



## Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

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### REQUEST FOR INFORMATION

PDP2019-0015/DR2019-0036/CAP2019-0037/SEP2019-0039

**Date of Notice:** July 6, 2020

**Date of Notice of Complete Application:** 3/9/2020

**Project Location:** 4413 Consolidation Avenue / Area 17, Puget Neighborhood; Residential-Multi, Planned with a 5,000 sf/unit overall density requirement.

**Applicant:** Morgan Bartlett, Jr.; 424 W Bakerview Road, Ste. 109, Bellingham WA 98226; (360)527-2777

**Property Owner:** Irving H Jr & Joan F Hawley TR; PO Box 29270, Bellingham, WA 98228-1720

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

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The Planning and Community Development Department (PCDD) has reviewed the application(s) referenced above. It has been determined that these application(s) do not supply sufficient information to prepare a SEPA threshold determination, technical analysis for Planning Commission review and permit decision compliant with applicable regulations of the Bellingham Municipal Code (BMC) and Comprehensive Plan.

BMC 20.38.020 (A) states the planned use qualifier is intended for areas where review of pending development proposals is necessary to ensure that adequate provisions are taken to minimize possible detrimental effects and to provide a procedural framework which:

1. Permits diversity in the location of types of structures;
2. Promotes the efficient use of land by facilitating a more economic arrangement of buildings, circulation systems, land use and utilities;
3. Preserves to the greatest extent possible the existing landscape features and amenities and utilizes such features in a harmonious fashion;
4. Addresses site-specific opportunities and concerns;
5. Lessens development impacts to adjacent areas through site design and necessary mitigating measures.

BMC 20.38.040 (B) provides development aspects that must be, at a minimum, included in a permit decision, including a determination whether the proposed use is appropriate, height, yards, signs and infrastructure to ensure the proposal protects the public health, safety and

welfare and authorizes the permit to be conditioned to ensure compatibility with the city's adopted code and policy documents and to mitigate direct impacts resulting from the proposal.

BMC 20.28.050 (A) states that the code provisions of the planned development chapter are minimums and may be increased for a particular 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.

**With all land use applications, it is the applicant's burden to demonstrate how a proposal meets code and addresses public concerns.** It is strongly recommended that all responses provided to the information below take into consideration how the proposal, including any new information, addresses the specific code references above.

### **Required Actions:**

To continue review of the above application(s), please submit the following information electronically to the city of Bellingham via [permits@cob.org](mailto:permits@cob.org) and copy [kbell@cob.org](mailto:kbell@cob.org):

### **Residential Use**

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. Adopted city codes and policy documents are based on the assumption that residential dwelling units will consist of households containing the historic, traditional family unit. The application materials do not provide sufficient information for the city to evaluate if the proposed use is appropriate or if the impacts from this type of residential use are adequately mitigated.

**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.

### **Critical Areas**

The following RFI items are based on a site visit on June 26, 2020 with city staff, the applicant, and the applicant's consultants. The consultants included the project engineer, wetland biologist, licensed geologist, and ISA-certified arborist. City staff included the project manager, an arborist, and environmental planners. The purpose of the site visit was to look at the site characteristics while discussing the consultants' reports submitted for the proposal.

Public comments on the proposal express multiple concerns about the geologic stability of the site, drainage issues, wildlife and tree loss, among others. This RFI takes those concerns into account.

1. A geohazard assessment of the site was done and a report prepared and submitted with the applications (Geologically Hazardous Area Site Assessment, GeoEngineers, January 17, 2020). According to the geohazard report, the site has a typical slope of 20 to 22.5% with a thin band of slopes greater than 40% along the eastern margin. Slopes less than 30% are not considered erosion hazards as defined in BMC 16.55.420.A. Slopes equal to and greater than 40% are considered landslide hazards as defined in

BMC 16.55.420.B. The report described discreet areas of erosion hazard but these were not identified on the map.

**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.

2. The geohazard report states, "A geotechnical engineering report for the project will be completed at a future date as the project goes to design." Based on public comments expressing concerns about the geology of the site, and more specifically, slope stability and drainage (surface and groundwater), a geotechnical report is warranted at this point.

Critical area report requirements for technical information should be provided now to enable the project engineer and project geologist to coordinate their mitigation measures and to address public concerns.

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

3. BMC 16.55.460.A.4 prohibits removal of vegetation from an erosion or landslide hazard area or buffer unless otherwise approved. The city anticipates that some of the development footprint clearing will be in an erosion hazard; no clearing is planned for the landslide hazard.

The seasonal restrictions limit clearing between May 1<sup>st</sup> and September 30<sup>th</sup>. Much of the public comment, as well as statements in the geohazard report, is about surface and groundwater drainage once the development site is cleared of vegetation.

**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.).

4. Preliminary Stormwater Site Plan (SSP). The SSP includes past studies and development proposals. Though some of the geologic information is the same, the SSP should include the geohazard report done for this proposal. Similarly, the project referenced (Figure 2) should be for the current proposal, not an earlier version.

According to the geohazard report, the primary erosion hazard at the site is from temporary conditions created during construction. The SSP report recommends that temporary erosion control measures should be used during construction depending on the weather, location, soil/rock type, and other factors. Public comments based on local observations express concerns about an increase in drainage problems on downslope properties.

**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.]

5. Tree Removal Plan. At the June 26<sup>th</sup> site visit, the arborists agreed on a hazard management approach for several tree groupings identified by the project arborist. The agreement was based on likelihood of tree survival, changes in hazard risk level, and opportunities to improve tree canopy over time. The goal of the arborists, city staff, and the applicant is to maintain healthy forest stands and associated understory and minimize risk to residents and buildings from tree failures.

**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.

6. The trail connecting Consolidation Ave. to Puget St. is proposed in the Tree Retention Area. The trail design and location have not been finalized. The final design and location should be determined in the field with the project arborist, geologist, and engineer reviewing the potential location. A coordinated review will ensure that tree retention, drainage, and site stability concerns will be addressed.

**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.

7. Tree Replacement Plan. The site visit clarified the need to locate replacement trees within the retention area, as opposed to the planting strip along the parking lot. The site’s logging history left a deciduous dominant forest of trees that are neither long-lived nor particularly robust. Therefore, the replacements should be native conifers chosen for the site conditions, such as Douglas fir, Grand fir, and western red cedar. Vine maple trees would be suitable along the westernmost edge of the “Tree Retention Area” (Sheet L1).

**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”.

### **Design Review**

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

Requirement: The scale of those portions of the building facing an existing developed neighborhood shall conform to the scale established in the neighborhood or the scale identified for the district. All stated guidelines are applicable to this requirement.

**Action items:** 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.

B. Neighborhood Compatibility

Requirement: New buildings should reflect some of the architectural character of surrounding buildings when locating in a neighborhood where the existing context is well defined. All stated guidelines are applicable to this requirement.

**Action items:** 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.

C. Privacy

Requirement: Orient buildings to provide for privacy, to the extent practical, both within the project and of adjacent residential uses. All stated guidelines are applicable to this requirement. The application materials did not include sufficient information to determine if the proposed hard and softscapes in the transition area between the single-family residences on Nevada Street and Marionberry Ct. and the site's improvements (buildings, common usable areas, parking lots, etc.) provides a solid, visual evergreen buffer that screens these residences from the proposal.

It is strongly encouraged that the use and location of walls be placed to use the site's existing grades in a terraced approach that will accommodate a mature evergreen landscape plan.

**Action items:**

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.). The cross sections must include:
  - Clearing and grading limits.
  - Location and height of proposed retaining wall(s).
  - Landscaping at the time of installation, 5 and 10-year growth cycle and at maturity per the landscaping material required below.

2. Submit a landscape plan prepared by a landscape architect that demonstrates the single-family residences will be visually screened from the proposal. The landscape plan shall, at a minimum, include the following:
  - Clearing and grading limits in the transition area with an emphasis of retaining existing grades and/or vegetation and utilizing existing grades that necessitates lower retaining walls and fences in locations that maximize the potential to establish a visual buffer.
  - Height, location and design of proposed retaining walls and fencing. Per the design standards, clearing and grading should be minimized to reduce the height of retaining walls through terracing and benching with walls no taller than 5 feet, inclusive of the combined height of fencing.
  - Include plant species, size and quantity of landscaping in the transition area. The plant material shall be provided at a quantity that will provide a solid screen at maturity and include plant material that is predominately native evergreen trees and shrubs and include plants having seasonal interest for color and texture. The location of proposed retaining walls shall take into consideration the maturity of the landscape material.

### **Planned Development**

Pursuant to Chapter 20.38 BMC, please address the following:

1. BMC 20.38.050 (B)(3) Density. The application materials include a density calculation based on the 176-unit reference shown on the recorded Cedar Ridge Division 2 final plat (AF# 202070360). On May 9, 2020, the application was amended via an email submittal requesting a density bonus pursuant to BMC 20.38.050 (B)(3)(c). The application materials must clearly state the proposed density.

**Action item:** Provide a statement clarifying the requested method to determine the proposal's base density.

2. BMC 20.38.050 (B)(8) Parking. The application materials state the proposal will provide 249 spaces for vehicle parking and 54 spaces for bicycle parking. The vehicle parking/bed ratio for vehicle parking is 0.78 and the bicycle parking/bed ratio is 0.12. Both ratios meet code but do not appear adequate to support the development.

The proposed vehicle parking ratio assumes a quarter of the proposed beds are either not being occupied or occupied by a person not owning a car. Public comment has raised concerns regarding the lack of onsite parking and the impacts the overflow parking will have on the existing residential streets.

Additionally, under the same assumptions, only 54 occupants would have options to conveniently store a bicycle. Bicycle parking should achieve a bicycle space per bedroom ratio of 0.5. An increased ratio is needed to support the application's justification that the site's proximity to transit, services and recreational opportunities will reduce the demand of vehicular usage. This ratio is consistent with the city's urban village standards that anticipate development similar to the proposal's density and for sites conveniently located to those services listed in the application materials.

Although, not explicitly stated in the application materials, the unit layout is appropriately designed 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 an historic,

traditional family unit. The parking standards in the Bellingham municipal code are based on an assumption that units are occupied by an historic, traditional family unit, not three persons living independently. The proposed ratio of both vehicle and bicycle parking spaces per bedroom does not provide adequate parking for proposal's assumed use.

**Action item:** Revise the proposal to increase the proposal's availability of both vehicular and bicycle parking, including but not limited to:

**Vehicle parking:**

- Construction of parallel parking along the northern frontage of the Consolidation Avenue improvements.
- 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.

3. BMC 20.38.050 (B)(12) Comprehensive Plan Elements. The Parks, Recreation & Open Space (PRO) Plan chapter of the comprehensive plan identifies a trail corridor in the Consolidation Avenue right of way. The application proposes to fulfill this provision by constructing a trail from the Nevada/Consolidation intersection east to Puget Street. The PRO Plan identifies this trail segment terminating at the Puget/Consolidation intersection. The entire length of Puget Street abutting the site lacks pedestrian and bicycle facilities and is not a suitable location for the terminus of a multimodal trail.

The trail's termination on Puget Street does not fulfill the intent of the PRO Plan to provide a continuous trail network or a safe connection to the Samish Crest Trail neighborhood connectors at the Byron/47<sup>th</sup> Street intersection. If stairs are proposed as part of this trail, the stairs should include a bike ramp (stramp) so that bicyclists coming from the Nevada St. bike boulevard and many of the other recreational opportunities in the area may utilize the trail connection.

**Action item:** Amend the trail alignment to provide a safe multimodal connection to the Samish Crest Trail neighborhood connectors at the Byron/47<sup>th</sup> Street intersection via 46<sup>th</sup> Street by either: 1) Extending the trail in the Puget Street right of way from its proposed terminus on Puget Street to provide a connection to the existing cul-de-sac bulb in the 46<sup>th</sup> Street right of way or 2) revise the trail's alignment to be entirely within the Consolidation Avenue right of way from Nevada Street to provide a connection to the existing cul-de-sac in the 46<sup>th</sup> Street right of way.

The trail shall be designed to meet the parks and recreation department development standards.

4. BMC 20.38.050 (B)(13) Street, Utilities, Access and Dedications.

Consolidation Avenue-The extension of Consolidation Avenue from Nevada Street through the intersection of 45<sup>th</sup> Street is necessary to continue the orderly extension of public infrastructure. The preliminary engineering plans did not provide sufficient

information to demonstrate that the proposed design of Consolidation Avenue at the 45<sup>th</sup>/Consolidation intersection allows the reasonable extension of 45<sup>th</sup> Street south to serve the undeveloped, platted lots.

Based on the assumed demand for parking discussed above and to deter unauthorized parking along the southern edge of the Consolidation Avenue improvements, a vertical curb is necessary.

**Action item:** Revise the preliminary engineering plans as follows:

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

### **SEPA Checklist**

1. In response to public comment and reports submitted with the application materials, the responses to the following SEPA checklist questions requires additional information that may also require revisions and/or additional mitigating conditions to adequately determine the proposal does not have a significant environmental impact:

- Water-3. C. 3) and 4) -Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site?

**Action item:** 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.

- Environmental health -7. b. 2) and 3) – What types of levels of noise would be created by or associated with the project on a short-term or long-term basis?

**Action item:** Please respond to the long-term noise created by this project post-construction. Identify proposed measures to reduce or control noise impacts.

- Land and shoreline use: 8. a. – Will the proposal affect current land uses on nearby or adjacent properties?

**Action item:** Describe how the proposal will or will not affect the current land uses on nearby or adjacent properties.

- 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?



**Action item:** 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.

- Transportation: 14. f.- How many vehicular trips per day would be generated by the completed project or proposal?

**Action item:** 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.

- Transportation: 14. h. – Proposed measures to reduce or control transportation impacts.

**Action item:** 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.

2. Revise the checklist or provide additional documentation, as necessary, to respond to this Request for Information.

### **Public Comment**

The city has received a substantial amount of public comment in response to the notice of application. These comments are located on the city's [web page](#).

The Planning and Community Development Department (PCDD) has reviewed the public comments and finds that they identify potential impacts to the abutting and surrounding areas, how the proposal is not consistent with the comprehensive plan and/or how the proposal does not comply with the municipal code. The application materials do not adequately address some of the concerns raised.

Some of the concerns will be addressed with responses to the action items above. The concerns that are more general in nature are equally important and require a response to evaluate the proposal's impacts to the surrounding neighborhood and identify any mitigating conditions. In addition to the action items above, a written response to the public comments is necessary to ensure compliance with BMC 20.38.020 (A), 20.38.040 (B) and 20.38.050 (A).

Public comments that are specific to a study and/or report prepared by a qualified professional and submitted with the application materials must include a response from the qualified professional who prepared the report and include a statement which concern the report is addressing.

**Action item:** Submit a response to the public comment. The format of the written response should either include a specific reference tying the response back to the name/date of the commenter or include responses by the general topics raised in the comment letters. The city has identified the general topics raised in the public comment letter to be related to, but not limited to, the following:

1. Drainage and stormwater runoff.
2. Impacts to critical areas and geologically hazardous areas
3. Traffic and pedestrian safety
4. Scale of proposal/Privacy
5. Parking-vehicle and bicycle
6. Comprehensive plan consistency
7. Social behaviors
8. Affordability

As noted above, **with all land use applications, it is the applicant's burden to demonstrate how a proposal meets code and addresses public concerns.** It is strongly recommended that all responses provided to this Request for Information take into consideration how the proposal, including any new information, addresses the specific code and comprehensive plan references above.

Review of these application(s) cannot continue until this information is received and determined to be sufficient. Within 14 days of submitting the above information, the City will either determine that the information is sufficient or specify in writing what additional information is required. If the information is sufficient, processing of the application(s) will resume in accordance with BMC 21.10. This request for additional information is accordance with BMC 21.10.190 B. (4).

Pursuant to BMC 21.10.190 (C), the application(s) will expire and become null and void if all of the requested information is not submitted within 120 days from the date of this notice for request for information. At the applicant's request, the PCDD director may extend this 120-day period in accordance with BMC [21.10.080\(A\)](#). No further notice will be sent concerning this 120-day expiration timeline.

Please contact the staff member below if you have any questions regarding this notice:

Name: Kathy Bell, Senior Planner

E-mail / Phone: [kbell@cob.org](mailto:kbell@cob.org) or 360-778-8347

