired turn around.
One other fact that must be straightened out is from the original zoning which resulted in the multi family portion being built on safer ground further downhill, leaving the upland for single family residences.
sincerely, Madeleine and David Baines, 4417 Marionberry Court. Bellingham 98229

Files
Documents or images related to your comments.

Email
davidbaines1212@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
6/4/2021
Public Comment

Name

Erik Bernhoft

Full name or organization

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

Choose Topic

CityView Project

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Comment or Testimony
I would like to express my support of the opinions of the Puget Neighborhood Working Group in opposition to the proposed Cityview Project.

Cityview is:

1) Inappropriately placed, towering over the homes of Nevada St. only ~100ft away at times. This proposal is disrespectfully and disproportionately close to the homes of Nevada St and Marionberry Ct with the parking lots of these apartments laying just over 50ft from the foundations of the adjacent homes!!!

2) Out of character of the Upper Puget Neighborhood. (1-2 story homes and small/medium multifamily complexes stepped immediately to a 5 story mega-tower perched on the hillside)

3) A disproportionately dense dormitory style 2 apartment, suited for college campus, surrounded by a sea of small family homes.

4) Would overly strain fragile neighborhood roadways (despite what the developer’s strategically biased traffic study may claim) and further tax the already troubled intersections of the narrow Lincoln St and Nevada St with Lakeway Dr. Traffic lights at both intersections would be absolutely necessary as well as considerable widening and improvement of both streets

No reasonable person can look at the plans & scope of the Cityview project and honestly believe that this is an appropriate scaled development for this neighborhood. I implore you not to saddle the upper Puget Neighborhood with this disproportionate, battleship sized dormitory complex.

-Erik Bernhoft

Files
Documents or images related to your comments.

Email
ebernhoft@hotmail.com

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Date
6/4/2021
Public Comment

Name
Tim Erfle

Full name or organization
Your name is required for identification as a part of the public record.

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Comment or Testimony
I have lived in the Samish Neighborhood for over 10 years off of Consolidation Ave on South 42nd. Consolidation Ave cannot safely accommodate the additional traffic as would be generated by a huge apartment complex. My daughter has to walk on Consolidation to get to her bus stop, and I do not feel that it would be safe for her to do this with the additional traffic.

The scale of this project does not match that of the neighborhood. There will be parking issues in an already crowded area, the privacy will be affected by the height and close proximity of the proposed buildings. We have occasional prowls in our vehicle and stolen property, this apartment complex would not help with that issue.

A development of this size, in this area, provides no positive aspects or benefits the neighborhood in any way.

Please reconsider this development.

Files
Documents or images related to your comments.

Email
tim.erfle@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.
# Public Comment

**Name**

George F. Sanders

*Full name or organization*

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

**Choose Topic**

CityView Project

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**More information on this topic can be found at [https://www.cob.org/cityview](https://www.cob.org/cityview).**

**Comment or Testimony**

Planning Commission 03Jun21--Loss of Parking Consolidation Ave.pdf

New graphic showing affected households with front doors facing unmarked alley.

**Files**

Planning Commission 03Jun21--Loss of Parking Consolidation Ave.pdf

*Documents or images related to your comments.*

**Email**

gsanders@openaccess.org

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

**Date**

6/5/2021
"My name is George F. Sanders. I am a Licensed Engineering Geologist. I have lived at 4062 Consolidation Ave for 20 years.

My house is located in a narrow alley without street parking. The only overflow street parking available to my guests are the approximately dozen parking places currently existing along the steepest portion of Consolidation Ave. and it is simply too steep and too narrow for big tandem trucks (or WTA busses) to transit safely. The City of Bellingham’s construction of traffic-calming devices on Nevada Street now leaves only a single choke point on Consolidation Ave. for thousands of tandem haul truck trips if this project is approved. This is a very dangerous situation, and It's guaranteed that the first thing to go will be the neighborhood's parking spaces on Consolidation Ave."
steep hill, too narrow for trucks to safely pass

Approx. 12 parking spaces will be lost

Houses with only Consolidation Ave. on-street parking

FRONT DOORS facing unmarked alley no parking allowed

steep backyard slope, no easy access to street parking on S. 41st St.
Public Comment

Name
Stanley J. Hodson

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
CityView Dormitory Project

June 1, 2021

To Whom It May Concern:

We own the home and live at 120 South 46th Street, Bellingham, WA 98229, next door to Lon and Susan Swan.

We moved here in 2020, attracted by the relatively quiet residential nature of the neighborhood. If we had wanted to live next to hundreds of college students (or unrelated individuals living three to a unit), then there were places nearer the WWU campus we could have chosen.

We oppose the CityView Dormitory Project for the same reasons (unsuitability of neighborhood location, intractable auto and parking issues, and incompatibility of scale) stated in Lon and Susan's May 31, 2021 email submitted to cityview@cob.org

Sincerely,

Stan and Victoria Hodson
120 South 46th Street
Bellingham, WA 98229
(805) 701-0757
stanhodson1118@aol.com
victoria.hodson@sbcglobal.net

Files
Documents or images related to your comments.

Email
stanhodson1118@aol.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
6/5/2021
Public Comment

Name
Beth Kealy

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.

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Comment or Testimony
The size and scope of the CityView Dormitory Style apartments proposed does not fit with the character off the Puget Neighborhood. The increased noise, traffic, and people getting in and out of that space would significantly impact the neighborhood negatively. I firmly apprise the project. As a resident of this neighborhood for 13 years and the Bellingham area for 30 years, I believe the location is not a good fit for this large a project.

Files
Documents or images related to your comments.

Email
bkealy4@q.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
6/6/2021
Dear Bellingham City Officials,

After attending the Bellingham Planning Commission’s meeting concerning to the CityView project on Thursday, June 3rd, I felt the need to express my grave concerns about the proposal again.

Environmental and lifestyle goals for Bellingham have been established by the community and city officials. The CityView proposal is counter to those goals. Numerous multifamily projects are under construction around the city that do embrace those goals. Single-family housing construction in Bellingham is limited and that is where we have a need. Please reject the CityView proposal and encourage development of single-family houses on that site.

Martin Bartlett, the applicant/developer, spoke stressing this is the right housing for families, single adults and college students. I believe rent cost, lack of services nearby and high density will keep families from choosing CityView. It will remain a dormitory style apartment complex too expensive for students. Martin’s proposal should have identified the project as LU25, Off-Campus Housing, and targeted in a more appropriate location.

I would like to respond to comments made by Planning Commission members on June 3rd in defense of multifamily housing at this site:

“Today many single-family houses in the area are rentals for college students.” As a resident familiar with my neighbors, I can say I know of no college students currently renting those houses. Single adults and families who are tired of the apartment style living are renting homes in Puget to gain space, yards and a garage. There is a shortage of single-family housing in Bellingham pushing purchase prices out of reach for many forcing residents into single-family rentals. We need to develop more single-family homes. The CityView site would be great for that development.

“The area is zoned multifamily. The single-family houses on Nevada were just built first. Now those residents don’t want their lives affected by CityView.” The feedback provided by the public has made it clear that the area should never have been zoned multifamily. Neighbor Don Diebert explained that Puget requested zoning information in 2019. A new zoning code for Puget is needed.

Drainage, Wetlands and Geo-Hazards

Jed Ballow suggested the engineers Martin Bartlett has hired to review these categories should be trusted to determine if the project meets the City of Bellingham’s requirements. My question is, are current city requirements adequate to guarantee no damage or loss to the neighborhood will occur from land-slides, earthquakes, falling trees or drainage during or post-development? Who will replace my house if a landslide destroys it as a result of approving this construction in the wrong location? I would like the Planning Department and Director to enforce extreme safety requirements, not minimum.

I have serious concerns about ground stability from this development. Each winter water runs off the hill and across Nevada between Consolidation and Byron streets. If the temperature drops, it freezes into a sheet of ice. This condition will only be exacerbated by disturbing the environment.

Steve Sundin showed an Erosion Hazard and Landside map and said there is “no threat” around the CityView buildings. But the map clearly showed red and gray hazardous areas just above the houses on Nevada Street.
and along Puget Street above the buildings. This map needs further scrutiny! Any ground slide or flooding at those locations will have a disastrous effect on structures in the path!

Steve Sundin also said no new storm drains were needed for the project; current storm drains are expected to handle all the run off. How is that possible with runoff water already crossing the road?

**Traffic, Pedestrian and Bicycle Safety**

The CityView location has no convenient bus access. Scott Jones suggested the counsel look at compliance with Bellingham's goals for transit. The nearest WTA site is 4/10 of a mile downhill from the development. How does a family with children bring groceries uphill that distance from the bus? It is not reasonable for a college student to carry groceries and books that distance either. The transit support for this site is insufficient.

In 2018 Bellingham installed “calming features” on Nevada Street. These features have created more danger to pedestrians, bicyclists and cars by narrowing the street. Chris Como from Transit said these “calming features” have made Nevada Street safer and able to handle this new influx of traffic. It is clear he does not drive that street! These concrete islands located a few feet from the sidewalk have reduced parking and provide a narrow passage requiring one car to stop allowing the other car to pass. This often results in the most aggressive driver pushing through first. Speed bumps would have slowed traffic and been much safer without damaging the aesthetics of the neighborhood!

Chris stated “The developer will pay fees to the city for transportation issues outside Nevada.” That is great for those areas but Nevada will be a nightmare. Early darkness and bad weather in winter already create a challenge for drivers to see pedestrians and bicyclists on Nevada Street. Adding 700 new people to that mix on such a limited road is a disaster waiting to happen. The traffic study conducted for this project was done during off peak times and is not adequate.

Ali Taysi said sidewalks were added to Nevada in 2018. This is not completely true. The area of Nevada Street North to Lakeway only has a complete sidewalk on the East side. Pedestrians and bicycles are in the street on the West side from Thimbleberry Place to Lakeway where no sidewalks exist. When Ali was asked about sidewalks on Puget Street, he said there are none and it would be too expensive to retrieve easements and it would make Puget Street residents unhappy.

The proposed street leading to CityView is slated to have parking on one side, a 15% grade and be 12 feet wide. Concerns exist about emergency services access through this congested street. Every minute counts when someone is waiting for aid.

Safety for all has to be our first priority in Bellingham neighborhoods. I plead with the Planning Director and Planning Department to stop the development of CityView at this location. It puts people and homes at risk with no gain other than profit for the developer. CityView would work at a different location with available services and less environmental destruction.

Sincerely,

Debbie Easton
4206 Thimbleberry Place
Bellingham, WA  98229

Sent from Mail for Windows 10
From: alan schwartz <alschwartzart@gmail.com>  
Sent: Monday, June 7, 2021 1:56 PM  
To: Grp.PL.Planning And Development Commission  
Subject: CityView Comments  
Attachments: 5Up8v25ZQp6O62LQh7zTwA.MOV

Thank you for allowing us the extra time to submit more comments. After watching some of the meeting and hearing other comments there are a few more areas I’d like to address.

First and foremost I live at 4410 Consolidation so the proposed project is directly out my front door.

One thing I'd like to address is 45th Street. Has anyone discussed this adjacent undeveloped street? Its the forest on the other side of the road. Basically South of what would be the extension of Consolidation and between 44th and 46th. This a beautiful forest with a path that connects to Samish Crest Trail network and park land. But the reality is its several lots owned by other developers. In fact one was recently up for sale. Its basically an undeveloped 45th street on the city parcel map (see attached) My question is how can you guarantee this wouldn’t this get developed once Consolidation is extended?

And that being the case, in direct response to some of the planning commission thinking the project is better than single family development because it ‘preserves 50%’ more green space, I say in no way is that accurate. In fact, I’d say that statement and thought process lacks serious foresight. If 45th Street were to also be developed then the entire ‘green corridor’ would be shut off. Period. And regarding single home development, I’m sure the city could also manage sensible planning and permitting in this sensitive area if need be.

On the topic of green space. Since the trail into the forest literally starts in my driveway, I have keen insight as to how valued this forest is to both the community and the animals and wildlife. I can say for a fact multiple people a day recreate here. They jog, walk, hike, bike, birdwatch, dog walk, and use this green space all day, every day. Its essentially the community park because there is none. Regarding animals, its a forest, so deer, raccoon, squirrel, rabbit, songbirds, owls, eagles, etc.. all live there too. I see these most everyday as well. In fact just before I sat down to write this a deer walked up Consolidation street and into the forest where it belongs. (see attached) And this happens most every day.

All in all, to me, living here and visualizing all the problematic issues of unsafe traffic, noise, pollution, parking, water runoff, deforestation, related development, building on slopes, wildlife habitat destruction, etc...it sure seems like there’s no way this should happen and there really are such better uses for this land.

Personally I think the best solution is for the city to purchase this forest and build an official trail that connects to Samish crest trail network. Its already there, people already use it, and most of all it’s why people live in B’ham, because they like to walk down the street and hit a trail. We need more of this not less.

Lastly, I’d also like to address my own situation. My driveway is very steep and in the line of fire. If this development were to happen I would have to be backing in and out of Consolidation right at the entrance to the development which seems like a dangerous and awkward thing to have to do. I know I am only one, but safe access to my home whether during construction or after needs to also be addressed. I will most certainly be severely impacted.

Thanks again for listening to our comments. I really hope the city uses the best foresight to address ALL issues.

Alan Schwartz
Public Comment

Name
Greg Halleen

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.

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Comment or Testimony
I am writing in response to your discussion of the CityView project which took place Thursday evening, June 3rd.

During your discussion, you referred many times to the difficulty of a situation like CityView where single family zoning and multi family zoning are next to each other. I believe Commissioner Ballew said developers should not be penalized just because there is single family zoning next to a multi family zone. Another comment was made saying there will always be a few people who aren't happy with any development going into their neighborhood. Finally, Commissioner Plaskett asked if people who moved into the single family homes knew or should have known that they were moving into a neighborhood that was zoned multi family behind them.

These comments seem to miss the crux of the issue here. Commissioner Jones put it correctly when he stated that this is the wrong development for this piece of property. He said it doesn't line up with the Planning Commission's overall vision of multi family neighborhood planning. It is not really that close to services and transportation. It tries to fit a huge complex into a piece of property with many issues--drainage, wildlife, stability, etc. It degrades the quality of life for the surrounding neighbors who have been there for decades.

That is the correct view. The neighbors aren't necessarily against multi family housing. They have just asked that it be in scale with the rest of the neighborhood. There aren't "just a few neighbors who are against any development". Over 200 neighbors have responded to this particular proposal--not all multi family proposals. This particular proposal in so out of scale to the neighborhood. 65 foot high buildings don't belong here. 3 buildings, each the size of city hall or bigger, don't belong here. A project that is really set up for students/dormitory (as you all have mentioned) doesn't belong here. This is not affordable housing. The developer has not been honest with the neighbors since he proposed this project.

Finally, neighbors who moved here knowing there was a multi family zoning behind them also knew that there was a comprehensive plan for the Puget neighborhood. The plan was clear about neighborhood transition for any multi family housing and that ultimately, the multi family housing would fit with the scale of the surrounding neighborhood. They were counting on you, the Planning Commission to make sure any development agreed to was in line with the comprehensive plan and the surrounding neighborhood that was allowed to be built there.

This project as proposed should not be allowed to move forward. That does mean another multi family project couldn't go in there, but CityView as proposed should not.

Thank you.

Files
Documents or images related to your comments.
Email
ghalleen19@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
6/7/2021
## Public Comment

<table>
<thead>
<tr>
<th>Name</th>
<th>Naomi Bormuth</th>
</tr>
</thead>
</table>

**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](https://www.cob.org/cityview)

### Comment or Testimony
I have lived at 825 Nevada for 12 years as of this August. It is a wonderful, family-centered neighborhood, filled with kids of varying ages, from babies to middle schoolers, and even high schoolers. There are also many amazing retired couples and individuals whom my husband, 3 young kids (ages 8, 6, and 5) have gotten to know over the years and treasured. It truly takes a village to raise children, and I am deeply thankful for the community of support and encouragement my family and I have received because we've lived here. My children feel comfortable going up the sidewalk to the stop sign at Nevada and Consolidation, as well as going down Nevada to the first cul-de-sac headed north, whether riding bikes, scooters, or simply running. Our oldest son is allowed to go into the woods on his own knows to stay on the hiking trails. He loves being in nature and having the chance to explore and adventure! The idea of putting in a huge apartment building is completely out of character with the neighborhood. It doesn't make any sense to put an apartment where the majority of residents own their own homes and are families or retired people. We have a close-knit community, and putting in an apartment building will start to tear that down. Over the years, Nevada Street has gotten a little busier with traffic, and the traffic safety measures put into place (the yellow dividers that narrow Nevada) and the new round-a-bout do absolutely nothing to slow traffic coming from Consolidation, heading down Nevada. Cars speed dangerously fast down this road and can be a menace. Installing oversized speed bumps would be a welcome change! With a new apartment building, traffic will be even worse, I will have to curtail the freedom my kids currently enjoy on the sidewalk of riding their scooters and bikes, as well as their freedom to explore in the woods, since much of it would be destroyed. This will be a very sad day for me and my entire family, not to mention the neighborhood, if this goes through. I can only imagine the traffic congestion, the probability of more speeding vehicles, and adding people to our neighborhood who aren't necessarily here to live long-term, like the majority of the current residents. I strongly urge you to plan this apartment building elsewhere, where it can be more in character with its surrounding neighbors. Bellingham is an amazing community to be part of, but we also need to fight to keep certain neighborhoods the way they are, they way they were originally intended to be. Thank you for your thoughtful consideration.

Sincerely,
Naomi Bormuth

Files
Documents or images related to your comments.

Email
naomijkooi@yahoo.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
6/7/2021
Public Comment

Name
Donald Diebert on behalf of the Puget Neighborhood Working Group

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
The issues of Scale of the CityView Proposal and Privacy are directly a result of a Unit Density that greatly exceeds the zoning for Area 17 of the Puget Neighborhood. The Puget Neighborhood Working Group previously (through John Buri, Esq.) submitted a research and analysis document detailing the recorded history of the Hawley Replat, including City Council Agendas and Resolutions. This analysis shows that at no time was assignment of an Unit Density to Tract F discussed, motioned, or recorded as an official action. The attached file is a single page summary of the Unit Density issue including relevant citations and references. As requested previously, we are asking for:
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.

No further action should be taken granting approval of the project until the Unit Density issue is resolved through a required but never completed public process.

Thank you for your review and response.

Puget Neighborhood Working Group

Files
Planning Department - Density Public Comment
6.7.2021.docx

Documents or images related to your comments.
Email
dondiebert@outlook.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
6/7/2021
Scale of the CityView Proposal – Unit Density is the Issue

For years, the Puget Neighborhood has asked why the Unit Density for the Hawley Replat – Tract F, is 176 units, greatly exceeding the published Zoning for Area 17. Seeking an answer, in 2019 the Puget Neighborhood Work Group researched the official records and engaged Mr. Phillip Buri, Esq., for analysis and presentation of the findings. On February 6th, 2020, Mr. Buri submitted to the City Planning and Community Development Department a comprehensive review of the multi-year Hawley Replat process. Note: this report is available on the City website at Buri Filing and Buri Filing - Exhibits

Unit Density – Never was Defined for Tract F

Mr. Buri states, “This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance,” which, “reappears sporadically in plat maps that never received public review, let alone approval. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.” [Emphasis added]

City Council Agenda Bills and Resolutions – Unit Density Never Assigned to Tract F

From 1994 through 2002, a series of City Council Agenda Bills and Resolutions were recorded. Key to these official actions is that a Unit Density was never explicitly assigned for Tract F.

1) City Council Resolution (No. 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4), that the Hawley’s Replat included Phase 1, consisting of 123 units; and Phase 2 (where Tract F is located). No Unit Density was assigned to Tract F.

2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, “A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [Emphasis added] located in Area 17 of the Puget Neighborhood” (Exhibit E, page 1, paragraph 1). No Unit Density was assigned to Tract F.

3) City Council Resolution No. 2002-24, continues by reference the requirements of Preliminary Plat Resolution 19-94, (Exhibit E, page 7, Future Phases), that additional public review is required before development.

4) The Cedar Ridge Division 2 Plat (Whatcom County No. 2020703650, July 23, 2002), was filed as an “Unofficial Document,” with the Whatcom County Auditor (Exhibit F). The declarants for this Plat filing were Peoples Bank, Irving H. Hawley Jr. and Joan Hawley (property owners). A Plat Map attached to this filing shows Tract F, with a notation of 11.15 Acres, Future Units – 176 units (Exhibit F, page 5). This is not an official City Resolution, rather a private Plat filing. This is unusual as private parties are not permitted to declare a Unit Density that exceeds Area Zoning.

Summary – Puget Neighborhood Request

Mr. Buri’s states, “The city has yet to conduct the required public process to determine the appropriate Unit Density for Tract F. Until this is completed, any review of the CityView proposal is premature,” and, “The Puget Neighborhood Working Group respectfully suggests it is time to start over.” [Emphasis added]

The following is a standing request:

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.

No further action should be taken granting approval of the project until the Unit Density issue is resolved through a required but never completed public process.

Planning Department - Density Public Comment 6.7.2021.docx
Public Comment

Name
George F. Sanders

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
EXISTING HYDROLOGIC DATA IS INSUFFICIENT FOR THIS PROJECT

The Puget Neighborhood Working Group RFI Response previously commented on deficiencies in the geotechnical knowledge of this proposed development in sections 1) Critical Areas and 3) Stormwater Site Plan.

It should be re-emphasized that GeoEngineers state that their 2013 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”.

During the June 3, 2021 meeting, Steve Sundin, when asked to comment on behalf of the Planning Department, inferred that the GeoEngineers report was complete and acceptable. Mr. Sundin failed to disclose that the GeoEngineers report is based on data from 2013, almost nine years out-of-date. He also failed to respond to public comments documenting (in writing and pictures) existing groundwater incursions and surface drainage issues that will be exacerbated by construction of the emergency driveway. None of these existing problems were addressed in the report.

Test pits are dug to determine bearing capacity of soils and other geotechnical properties but are not specifically designed to acquire hydrologic data. Rather, the only hydrologic observations made in the test pits are basically the presence or absence of moisture or standing water. The current hydrologic conditions cannot be deduced from a handful of 9-year old test pits scattered across this site.

Files
Documents or images related to your comments.
Public Comment

Name
Maggie Carrigan

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
When I drive around town now, I see where new apartments seem to have appropriated our streets for their parking spaces. I am assuming this will happen to the neighborhood around CityView. Who is paying for our streets, new paving, and markings, etc? I'm fairly sure CityView will be built, but it isn't right and the people who let it happen should leave town.

Files
Documents or images related to your comments.

Email
Nenac100@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
6/9/2021
Public Comment

Name
Alex McLean

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
I have submitted a lengthy list of concerns and grievances regarding this proposal in previous public comments.

I will sum up my opposition with City View in a briefer manner now:

This proposal fails all the litmus tests for smart density and good urban planning.

Whatever went sideways here, whatever malfunction happened that will suddenly plop five-story towers in the middle of a neighborhood, it needs to be reconsidered.

Thanks for your time,

Alex McLean,
Happy Valley

Files
Documents or images related to your comments.

Email
Felixian@comcast.com

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.
Good Afternoon and thanks for reading this comment. I speak against the Cityview project on the basis of how it will change my neighborhood. I have lived on 41st st since 1996 and have seen the area grow and change over the years.

Initially many home were bought as rental properties and filled with students and cars, so any cars. It was so difficult too park in front of my house. The last few years with additional student housing units built on WTA bus lines on Lincoln and Consolidation have allowed these homes to by bought and occupied by families and other permanent residents. Old furniture, late night parties and the extra cars parked everywhere have disappeared. We now have a beautiful neighborhood once again. This project will bring to many cars, racing down Consolidation to park at Lincoln Creek. Build these residences on the bus lines, Lincoln St. South of Fred Meyers is empty and perfect for this type of project.

Build homes or Condos on this land, please do not wreck our neighborhood.
Public Comment

Name
Andrea Lubeck

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
I would like to express my support of the opinions of the Puget Neighborhood Working Group in opposition to the proposed Cityview Project.

Cityview is:

1) Inappropriately placed, towering over the homes of Nevada St. only ~100ft away at times. This proposal is disrespectfully and disproportionately close to the homes of Nevada St and Marionberry Ct with the parking lots of these apartments laying just over 50ft from the foundations of the adjacent homes.

2) Out of character of the Upper Puget Neighborhood. (1-2 story homes and small/medium multifamily complexes stepped immediately to a 5 story mega-tower perched on the hillside)

3) A disproportionately dense dormitory style 2 apartment, suited for college campus, surrounded by a sea of small family homes.

4) Would overly strain neighborhood roadways and further tax the already troubled intersections of the narrow Lincoln St and Nevada St with Lakeway Dr. Traffic lights at both intersections would be absolutely necessary as well as considerable widening and improvement of both streets

No reasonable person can look at the plans & scope of the Cityview project and honestly believe that this is an appropriate scaled development for this neighborhood. I implore you not to saddle the upper Puget Neighborhood with this disproportionate, battleship sized dormitory complex.
Files
Documents or images related to your comments.

Email
andrea_linus@yahoo.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
6/11/2021
Public Comment

Name
Rebecca Belford

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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Comment or Testimony
Why did the planning Dept. spend thousands of our tax payer's dollars on devising a comprehensive plan for the development of neighborhoods and not follow it. I would expect a government entity to walk it's own talk, follow it's own's rules. But this is not the case with the Hawley farm tract F parcel 3080332 172175 where the City View student housing development is proposed. It fails meeting the rules of being consistent with existing neighborhood with a five story building. [all others are 2-3] It fails the 200ft transition between dwelling types with what looks like two rows of trees. It fails on the transition between dwelling types by not moving from single family homes to town houses. to apartments. [as the existing neighborhood does]. City codes say that apartments may not be built in transitions zones, yet okay here. It fails on must be compatible with the existing neighborhood by being high density vs the zoned medium density. Fails on being a multi family dwelling by being a rooming house rent by room temporary student housing. Fails on must be compatible with existing neighborhood due to nuisance noise from loud living. City has a noise ordinance against nuisance noise of 50 ft. 24/7 hours but no way to enforce it. Until it can, the city should not allow building that creates such noise in residential areas surrounded by single family homes, building in animosities through dwelling types. Neighborhood roads are 25mph and again the city has no way to enforce this law. Even garbage trucks and school busses speed through our street. 300+ more cars speeding through our neighborhood makes it unsafe for those with kids, pets and backing out of our driveways. There is no sidewalk at the mailboxes on Consolidation Street, with 300 more speeding cars weaving around cars parked on the street makes going for the mail dangerous. No other neighborhood of family homes is subjected to freeway level traffic. I was under the impression that Bellingham's planning division is to ensure that neighborhoods are developed in accordance to the comprehensive plan and guide developers to comply with said plan. To ensure growth keeps with the character of each neighborhood therefore the enhancement of our city. City View does not comply with keeping with the character, is not compatible nor is it consistent with the structure and density of our neighborhood. I believe that both the developer and the City Planning departments must be held accountable to the neighborhood residents and the development plans that so much of our tax money went to create.

Files
Documents or images related to your comments.

Email
pcsrwba@yahoo.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
6/11/2021
Public Comment

Name
Robert Steve Woody

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
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Comment or Testimony
I am concerned that the approval of this project will have a substantial negative impact on the city of Bellingham and its taxpayers.

Files
00000 cityview dorm wrong otion.jpg
0000 CityView Wrong Locationt-22.jpg
158 days 308 cars.jpg

Documents or images related to your comments.

Email
stevewoody@yahoo.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
6/11/2021
A good idea...In The Wrong Location

Steve & Carol Woody
832 Nevada St, Bellingham, WA

stevewoody@yahoo.com
425.503.6999
Will the additional traffic put our children at risk?

Nevada St to Lakeway is too narrow for heavy traffic and a stoplight at Lakeway will be necessary.

Who will pay to widen 64th to handle the students driving to WWU?

Consolidation should be upgraded before any construction.
In Bellingham, it rains or snows, on average, 158 days a year.

The nearest bus stop is at the base of a steep hill; half a mile away. Fred Myer’s is .7 mile away and it is a 47-minute hike to Western.

Can you visualize 308 young professionals or students hiking through a pouring rain, on a dark cold winter’s morning? With a biting wind coming down out of the Frazier Valley, to get on a bus that will take them to work or school. And then, on the way home, to hike back up the steep hill. It’s like climbing 8 stories. With a soggy bag of groceries or a backpack stuffed with books...that seems highly unlikely. Most of the 308 will be flooding our streets with their vehicles.

Would you allow a 6 story factory, with over 300 employees, in the middle of a residential neighborhood?

| Description                   | Value  
|-------------------------------|--------
| Number of Beds                | 306    
| Bed % with 2 People           | 12%    
| Number Residents @ 100% Occupancy | 343  
| Average Occupancy Rate*       | 95%    
| *Comprehensive Housing Market survey, March 2017, page 10 
| Total Occupancy               | 326    
| % With Vehicles               | 67%    
| Number of Cars                | 236    
| Average # Trips: weekday*     | 76%    
| *Work, school, visitors, shopping, deliveries (UPS, pizza, ETC) and recreation  
| TOTAL Number of Trips*        | 359    
| 180 coming & 180 going       |        

0.52 mi ◇ 19 mins ◇ 36'20" pace ◇ 1402 steps
To whom it may concern,

Since COB was indecisive about planning in general area, i.e. apartments or single family dwellings, many single family homes have been used as student rentals where no yard care has been done. Calls to COB neighborhood compliance has resulted in no action. As such, the visual blight continues unabated.

See attached pics of homes on 44th St.
To whom it may concern,

I've lived in area for 25.5 yrs. Years ago, there was very little student car parking on both Consolidation/Byron St. until Cob approved eastwards apt and another large complex off Consolidation.

If City View is allowed, it will get worst causing conflict and thus possible pedestrian/motor vehicle accidents. These roads are incapable of handling any more traffic especially from unsafe driving students on narrow guage streets.

Pics are from consolidation/Byron:
To whom it may concern,

Pics listed below illustrate proper placement of newly strutted apartments buildings in Bellingham. They are off large arterials with bike lanes not in area with single family housing where conflicts will occur.

Why is cob deviating from what it has done correctly until city view.

Again, as I've stated before, anything but student housing, more single family, light/heavy industrial is fine with me. Reason being, it will be quiet at night.

Best option here, is to turn the Hawley Open Space into a cob city park instead of an apartment complex unappreciated by students.

Please rezone turning space into Hawley City View cob Park to be enjoyed by all.

Sincerely,

Jim Le Galley
To whom it may concern,

I read in building proposal there is about 50 bicycle parking spaces. From my experience being here 25.5 yrs, students are incapable. Case in point, students across the street drive everywhere never walking or cycling. When the cycled down the hill, they walked back as they were incapable.

To think that they will begin cycling moving into city view is just wishful juvenile thinking.

I myself am 63 cycling up the hill is no barrier to me swimming a mile 6 days week cycling everywhere.

Pics is of me in e. Alberta my rig.

Also, what will be status of bike sparrows Byron/45th st/Nevada once city view is present. With high traffic, it will be more hazardous to ride.

Sincerely,

Jim Le Galley
Public Comment

Name
Robert Steve Woody

Choose Topic
CityView Project

Comment or Testimony
The destruction of a neighborhood and the cost to taxpayers are more important than the greed of a developer.

Files
page 9.docx

Email
stevewoody@yahoo.com

Date
6/11/2021
To whom it may concern,

I've been here 25.5 yrs and am dug in invested in this location and do not wanna move.

Please make a good decision as it will affect all of us single family owners for years. If intolerable, I would expect cob to create a fund to reimburse single family owners who were forced to leave for the pain/suffering cost to move elsewhere. As in the end, the cob did not exercise a duty of care to all and would be perceived as negligent/liable for any/all damages resulting from a poor decision. If I am forced to move, it would not be in this city or perhaps in this state as being betrayed one would feel this situation could occur again anywhere in cob.

Sincerely,

Jim Le Galley
Public Comment

Name
Robert Steve Woody

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
You might be doing the developer a huge favor declining his permit. Fewer students are on campus. Cost of lumber is three times higher and, over the long haul, only a small number of students are going to put up with the march up Consolidation. Especially from October to May. If he were to move the project to Lincoln, with a bus stop at the front door and Fred Meyers next door. It would make more since.

Files
Page 81.docx
Documents or images related to your comments.

Email
stevewoody@yahoo.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
6/11/2021
I thought our goal is to create 7 urban villages that would reduce traffic by locating dense population centers at transportation and retail locations. If completed, this project will add hundreds of drivers to plug our roads, cost our city millions of dollars in infrastructure and destroy the quality of life in the Puget neighborhood.

On a dark winter’s night, when a family of four is killed trying to make a left turn onto Lake Way, or on a morning before sunrise, when a car, rushing to school or work, hits a group of kids dressed in black, waiting for the school bus at the corner of Ashley and Consolidation, are we going to say it was worth it to place 308 students and young professionals on a hill in the middle of a residential neighborhood?
Public Comment

Name
Brian McNitt

Full name or organization
Your name is required for identification as a part of the public record.

Choose Topic
CityView Project
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More information on this topic can be found at https://www.cob.org/cityview

Comment or Testimony
Please see and include into Public Comment the formatted letter attached. Sincerely, Brian McNitt

Files
McNitt CityView Public Comment.pdf

Documents or images related to your comments.

Email
brian@trendmedia.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
6/11/2021
June 11, 2021

To: City of Bellingham Planning and Community Development Department (“Planning Department”) & Planning Commission (“Planning Commission”)

This letter comes in three parts: a request to the Planning Department and Planning Commission, observations on the CityView application process to date, and a concern about a specific conflict of interest represented by one member of the Planning Commission.

Part 1: A simple request for due diligence by the Planning Department and Planning Commission. As has been promised, please:

1. Review all Public Comments going back to 2020 which generated the City’s Notice of Incomplete Application and Request for Information (RFI) on August 10, 2019.
2. Review the RFI response in light of these comments. Individuals of the Puget and Samish neighborhoods raised the concerns — the August 10, 2019 RFI simply encapsulates them.
3. As such, for each concern raised and included in the RFI, please ask the individual Public Commentors if the RFI response indeed adequately satisfies their original concern.

If the above does not happen then the RFI process is internally invalid; it would not answer the questions the individual Public Commentors asked.

Part 2: Observations on the CityView application process to date...

The density question. To date, the density challenge has not been answered. How can a ruling on any proposal be made ahead of an official density ruling?

Matter of incomplete RFI. As you will find in your review of Public Comment, the comment that generated and is the RFI — and in reviewing the RFI response you will find the design and substance from the original proposal remains unchanged. Given this, how could the RFI be considered complete?

Planning Commission Scott Jones’ observation and sentiment is shared by every member of the Puget and Samish Neighborhoods that has commented — that the high level project as proposed is not inline with Bellingham’s need for actual family homes, is not inline with the makeup of the existing row of single family homes on Puget St., Nevada St. and Marionberry Ct, and in effect would transfer the full impact of catch up infill upon single family home owners on Puget St. Nevada St. and Marionberry Ct.
It’s not just a City project, it’s an exquisitely personal predicament for these individuals, families and property owners. If approved, what are they actually supposed to do?

**A final observation. There has been no communication, no collaboration, between neighbors in the Puget Neighborhood and Samish and Morgan Bartlett.** While it is clear the existing RFI is incomplete and the density challenge remains unaddressed, it is also clear that much opportunity exists for improved communication between the property owner, Morgan Bartlett, and his neighbors.

While I may not ultimately be the right individual, I have reached out to Mr. Bartlett to inquire how the RFI could be amended to better address Scott Jones’ concern, the concerns of the immediate Puget St. Nevada St. and Marionberry Ct. residents, the Puget and Samish Neighborhoods, and families relying on the City of Bellingham Planning Department to provide affordable family first housing.

**Part 3: Existing conflict of interest on the Planning Commission**

While there is no rule prohibiting it, Jed Ballew’s participation on the Planning Commission represents a clear conflict of interest. Jed Ballew is a board member of the AIA WA Council, a lobbying group for commercial architects in WA State. From the AIA WA Council website Mission Statement (source: http://aiawa.org/about/):

> The American Institute of Architects Washington Council (AIA WA Council) is a member-driven professional society for architects and associate architects in the State of Washington. AIA WA Council is the state arm of the National AIA and is focused primarily on policy and advocacy.

AIA WA Council works on behalf of architects by representing the profession on a broad spectrum of issues, including but not limited to climate action, professional liability, licensing, taxes, affordable housing, and employment. Further, AIA WA Council promotes the interests of architects through the Architects Political Action Committee (APAC), which contributes to state candidates whose work aligns with our mission and goals.

Established in 1962, AIA WA Council was formed with the belief that the architecture profession required a single state advocate with a clear, consistent voice to both government and industry. In this role, AIA WA Council lobbies; maintains relations with the Governor’s office, legislators and legislative staff; builds coalitions with state agencies, organizations, consumer groups, and other public bodies; tracks legislation that impacts architects and the practice of architecture; clarifies and informs members about legislative, regulatory and policy activities; and protects the legal welfare of architects.

Today, AIA WA Council continues to serve as the architects’ voice on state government affairs in Washington. Our eight-member governing Board of Directors, who represent the members in each of Washington’s four state components and two state sections, is composed of architects from a variety of backgrounds, firm sizes, and locations, making AIA WA Council a part of a network that includes more than 3,000 architects, associate architects, and related professionals across the state.
Is Morgan Bartlett a contributing member to Jed Ballew’s organization? Given the AIA WA Council mission statement, could Jed Ballew’s participation be considered a conflict of interest? I am afraid it is.

Given the incomplete RFI, the unanswered density challenge, unaddressed questions of equity and impact on individual families, and the unaddressed need for actual family housing in Bellingham the current CityView is incomplete. Still, I remain optimistic that a more creative and collaborative solution can come, if stakeholders are willing. In the meantime, please don’t settle for what isn’t right.

Sincerely,
Brian McNitt
Puget Neighborhood
Public Comment

Name
Robin Thomas

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.

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Comment or Testimony
I listened to the comments and presentation about the City View project at the last Planning Commission hearing. While we need housing, and higher densities can be achieved in the Puget and Samish neighborhoods, this particular project is out of scale with the surrounding neighborhood. I believe that incremental change is the best way to bring people along, and to not make massive mistakes in planning and implementation. A "step down" approach to adjacent neighbors with townhouses that are of similar heights would both encourage the family use that is imagined and create a transition that is more appropriate to existing uses. Properties of this size could be developed in stages, it is unfortunate that such a large and imposing structure is proposed at one time.

The question for the Commission was to identify areas of concern for staff to address. One that was not mentioned is the view shed of this development. How far will the building and the lights be seen over the city? With a name like City View, I'm guessing the city is going to be seeing it very clearly. On King Mt. it is my understanding that screening was proposed by the developer, but weak contracts or permits have allowed the developer to strip all trees, and the large and growing scar on the mountain is visible from far and near. Please think about the landscape effects of these large buildings, especially on the hills surrounding town-the look and feel of the city can be ruined by jutting boxes on hillsides. Our Climate Pledge must also be considered in this case, and maintaining canopy coverage should be a priority.

Looking at the map, it is also clear that this forest is a remaining greenway connection down the ridge. I understand that portions of the land will be set aside, but it is unclear if the width of that set aside is sufficient to provide habitat corridors. If neighbors say they can see houses already on the other side of the corridor, it seems unlikely that what remains after development would be useful to support wildlife movement. This may not be a new topic, but the wildlife list submitted was insufficient and the habitat requirements of common animals in our area should be considered carefully.

Finally, after hearing much talk about the 3 bath/3bed units, I can only say that a diversity of unit types is the only way to be resilient to future housing needs. We are inundated by this apartment type because that is the most profitable, but when student numbers shrink or WWU decides to build more units themselves we will have a very unbalanced housing stock. The Samish Way Urban Village is being built out and I imagine there will be many more proposals for this dormatory type building. Please think about the future when allowing buildings that are not well suited to changing needs.

Thank you for your consideration,

Robin Thomas

Files
Documents or images related to your comments.

Email
rubiclark@yahoo.com

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