

SQUALICUM HEIGHTS
CONSOLIDATED LAND USE PERMIT
APPLICATION NARRATIVE

I. Subject Site / Properties Information

Address: 3800 E McLeod Rd, Bellingham, WA 98226

Tax Parcel Number(s): 380316 504243 0000

Owner: Squalicum Heights LLC

Applicant: Jack Bloss, AVT Consulting LLC 1708 F Street Bellingham, WA 98225

Agent(s): Same as applicant

II. Subject Site / Property Description

The subject property is located at an undeveloped site along E McLeod Rd addressed 3800 E McLeod Rd, directly south of Squalicum High School, west of Britton Rd and east of Hannegan Rd, in Bellingham, WA (the "Property"). The Property is in the Barkley Neighborhood, Area 2, and is zoned Residential Multi, Planned, Low Density. The Property is irregularly shaped, approximately 243,577 square feet (5.59 acres) in size. It is located within Section 16, Township 38 North, Range 03 East, W.M.

The Property is undeveloped and forested with native vegetation such as Douglas firs, cedars, big leaf maples, alders, ferns, and oceanspray. Blackberry bushes border much of the north and east property perimeter. The Property gently slopes downhill from southeast to northwest. Soils generally consist of sandy silt to silty sand. A geotechnical evaluation of the Property was completed in May of 2020 and found no erosion hazards on site. There are no other critical areas on the Property.

Water, storm, and sewer utilities are located adjacent to the Property in Pebble Pl, a public right of way, which terminates at the west border of the Property. A water line is in Pebble Pl and terminates at the subject Property line and a water control valve abuts the Property. Storm and sewer utilities are in the Pebble Pl right-of-way as well. The nearest fire hydrant is in the E McLeod Rd right-of-way approximately 40' from the Property. Two more fire hydrants are within 150' of the Property along E McLeod Rd. Several fire hydrants surround the Property in the adjacent neighborhoods to the west, south and east. Pebble Pl is fully improved with curbs, gutters, and sidewalks along the frontage of the Property. The Property is adjacent to two undeveloped rights of way: the Dakin St right of way to the east and the Northridge Park right of way to the south.

Neighboring properties to the west, south, east, and northwest are developed with single-family residences. A trail extends from Northridge Park along the east Property line within the Dakin St right of way. Squalicum High School is located north of the Property across E McLeod Rd. The Property is located along the Bellingham City Limits. The residences abutting the Property to the east are outside the City Limits.

III. Project Description

The proposed project is the development of a 36-lot cluster subdivision with 27 Infill Toolkit Small Lots, nine standard detached single-family lots, and four detached accessory dwelling units (ADUs). The project also includes an extension of Pebble Pl and development of a cul-de-sac at the terminus of Pebble Pl, 20' private alley named Wineberry Circle, five short 16' alley pipestems, a stormwater detention pond, 20 guest parking stalls, and a 20' emergency access road connecting to Magrath Rd. The abutting right of way to the south of the Property will be improved with a new public trail connecting to the existing trail immediately east of the site. Additionally, minor improvements will be made to the adjacent public trail to the east and the trail connection from N Heather Pl across the Property to E McLeod Rd in the northwest corner of the site will be re-aligned and improved.

The Property is zoned Residential Multi, Planned, Low Density. Therefore, the Property has a base zoning density of 7,201 square feet per unit, or 33 densities. BMC 23.08.040(C)(1) offers a density bonus of an additional 50% more lots when Infill Toolkit housing types make up at least one-half of the total units or lots. The proposed subdivision meets this criterion. With only a 9.1% density bonus, the Property can accommodate the 36 densities proposed.

The project will include both Infill Toolkit Small Lots and standard detached single-family lots. Specifically, Lots 1-7, 15-18, and 20-35 will be developed with Small Lot residences meeting the Infill Toolkit Small Lot standards. The remaining lots will be developed with standard detached single-family residences. Lots 29-32 will have detached carriage house ADUs with garages on the first floor and studio units on the second floor. Lots 33-36 will have detached garages while Lots 1-28 will have attached garages. All proposed lots will be between 4,001 square feet and 5,967 square feet in size.

Garages on Lots 2-5, 8-11, and 28-36 will directly access Wineberry Cir, while the garages on Lots 1, 6, 7, and 12-27 will access alley pipestems or the emergency vehicle access road. The residences on Lots 15-18 and 24-36 will have front entries facing common pedestrian corridors. Lots 1-7 will have front entries oriented to E McLeod Rd. Lots 13 and 14 will have front entries facing the southeast alley pipestem. The remaining residences will have front entries facing the extended Pebble Pl or Wineberry Cir. ADU entries will be oriented to the primary residences.

This project has been in design development for several years, and a prior iteration was presented at a neighborhood meeting for community feedback. Changes have been incorporated into the design as a result of this community feedback, and in response to zoning changes and City departmental feedback. Two primary concerns raised by neighbors at the neighborhood meeting were that the proposed lots were too small relative to the existing surrounding development and that there were too many proposed lots abutting the existing development to the west of the Property. Two primary adjustments were made to the proposed site plan to address these concerns. The first adjustment is an increase in the average lot size from approximately 4,127 square feet

per lot to approximately 4,727 square feet per lot. The smallest lot size proposed at the neighborhood meeting was 3,200 square feet in size, whereas now all proposed lots are larger than 4,000 square feet in size. The second adjustment is that the number of lots immediately adjacent to the existing neighborhood to the west has decreased from nine lots to four lots, and these lots have increased an average of 718 square feet in size. The central recreational area has been removed and the orientation of the lots have been adjusted to facilitate these changes.

There are 16 different Infill Toolkit Small Lot residence designs proposed. Some designs will be used as many as four times throughout the site while other designs will be used only once on-site. No identical designs will be located near each other. The floor area of the Small Lot residences will range between 1,446 square feet and 1,674 square feet. The area of the detached garages will range between 462 square feet and 552 square feet. The floor area of the ADUs will range between 795 square feet and 799 square feet. All Small Lot residences will have a front porch at least 40 square feet in size and meet setback, FAR, and open space requirements. All Small Lot residences will be two stories and the residences and detached garages will be under 25' in height per definition 2 or 20' in height per definition 1. All proposed residences will be designed to have a traditional style with fiber cement lap siding, asphalt shingles, pitched and varied roofs, dormers, covered porches and patios, vertically-oriented, well-proportioned, trimmed windows, architectural detailing under the eaves, extensive modulation and other massing components that are consistent with surrounding development. The ADUs will be 2-story carriage houses built into the slope with garages on the first floor and a studio space on the upper floor. ADU designs will reflect the designs of the primary residences.

Pebble Pl will be extended onto the Property for access to the proposed development. A 50'-wide cul-de-sac will be located on the Property at the terminus of Pebble Pl. From the cul-de-sac a new private alley will extend into the site providing a loop around Lots 28-36 in the middle of the development. This looped alley will be built with a 12' travel lane with two flush 4' sidewalks creating a 20' total travel width for emergency vehicles. This travel-way will be considered an alley for the purposes of Infill Toolkit frontage, setback and design purposes, but will be designed to meet the lane standards to provide a better pedestrian experience for residents and guests. The looped alley will be named Wineberry Cir. Four 16' alley pipestems connecting to the cul de sac or Wineberry Cir will provide access to the stormwater detention pond and to garages that don't front directly on Pebble Pl or Wineberry Cir. An additional alley pipestem will connect to the southwest alley pipestem to provide rear access to the two residences on the south side of the extension of Pebble Pl. An emergency access road off Magrath Rd with removable bollards will connect to Wineberry Cir providing a secondary emergency vehicle access point to the new development and providing access to the garages on Lots 6 and 7. All internal pedestrian corridors will connect to the sidewalks along Wineberry Cir. Residences fronting on E McLeod Rd, Pebble Pl or Wineberry Cir will have walkways connecting directly to sidewalks along these streets. The ADUs will have walkways connecting to the primary residences and stairs leading to the driveway and first-floor garage entries. The sidewalks along Wineberry Cir will connect to the sidewalks in Pebble Pl. The pedestrian corridor accessing Lots 15-18 will also connect to the proposed public trail immediately south of the Property. The extension of Pebble Pl and

the cul de sac will be dedicated to the City through a right of way dedication. All other proposed travel-ways on the Property will be privately owned. A combined 20 guest parking stalls will be provided throughout the site directly off Wineberry Cir in three locations.

Three trail improvements are proposed with the development. First, portions of the existing public trail in the Dakin St right of way, immediately east of the Property, are proposed to be reconstructed to provide at least 5' of separation between the trail and the fences for Lots 8-14 per Parks standards. Second, a trail is proposed to be constructed on the south side of the Property in the Northridge Park right of way connecting the existing trail in the Dakin St right of way to the constructed alley abutting the southwest corner of the Property. Third, the existing informal trail from N Heather Pl to E McLeod Rd will be improved and placed in a tract to be dedicated to the City.

Public utilities will be provided throughout the site to serve all 36 lots. The water main in Pebble Pl will be extended onto the Property and looped through the site under Wineberry Cir to serve all the proposed residences. Two sewer mains will run under the alley pipestems adjacent to the southernmost residences, northward under Wineberry Cir and join just north of Lot 26, then northwest connecting to the existing sewer main in the access and utility easement to the west of the proposed stormwater detention pond. Storm drains will run under each of the alley pipestems and adjacent to the sewer mains under Wineberry Cir, connecting to the north of Lot 26. Stormwater will then flow northward, connecting to an additional storm drain running along Lots 1-7, and finally into the stormwater detention pond in the northwest corner of the Property. An additional storm drain will flow out of the detention pond and connect to a catch basin in E McLeod Rd. A retaining wall up to 12' in height will be built along the north side of the detention pond. Since the subdivision is entirely single family in nature, the stormwater detention pond (along with the improved public trail on the Property connecting N Heather Pl to E McLeod) will be dedicated to the City for future ownership and maintenance.

Landscaping in the form of grasses, shrubs and trees will be provided around all the residences, detention pond, travel-ways, walkways, and open parking stalls. Vertical climbing plants, ground cover, evergreen shrubs, and trees will be planted along the detention pond retaining wall for screening of the wall. A variety of low shrubs and trees will be planted along the perimeter of the extension of Pebble Pl, the alleys and guest parking. Fencing will be provided along the public trails to the south and east for privacy and screening. No existing vegetation will be retained due to the extent of the site development and the impact that site grading will have on the areas that will remain in open space.

Garbage and recycling will be located at each individual residence and brought out to the extension of Pebble Pl or Wineberry Cir. A designated concrete pad is provided along Wineberry Cir for garbage/trash placement for the residences that do not abut Pebble Pl or Wineberry Cir. A cluster mailbox unit will be provided just east of the cul de sac along Wineberry Cir.

Two subdivision variances are requested for the proposed development. The first

variance is from BMC 23.08.060(E)(2)(a) requiring that no more than four lots that do not abut a public right of way be served by a private access road and easement. The second variance is from BMC 23.08.070(B) requiring that abutting unimproved Dakin St and Northridge Park rights of way be “*improved in accordance with Title 13*”. The full discussion of these variances is provided in Section V below. E McLeod is already improved to a full standard along the Property frontage.

IV. Subdivision Criteria

The project proposes a cluster long subdivision to create individual lots for each house that is proposed. A cluster long subdivision is subject to the requirements in BMC 23, including 23.08 and 23.16. The following section of the project narrative addresses the project compliance with applicable subdivision regulations.

BMC 23.08 Plat Design, Lot Standards and Improvement Standards

Pursuant to BMC 23.080.010, “All lots established through the lot line adjustment process or created by a short plat, preliminary plat, final plat, binding site plan, plat alteration, or plat vacation shall demonstrate compliance with the provisions of [BMC 23.08]. All provisions determined necessary to comply with this chapter shall be deemed conditions of preliminary approval.”

The project is in substantial compliance with BMC 23.08. The following is a discussion of the project’s compliance with the standards in BMC 23.08.030 to BMC 23.08.080.

BMC 23.08.030 Performance Standards

B. Community Design

The City of Bellingham has adopted neighborhood plans for each of its 25 unique neighborhoods. Each applicant for a subdivision must make reference to the applicable policies for the neighborhood as outlined in the appropriate neighborhood plan and describe how the proposed adjustment or land division addresses the policies within the neighborhood plan.

Comment: The Property is located in the Barkley Neighborhood, Area 12. The Plan for this Neighborhood identifies the land use designation as Residential Multi with a Planned use qualifier. The description of this area in the Neighborhood Plan encourages single-family and multifamily development. The proposed project includes a 36-lot cluster subdivision of the Property. There are no specific goals or policies identified in the Barkley Neighborhood that pertain to the proposed development. However, the proposed project is generally consistent with the neighborhood character of single-family and Infill Housing development.

C. Natural Features

Natural features, that may or may not be regulated by other code provisions, including but not limited to trees, topography, shorelines, streams, wetlands, habitat, geologically

hazardous areas, and associated critical area/shoreline buffers, should be incorporated into the overall land division design through preservation to the extent feasible.

Comment: There are no critical areas or critical area buffers on the Property. A geotechnical evaluation of the site revealed that there are no geohazards on the Property despite some areas with slopes greater than 30%. It is likely that no existing vegetation will remain on the Property. More compact housing forms than detached single-family residences, such as townhouses, duplexes, triplexes, etc. might be able to preserve a small portion of the existing vegetation by better consolidating development in one portion of the Property, but these housing forms would not be in character with any of the immediate surrounding neighborhoods. A goal of the proposal, which is informed and supported by feedback we received from the neighborhood, is to develop the site with a detached single-family development that is in character with the detached single-family neighborhoods surrounding the site. To accomplish this, the site must be developed with detached single-family residences on moderately sized lots. In addition to this, moderate slopes on the site and a lack of road frontage for vehicular access create further difficulties for preserving existing vegetation. For example, the site slopes to the northwest corner, which dictates a storm water facility at that location. The only access is from Pebble Place, which dictates the internal road layout. Access to lots, utility infrastructure and the storm facility require grading and clearing. Placing lots around these facilities is logical. The overall site design is predicated on these site constraints and lends itself towards significant clearing. On top of this, it should be noted that the Property is in a residential multifamily zone and has a minimum density of 33 units. These various factors create a situation where it is very difficult to even meet the minimum density in a 100% detached single-family housing form and provide all the associated infrastructure and still preserve the existing vegetation. Any trees that could be preserved outside proposed surfaces, would be at risk of failure due to site work within critical root zones, especially due to the moderate slopes on the site. While it is likely that none of the existing vegetation on the Property will be preserved, new native vegetation, including native trees, shrubs, grasses, etc., will be planted in open space areas and private yards. Ultimately, the proposed project includes thoughtful infill of a site that is serviced by existing utility and road infrastructure and helps meet the City's housing needs.

D. Clearing and Grading

- 1. In addition to demonstrating compliance with the land clearing, grading, and Lake Whatcom Reservoir regulatory provisions, as applicable, the proposed layout of a land division should include the following standards:*
 - a. Clearing and grading limits are established to avoid impacting critical areas and/or their associated buffers, natural features as identified in subsection (A) of this section and adjacent properties;*
 - b. Good engineering practices have been implemented to ensure the proposed grading:*
 - i. Is the least necessary to protect slope stability and prevent erosion;*

- ii. *Will not result in the excessive use of retaining walls and/or rockeries along lot lines, project's exterior boundaries, streets and the exterior boundaries of the plat;*
- iii. *Establishes suitable building sites, driveways, public streets, pedestrian corridors, and utilities that are not located on fill. The city may impose a condition of preliminary approval requiring the submittal of a geotechnical report prepared by a Washington State licensed geologist or geotechnical engineer for city review and approval; and*
- iv. *Will not distribute site material resulting from grading to areas within the land division that would cause additional clearing or grading that would otherwise be unnecessary.*

Comment: The proposed development plan limits grading to only that which is necessary for new roads, utilities, building foundations, the stormwater facility, and the proposed trails. Grading will be designed by a licensed civil engineer and will take into account the site's soils and infiltration capacity. Appropriate grading plans including SWPPP, TESC, and other BMP's will be implemented during construction. Homes will be constructed with daylight basements and detached garages where possible to reduce grading associated with the development.

E. Dedication

Land dedicated for public infrastructure, including but not limited to right-of-way, utility, and parks and recreation purposes, is incorporated in the land division as necessary to:

1. *Rights-of-Way and Utilities. Serve all lots proposed within the subdivision and to provide for orderly extension of public infrastructure for anticipated development in accordance with BMC Title 13 and the comprehensive plan; except this requirement may be waived if the city engineer determines that additional right-of-way will not be necessary for the future traffic circulation of the city, or for future road widening to accommodate anticipated development in the vicinity.*
2. *Parks and Recreation. Provide open space, trail, and recreation facilities pursuant to the adopted parks, recreation, and open space plan of the comprehensive plan and construct the facilities according to the city's design standards for park and trail development, as amended.*

Comment: The stormwater tract will be dedicated to the City. Pebble Pl will be extended onto the Property and a cul de sac will be constructed at its terminus on the Property. The extension of Pebble Pl, including the cul de sac, will be dedicated to the City. The remaining roadways within the site will be private and located within an easement. Public water and sewer mains will be extended within the project in public easements.

F. Pedestrian Features

Incorporate pedestrian features into the overall plat design that provide for networks of walking and bicycle facilities that create access to community services and amenities such as schools, parks, shopping centers, public transportation stops, bicycle and pedestrian corridors identified in the city's bicycle and pedestrian master plans within the proposed land division and to adjoining property that is not subdivided. Pedestrian features should be spaced at 500-foot intervals unless such an interval is not feasible due to a physical hardship that is not a result of the overall plat design.

Comment: Sidewalk will be extended from Pebble Pl around the proposed cul de sac and the full access loop, Wineberry Cir. Additional sidewalks will connect residence entries to the proposed and existing streets, trails around the Property, schools, parks, shopping centers, WTA and school bus stops, and bicycle and pedestrian corridors. Various trails will be improved within the site and around the perimeter of the site to connect to the existing public trail network in the vicinity.

G. Streets

In addition to demonstrating compliance with BMC Title 13, Streets and Sidewalks, and the city's development guidelines and public works standards, the overall street layout for a division of land should incorporate the following:

- 1) Compliance with Comprehensive Plan and Neighborhood Plan. The alignment of arterial streets should be included in a location as nearly as possible with that shown in the most recently adopted city of Bellingham comprehensive plan, the appropriate neighborhood plan and zoning table.*
- 2) Vehicular and Pedestrian Circulation. Streets and trails proposed within a land division should:*
 - a) Extend to and connect with existing streets abutting its perimeter to provide for the logical extension of streets and utilities for coordinated development of contiguous tracts or parcels of undeveloped land.*
 - b) Include a street network that provides multiple routes within and in/out of a proposed division of land with a grid pattern or a network modified grid of curvilinear streets and/or alleys unless there are physical limitations including critical areas, significant natural features, conflicts with the existing built environment, or adverse topography that prevents such a street pattern.*
 - c) Avoid single points of access, cul-de-sacs, and dead-end streets, unless the city determines such extension is not necessary due to physical conditions that exist on or adjacent to the site.*
 - d) Public and private trails should also be considered in the design of a street network.*

- 3) *Access to Local and Arterial Streets.* The land division should show all access locations for all lots and proposed streets to maximize safety consistent with BMC Title 13.
- 4) *Safety.* Street layouts shall be designed to maximize safety for all modes of transportation. The applicant shall provide, to the extent feasible, a street layout that promotes visibility and reduces user conflicts through the placement of parking areas and the use of curb bulb-outs, landscaping strips, meandering sidewalks and other means of ensuring pedestrian safety and reducing vehicular speed through residential areas.
- 5) *Street Trees.* The overall street network is designed to accommodate street trees that can be evenly spaced through all existing and proposed street frontages. To ensure the location of these trees will not conflict with proposed utilities, the required street tree permit and landscape plan shall be reviewed concurrently with the public facility contract application for the required infrastructure. If a location conflict arises, the priority is to redesign the utility location first to ensure a consistent planting schedule for the required street trees. An alternative planting plan should only be allowed if the city determines that there are no other alternative utility designs that would avoid a conflict between the utilities and trees.

Comment: The proposed site design incorporates vehicular and pedestrian design components to ensure safe travel for all modes of transportation. Sidewalks within the project connect to Pebble Pl, E McLeod Rd, and the Northridge Park trail. Wineberry Cir within the project connects to Pebble Pl. Street trees and other landscaping will be incorporated around and through the site.

BMC 23.08.040 Maximum Number of Lots

The proposed development is a cluster subdivision meeting BMC 23.08.040(B). This provision requires that the development follow BMC 20.32.010(B), which requires that the number of standard detached single-family residences “not exceed 25 percent of the total number of units proposed.” Nine standard detached single-family residences are proposed, which is 25% of the 36 residences proposed.

The proposal utilizes a density bonus pursuant to BMC 23.08.040(C)(1). The Property is approximately 243,577 square feet in size and has a zoning density of 7,201 square feet per unit. Therefore, the Property has 33 base densities. BMC 23.08.040(C)(1) offers a density bonus of an additional 50% more lots when Infill Toolkit housing types make up at least one-half of the total units or lots. The proposed subdivision meets this criterion. With only a 9.1% density bonus, the Property achieves the 36 densities proposed.

No rounding provisions are proposed.

BMC 23.08.050 Minimum Lot Size

No minimum lot size is specified in the zoning table for Area 2 of the Barkley Neighborhood. Therefore, the lot size of the nine standard detached single-family

residential lots is determined by the applicant per BMC 23.08.050(A)(1) and the Infill Toolkit Small Lots must be created in compliance with BMC 20.28 per BMC 23.080.050(A)(4). Pursuant to BMC 20.28.050(C), Infill Toolkit lots do not have a minimum lot size, but pursuant to BMC 20.28.070(B)(1), Infill Toolkit Small Lots have a maximum lot size of 5,000 square feet. All proposed Infill Toolkit Small Lots are under 5,000 square feet in size. The standard detached single-family lots range in size between 4,001 square feet and 5,967 square feet in size, which is similar in size to the proposed Infill Toolkit Small Lots.

It should be noted here that the average lot size has increased by 600 square feet and the smallest lot size has increase by 801 square feet compared to what was presented at the neighborhood meeting. This adjustment addresses one of the primary concerns raised by neighbors at the neighborhood meeting regarding lot size.

BMC 23.08.060 Lot Design Standards

A) Logical Boundaries

Lots are generally designed to be at right angles to the abutting street and avoid awkward configurations, jogs around existing structures, or awkward appendages, except in lot line adjustments where the express purpose of the adjustment is to correct a legitimate property line encroachment.

Comment: The lots are generally designed to be at right angles. Lots that do not have exact right angles are designed as such due to the shape of the parent parcel. The lines on these lots are generally logical and delineated by common facilities.

B) Reasonable Use

All lots must be buildable at the time of vesting with respect to all bulk and dimensional standards, preexisting conditions of approval, preexisting resolutions, easements, deed restrictions and Chapter 16.55 BMC.

Comment: Noted. All lots will be buildable at the time of construction.

C) Alley Access

- 1) Any division of land that abuts a platted alley shall maintain vehicular alley access to required parking and maintain or provide a pedestrian pathway from existing development to the fronting street.*
- 2) Development of newly created lots abutting an alley shall also provide required parking from the alley and a pedestrian pathway to the fronting street. Vehicular access from the street shall be restricted.*
- 3) If the division of land displaces parking for existing development that is accessed from the fronting street, the parking shall be relocated off the alley unless the director determines:
 - (a) The configuration of an existing residence is not conducive to alley-loaded**

- parking;*
- (b) The site is constrained due to unusual shape, topography, environmentally sensitive areas; or*
- (c) There are other extraordinary situations inherent with the site or its improvements.*

Comment: This standard is not applicable. The Property does not abut a platted alley.

D) Building Envelope

- 1) Each newly created lot shall provide a building envelope with the dimensions specified in Table 23.08.060.*

Comment: This standard is not applicable to the Infill Toolkit lots. The standard detached single-family lots have a minimum building envelope of 50' x 50'.

E) Abutment – Public Infrastructure

All lots created under this title shall have access to public infrastructure by abutment on a public street, such as a pipestem, or by some other legally sufficient right-of-access, such as an easement, which is permanent and inseparable from the lot served. Pipestem and easement widths shall meet the provisions of this chapter.

- 1) Abutment by Pipestem. Pipestem lots may only be permitted in a land division if all of the following provisions are met:*

- (a) A maximum of three pipestems, located side-by-side, is permitted;*
- (b) The pipestem portion of a lot shall be 20 feet wide for a single pipestem and 10 feet wide for multiple, side-by-side pipestems;*
- (c) The pipestem portion of the lot(s) shall be consolidated into a single access easement area in accordance with this title; and*
- (d) All units that abut or are adjacent to the access easement area are required to take access from a single driveway within this easement area, unless it is determined by the city engineer that:

 - (i) An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or*
 - (ii) A potential safety issue exists related to access from the easement as determined by the city engineer.**

- 2) Abutment by Private Access Easement. A land division that proposes to create one or more lots that do not have physical abutment on a public street shall meet the*

following provisions:

- (a) A maximum of four lots may be served by a private access easement;*
 - (b) An access easement shall be established for all benefiting lots and have a width consistent with this chapter and in a form pursuant to this title;*
 - (c) Improvements within this easement area shall be limited to a single driveway and landscaping pursuant to this title; and*
 - (d) All units that abut or are adjacent to the access easement are required to take access from a single driveway constructed within this easement area, unless it is determined by the city engineer that:
 - (i) An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or*
 - (ii) A potential safety issue exists related to access from the easement as determined by the city engineer.**
- 3) Private Driveway Standards and Construction. A private driveway required by this chapter that is determined necessary to provide emergency access to newly created lots shall be constructed in accordance with Chapter 17.20 BMC prior to final subdivision approval. A driveway not required for emergency access and serving three or more lots shall be constructed to the following standards prior to final subdivision approval:*
- (a) Driving Surface Material. Private driveways must be surfaced with a hard material such as concrete or asphalt. The use of permeable pavement shall be used for hard surface ground cover areas unless determined infeasible per the criteria listed within BMP T5.15 of the Ecology Manual, as amended. Projects that include less than 2,000 square feet of new or replaced impervious surface are exempt from this requirement. Gravel or loose material is prohibited.*
 - (b) Driveway Width. The driveway shall be surfaced with a minimum of 15 feet, which includes an 11-foot-wide vehicle travel lane and a four-foot-wide pedestrian path on one side. The pedestrian path shall be constructed of a different hard surfaced material and located abutting the vehicle travel lane.*
 - (c) Landscaping and Fencing. A five-foot landscaped planting area or a six-foot-tall solid fence shall be provided between the private driveway and all existing residential structures for the entire length of a structure of the easement boundary or shared property line. Landscaping shall consist of a mixture of trees, shrubs, and ground cover pursuant to BMC 20.12.030.*

The landscaped planting area may contain storm water facilities provided the facilities are landscaped pursuant to BMC 20.12.030.

- 4) *Access and/or Utility Easement. A common driveway shall be placed within a private access easement. All required access and utility easements shall be noted on the face of the mylars and shall be recorded with the Whatcom County auditor's office prior to or concurrently with the mylars.*

The easement shall:

- (a) Be a sufficient width to include the vehicle travel lane, pedestrian path, required landscaping/fencing, storm water facilities, utilities, and any additional width determined necessary for maintenance and/or repair activities of those facilities;*
- (b) Provide a direct connection from a publicly dedicated improved street to each lot being served by the easement;*
- (c) Be prepared in accordance with this title; and*
- (d) Include provisions requiring common maintenance and cost sharing of the driveway and all associated landscaping and storm water facilities and authority to conduct repairs of individual private utilities within the easement.*

Comment: Four of the proposed lots will abut Pebble Pl directly. Two of the lots abutting Pebble Pl and two additional lots will have vehicular access to Pebble Pl via an alley pipestem. The remaining 32 lots will have vehicular access to Pebble Pl via private alleys contained in common easement(s). Because more than four lots will be served by a private access easement, the project requires a variance from BMC 23.08.060(E)(2)(a). A full discussion of this variance request is provided below in Section V. The access easement and any other associated easements for the subdivision will be prepared in compliance with BMC 23.08.060(E)(4). The emergency access off Magrath Rd will be designed in compliance with BMC 23.08.060(E)(3). It should be noted that these access abutment requirements are only applicable to the nine single family detached lots. In the instance of the remaining Infill Toolkit lots, the requirements in BMC 20.28 supersede the standard abutment requirements in BMC 23.

F) Cluster Short and Cluster Preliminary Plats

All cluster subdivisions shall demonstrate compliance, as applicable, with the following:

- 1) Lot Size Transition. When a cluster short or cluster preliminary subdivision abuts or is located across the street from a developed single-family zoned neighborhood, the lots in the proposed subdivision immediately adjacent to the existing single-family zoned neighborhood shall be developed with a similar housing form on a lot no less than the existing neighborhood lot size, or the underlying zoning minimum lot size for the existing neighborhood minus 10 percent, whichever is smaller.*

- 2) *Open Space. A minimum of 15 percent of the site shall be reserved for open space that (a) preserves significant natural features including, but not limited to, critical areas and associated buffers or mature stands of trees, and/or (b) creates recreational open space with amenities. The reserved open space shall meet the following requirements:*
- (a) Protected from further subdivision or development by filing covenants for the open space area concurrently with the final plat of the subdivision; and*
 - (b) Privately owned unless the city determines a dedication of the open space will benefit the city's overall open space plan for recreational and/or ecological purposes.*
 - (c) In addition to subsections (F)(2)(a) and (F)(2)(b) of this section, reserved open space for recreational purposes under private ownership should be allowed only if designed as an amenity of the project, the areas contain grades that allow the intended use of the area to be used for active recreational purposes and incorporate as many of the following features as feasible:*
 - (i) Provide improved pathways to the open space area from as many access points within the subdivision as determined feasible and reasonable given the overall plat design;*
 - (ii) Contain amenities including, but not limited to, playground equipment, trails, and picnic benches that are provided at a rate sufficient to serve the anticipated number of residences in the subdivision as determined by the performance standards of BMC 23.08.070(G);*
 - (iii) Define the open space boundary through the installation of landscaping, fencing or a combination thereof. Landscaping shall consist of a mix of trees, shrubs and ground cover consistent with BMC 20.12.030. The design and height of required landscaping and fencing shall not create a solid visual buffer except to mitigate a legitimate safety issue as determined by a CPTED review; and*
 - (iv) Record legal documents concurrently with the filing of the mylar documents to establish the ownership of the open space and a financial mechanism ensuring maintenance of the facilities in perpetuity.*
- 3) *Infill Toolkit. Infill toolkit uses that are incorporated into a cluster subdivision shall comply with Chapter 20.28 BMC. All cluster subdivisions that include infill toolkit housing types shall comply with the lot size transition provision pursuant to this chapter. [Ord. 2021-10-044 § 22; Ord. 2018-12-036 § 2 (Exh. A)].*

Comment: Transition lots are not required for the proposed development. Area 2 of the Barkley Neighborhood, a Residential Multi zone, extends beyond the west

and south boundaries of the Property. The adjacent properties to the east are located outside Bellingham city limits and zoned Urban Residential – Mixed Use 6-12 units per acre (URMX6-12), which is not a single-family zone. Squalicum High School is located across E McLeod Rd to the north, which is also not a single-family zone.

Pursuant to BMC 20.28.020(D), “*If the provisions of this chapter [BMC 20.28] conflict with any other provision in BMC Title 20, 21 or 23, the provisions of this chapter shall apply.*” Pursuant to BMC 20.28.070(D)(1), “*A minimum of 40 percent of the site area shall be in open space consisting of landscaping and permeable materials.*” Per this standard, at least 40 percent of each proposed Infill Toolkit Small Lot will be reserved in open space, which is a greater open space requirement than is required for standard single-family development. As a result, BMC 20.28.070(D)(1) applies in this instance for the 27 Infill Toolkit Small Lots. The 15% open space requirement applies to the total lot area of the 9 standard single-family lots. The total lot area of these nine lots is 40,888 square feet. Therefore, the project must provide 15% of 40,888 square feet, or 6,134 square feet, in open space, in addition to the open space requirements for each lot. The project will provide several pedestrian corridors between the proposed residences as well as an improved trail in the northwest corner of the Property, all of which will be preserved open space with recreation amenities in the form of pedestrian pathways. These areas make up a total of 10,886 square feet of open space, or 26.6% of the total lot area of the standard single-family residences, therefore exceeding this standard.

BMC 23.08.070 Public Infrastructure, Dedications, and Improvement Requirements

A. Dedication

Land shall be dedicated for right-of-way and utility purposes as necessary to serve all lots proposed within the land division and to provide for orderly extension of public infrastructure for anticipated development in accordance with BMC Title 13 and the comprehensive plan; except if the city engineer determines that the additional right-of-way will not be necessary for the future traffic circulation of the city or to accommodate future road widening to accommodate anticipated development in the vicinity, this requirement may be waived.

Comment: All necessary dedications to the City for right of way and utility purposes will be provided with the proposed subdivision. The extension of Pebble Pl from the existing property line through the cul de sac will be dedicated to the City.

B. Street Standards

All rights-of-way within and abutting a land division shall be improved in accordance with BMC Title 13.

Comment: Title 13 standards require that the unopened Dakin St right of way (to the

east) and Northridge Park right of way (to the south) be improved to a $\frac{3}{4}$ standard along the full property frontage. The project does not propose any improvements to these rights of way except for a new public trail in the Northridge Park right of way and some minor improvements to the existing trail in the Dakin St right of way. This is in accordance with guidance from Planning, Parks and Public Works. Therefore, we are requesting a variance from this standard. A full discussion of this variance request is provided below in Section V. The extension of Pebble Pl will be improved in accordance with BMC Title 13.

C. Access

Access locations serving a land division and access to individual lots within a land division shall be in accordance with BMC Title 13.

Comment: Access to the subdivision and access to the individual lots will be in compliance with BMC Title 13.

D. Water, Sewer, and Storm Water Management

Public water and sewer mains and storm water management shall be provided within and abutting a land division in accordance with BMC Title 15. All storm water facilities dedicated to the city shall be located in a separate tract(s), unless otherwise approved by the city engineer.

Comment: Public water and sewer mains and stormwater management will be constructed in accordance with BMC Title 15. The proposed stormwater facility will be located in a separate tract and dedicated to the City of Bellingham.

E. Street Naming and Addressing

The naming of all streets within a land division and the addressing of individual lots shall be in accordance with Chapter 17.30 BMC.

Comment: Street naming and addressing will be in compliance with Chapter 17.30 BMC. The name of the private alley through the site, "Wineberry Cir," has been approved by the Fire Department.

F. Electric and Communication Facilities

The applicant shall reserve a strip of land 10 feet in width lying adjacent to each exterior side of all dedicated public rights-of-way included in any land division or as may be required by private electric and communication providers. Said lands shall be recorded as nonexclusive public easements and used primarily for the installation of required service utilities. Any and all franchised utilities, including city utilities, shall rightfully have access to and may use these easements. Exclusive use rights cannot be granted to any single or combination of utilities. BMC 13.15.090 shall apply to the location of facilities located within these public easements.

Comment: Adequate spacing adjacent to Pebble Pl will be provided for private electric and communication providers.

G. Parks and Recreation

Parks and recreation facilities shall be provided pursuant to the adopted PRO plan, and constructed according to the city's design standards for park and trail development, as amended. [Ord. 2018-12-036 § 2 (Exh. A)].

Comment: The proposed trail to the south of the Property and the trail improvements to the east of the Property and in the northwest corner of the Property will be in compliance with Parks design standards.

BMC 23.16.030 Decision Criteria

In addition to compliance with the standards in BMC 23.08, any subdivision is required to show compliance with Decision Criteria identified in BMC 23.16.030. The following is a discussion of the project's compliance with these decision criteria.

A) Preliminary plats shall be given approval, including preliminary plat approval subject to conditions, upon finding by the hearing examiner that all of the following have been satisfied:

1) It is consistent with the applicable provisions of this title, the Bellingham comprehensive plan and the Bellingham Municipal Code;

Comment: The Cluster Long Subdivision has been designed to be consistent with the applicable provisions of Title 23, the Comprehensive Plan, and all applicable sections of the BMC, including but not limited to those related to lot size, setbacks, building envelope, performance standards, utility and road abutment, environmental, and others with the exceptions being the two requested variances. The first variance request is from the requirement to have more than four lots served by a private road and access easement. The second variance request is from road improvement requirements in the Dakin St and Northridge Park rights of way for the proposed subdivision. The full discussion of these variance requests is provided below in Section V. The project represents context sensitive infill in an area serviced with infrastructure. This is consistent with our Comprehensive Plan Goals and Policies related to Land Use, Housing, Transportation and the Environment.

2) It is consistent with the applicable provisions of Chapter 23.08 BMC;

Comment: The Cluster Long Subdivision is consistent with the provisions of Chapter 23.08 BMC with the exception of the two proposed variances. See criteria addressed in the preceding section of this narrative, all plans and other relevant information provided with this application. The full discussion of the variances

requested is provided below in Section V.

- 3) *The division of land provides for coordinated development with adjoining properties or future development of adjoining properties through, where appropriate, the extension of public infrastructure, shared vehicular and pedestrian access, and abutment of utilities;*

Comment: The project will not preclude any extension of existing infrastructure. Water, sewer, and stormwater services for the project will connect to existing services adjacent to the Property. E McLeod is already fully improved along the Property frontage. We are requesting a variance from the requirement to not exceed four lots served by a private road and easement and the requirement to improve the Dakin St and Northridge Park rights of way to a ¾ standard along the property frontage. These variances will not preclude or disrupt any coordinated extension or connection of public sidewalks, curbs, gutters or other road improvements in the vicinity. There are no additional undeveloped properties that will require access or service through the Property.

- 4) *Each lot in the proposal can reasonably be developed in conformance with applicable provisions of the BMC, including but not limited to critical areas, setbacks, and parking, without requiring a variance that is not processed concurrently with the subdivision application pursuant to Chapter 23.48 BMC;*

Comment: Each lot can be reasonably developed and meet applicable development criteria. No variances are requested from lot design standards. Each lot can be reasonably developed in conformance with the applicable provisions of the BMC. There is adequate building envelope on each proposed lot, as well as area for open space, parking, and other features associated with Infill Toolkit Small Houses and detached single-family development. Two variances are necessary for future development of the Property. These variances are in compliance with the variance criteria in BMC 23.48.040. These variance requests are provided with this application and will be processed concurrently with the subdivision application. No other variances from Title 23 are proposed.

- 5) *There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and*

Comment: All provisions listed are adequately met. Each lot will provide adequate open space, stormwater management, private access, and sidewalks for safe walking conditions. The site is served by Northern Heights Elementary School, Shuksan Middle School, and Squalicum High School. The Property is approximately 0.5 mile from Northern Heights Elementary School, 4.5 miles from Shuksan Middle School, and 0.3 mile from Squalicum High School. Shuksan is served by a school bus, and safe walking conditions will be provided to Northern

Heights and Squalicum, as well as to the school bus stops, nearby WTA bus stops, and the surrounding neighborhoods.

- 6) *It will serve the public use and interest and is consistent with the public health, safety, and welfare. The director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW, as amended.*

Comment: The proposed Cluster Long Subdivision will serve the public use and interest and is consistent with public health, safety, and welfare. It is consistent with applicable zoning regulations, Neighborhood Plan standards and other relevant codes. It is designed to be safe for residents and the public and accommodating of environmental features in the vicinity. It provides the opportunity for additional residential housing in a portion of the City that is adequately served with utilities and infrastructure.

V. Subdivision Variance Discussion

Long subdivisions are subject to the requirements set forth in Title 23 BMC, including Chapter 23.08 (Plat Design, Lot Standards and Improvement Standards). The proposed project as designed is substantially in compliance with Chapter 23.08. However, two subdivision variances are proposed.

The first variance is from BMC 23.08.060(E)(2)(a) requiring that no more than four lots that do not abut a public right of way be served by a private access road and easement. Because the proposed development is a mix of Infill Toolkit residences and standard detached single-family residences, this standard does not apply to the full development; this only applies to the nine single family detached units that are not Infill Toolkit Small houses. BMC 20.28.020(D) states that when the provisions of BMC 20.28 conflict with any other provision in Title 20, 21, or 23, the provisions of BMC 20.28 shall apply. According to BMC 20.28.050(G)(7), a private lane can serve up to eight dwelling units without emergency access and greater than eight dwelling units when emergency access is provided. Because 27 of the 36 lots are proposed to be Infill Toolkit Small Lots and an emergency access will be provided, BMC 23.08.060(E)(2)(a) does not apply to those 27 residences and a minor modification is not required from BMC 20.28.050(G)(7). Nevertheless, Wineberry Cir, the proposed private alley, will provide access to all nine of the proposed standard single-family residences through a private access easement. Therefore, we are requesting a variance from BMC 23.08.060(E)(2)(a) in order to provide private access to greater than four lots that do not abut a public right of way (“Variance #1”).

The second variance is from BMC 23.08.070(B) requiring that abutting unimproved Dakin St and Northridge Park rights of way be “*improved in accordance with Title 13*”. BMC 23.08.070(B) requires that “*all rights-of-way within and abutting a land division are improved in accordance with BMC Title 13.*” Title 13 standards require that the unopened Dakin St right of way (to the east) and Northridge Park right of way (to the

south) be improved to a $\frac{3}{4}$ standard along the full property frontage. The project does not propose any improvements to these rights of way except for a new public trail in the Northridge Park right of way and some minor improvements to the existing trail in the Dakin St right of way. Therefore, we are requesting a variance from BMC 23.08.070(B) in order to vary from this standard improvement (“Variance #2).

Variances are permitted pursuant to BMC 23.48.040.

A request for a variance pursuant to this code section must show that unique circumstances preclude a proposal from achieving zoned density or that a variance results in better lot design; and, that the variance will not be detrimental to the public welfare. The following is a discussion of the project consistency with these criteria for both variances.

23.48.040 Variances

Variance #1

A. Variance. The hearing examiner may grant a variance from any term of this title, except minimum lot size, if it is shown that the proposal is consistent with the following criteria:

1. a. Because of unusual shape, the location of preexisting improvements, other extraordinary situation or condition, or physical limitation including, but not limited to, exceptional topographic conditions, geological problems, or environmental constraints, in connection with a specific piece of property, the literal enforcement of this title would involve difficulties, result in an undesirable land division or preclude a proposal from achieving zoned density;

Comment: Due to the dead-end nature of the Property, the Property’s topography, and the mixed Infill Toolkit nature of the project, literal enforcement of this standard would result in an undesirable land division. While the project abuts several rights of way, Pebble Pl is the only improved right of way that the project is able to take access from due to topography and restrictions on new curb cuts along E McLeod Rd. Therefore, the Property is in essence a dead-end lot. Pebble Pl is improved with a 29’ travel lane with 4’ sidewalks on each side and the Pebble Pl right of way is approximately 55’ wide. In this instance, the only way to provide private easement access to no more than four lots is to extend Pebble Pl through the site, terminating it on the Property, and line most of the proposed residences along the right of way. Doing this would require a significant amount of grading for the 37’-wide road. Additionally, it would prevent the project from meeting the minimum density of 7,201 square feet per unit (or 33 densities) and maintaining detached single-family development, because of the amount of space the right of way would use and the inflexibility of the road to provide vehicular access across the full site. The only way the project could meet the minimum density would be to resort to multifamily housing forms. This would be inconsistent with the surrounding development pattern and would generate greater impacts on neighboring properties. The alternative approach provided with this proposal utilizes the Infill Toolkit Lane

Standards. The intent of the Infill Toolkit Lane Standards is to allow for smaller roads and greater flexibility in the design of vehicular travel-ways. The project includes 75% of the units as Infill Toolkit units. The proposal provides a travel-way that meets the Infill Toolkit Lane Standards, and an emergency access road, resulting in a site design that is safe and functional for vehicular and pedestrian passage and provides public and emergency vehicular access across the full site. This design ultimately reduces the amount of grading needed for vehicular access while allowing the project to meet the minimum density for the Property and be developed consistently with the Infill Toolkit standards that apply to the majority of the project anyways. All travel-ways will be placed in easements to provide pedestrian and vehicular access rights to and from all of the proposed lots. For these reasons, literal enforcement of this title would prevent the project from meeting the minimum required density as a single-family project and would result in a significant increase in the amount of grading required to provide vehicular and pedestrian access across the full site, or a shift to a multi-family housing product, resulting in an undesirable land division.

1. b. The granting of the variance will establish a better lot design resulting in a development pattern found to be consistent with the neighborhood character including, but not limited to, development orientation to the street, setbacks, lot orientation, or other contextual element associated with the proposed development; and

Comment: While compliance with criterion 1.a. is sufficient for the granting of a variance; it should be emphasized here that the variance facilitates the proposal to be comprised entirely of detached single-family residences as opposed to multi-family structures. Neighbors of the proposal raised concerns at the neighborhood meeting about the incompatibility of the site design with the surrounding neighborhood. If Pebble Pl were to be extended through the site as a 55' right of way, it would be very difficult to meet the minimum density without resorting to multifamily housing forms (i.e. townhouses, duplexes, triplexes, etc) in order to more efficiently utilize the limited street frontage and remaining developable land area to meet the required minimum density. Multifamily housing forms are significantly less compatible with the surrounding development, which is exclusively comprised of detached single-family residences. Only detached single-family residences are proposed with the project and the proposed lot sizes have been increased since the neighborhood meeting to address the neighbors' concerns. The variance facilitates a design that is able to address the concerns raised by neighbors and is much more compatible with the neighborhood character than would be the case under literal enforcement of this title, resulting in better lot design.

2. The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located. [Ord. 2018-12-036 § 2 (Exh. A)].

Comment: The variance will not be unduly detrimental to the public welfare nor injurious to the Property or improvements in the vicinity. The Fire Department and Public Works Department have approved the concept of privately-owned travel-ways to serve the proposed subdivision, meaning the City does not consider the proposal to be a risk to life safety. In fact, the variance will benefit the public welfare by reducing grading

on the Property for infrastructure and by reducing long term cost to the public for maintenance of a public road (vs a private road). Contrarily, literal enforcement of this title would result in a significant increase in grading across the site to provide vehicular access, and an increase in financial cost to the public to maintain the roadway. Because the Fire Department and Public Works are not requiring literal enforcement of this title in order to maintain safe conditions for the public, the additional grading and cost to the public would be unnecessary. The alternative design provided in the proposal reduces the amount of grading by allowing for a reduced travel-way width to access the proposed residences and it reduces the amount of pavement and concrete that would be dedicated to the public for future maintenance. Therefore, this variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and will, in fact, benefit the public.

For these reasons the variance request is consistent with the applicable criteria and should be approved.

Variance #2

A. Variance. The hearing examiner may grant a variance from any term of this title, except minimum lot size, if it is shown that the proposal is consistent with the following criteria:

1.a. Because of unusual shape, the location of preexisting improvements, other extraordinary situation or condition, or physical limitation including, but not limited to, exceptional topographic conditions, geological problems, or environmental constraints, in connection with a specific piece of property, the literal enforcement of this title would involve difficulties, result in an undesirable land division or preclude a proposal from achieving zoned density;

Comment: Due to pre-existing improvements, the literal enforcement of this title would involve significant difficulties. The Dakin St right of way is an unopened right of way with an existing improved public trail that connects to Northridge Park. Development of a roadway within this right of way would result in the displacement of the public trail, which the City does not support. The trail precludes the ability to develop the right of way with a road. In addition to this, to the east of the Dakin St right of way there are single-family residences that front on Magrath Rd. These residences would not benefit from an additional road access to the west. Finally, this right of way converges with the surrounding street network at the intersection of Magrath Rd and E McLeod Rd. Development of a roadway that connects to Magrath and E McLeod at this intersection would create an awkward and unsafe road design. All of these reasons preclude the improvement of the Dakin St right of way with a roadway of any type. These reasons also preclude the development of the Northridge Park right of way with a roadway because the roadway would need to connect to a roadway in the Dakin St right of way in order to connect to the surrounding street network. A road extension in the Northridge Park right of way that does not connect to Dakin St would not serve any properties and would eliminate existing mature vegetation that screens neighboring properties. Due to pre-existing improvements within and abutting both rights of way, it would not be

possible or make sense to develop either right of way with a roadway of any type.

1.b. The granting of the variance will establish a better lot design resulting in a development pattern found to be consistent with the neighborhood character including, but not limited to, development orientation to the street, setbacks, lot orientation, or other contextual element associated with the proposed development;

Comment: Not applicable, because no lot design variance is requested.

2. The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located. [Ord. 2018-12-036 § 2 (Exh. A)].

Comment: The variance will not be unduly detrimental to the public welfare. In fact, the variance will benefit the public welfare. Literal enforcement of this title would result in removal of public trails and existing mature vegetation and the creation of an unsafe intersection at E McLeod Rd and Magrath Rd. All existing residences adjacent to the subject rights of way front on surrounding improved streets. Therefore, development of the subject rights of way would provide no public access benefit to the adjacent residents. Furthermore, the subject project does not propose any lane connection to either of the subject rights of way, meaning these rights of way will produce no public access benefit to existing or future residents if they are improved to a $\frac{3}{4}$ standard road. Additionally, mature vegetation in these rights of way would be removed, which would eliminate screening for adjacent developed properties. A trail is proposed to be developed in the Northridge Park right of way and minor improvements to the trail in the Dakin St right of way are proposed. For these reasons, this variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and will, in fact, benefit the public.

For all these reasons the variance request is consistent with the applicable criteria and should be approved.

VI. Multi Family Design Review/Infill Toolkit

The proposed project is the development of a 36-lot cluster subdivision with 27 Infill Toolkit Small House lots and nine standard single-family lots. Because the subdivision contains more than three units, the design of the buildings and the site must be consistent with the Requirements identified in the City of Bellingham Multi-Family Residential Design Handbook (the “Handbook”), the Infill Toolkit General Standards in BMC 20.28.050 and Infill Toolkit Small Lot requirements in BMC 20.28.070. The proposal fully complies with the Infill Toolkit General Standards in BMC 20.28.050 regarding pedestrian-oriented design, density, lot design and size, subdivision design, lane design, parking, and landscaping design. An analysis of the project’s compliance with BMC 20.28.050 is provided below.

The proposal also fully complies with the Small Lot standards in BMC 20.28.070

regarding density, site requirements and setbacks, bulk and massing, open space, design standards, and design guidelines. Lots 1-7 will front on E McLeod Rd, Lots 20-23 will front on Pebble Pl, and Lots 15-18 and Lots 24-35 will front on pedestrian corridors. As a result, all Infill Toolkit units will front on a street or a common pedestrian corridor and the internal access loop does not need to be a lane or street. This access loop, along with the various pipestems, will instead all be considered alleys for the purposes of Infill Toolkit frontage, setback and design purposes. Although the access loop is an alley and not a lane or street, it will be designed to meet the lane standards (12' travel-way with two 4' sidewalks) to provide a better pedestrian experience.

The Handbook identifies a number of Requirements that must be met with the project design, and also includes Guidelines that can be used to meet the Requirements. For an Infill Toolkit project not all Design Requirements or Guidelines are applicable. In this Section is a list of each Requirement in the Handbook with an accompanying discussion of how the building or site design incorporates the Guidelines and meets the intent of the Requirement, where applicable. Individual Guidelines from the Handbook are not listed in this discussion.

MULTI FAMILY DESIGN STANDARDS

I. SITE DESIGN

A. 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.*

Comments: The residences on Lots 1-7 will have front porches and front yards oriented to E McLeod Rd and will meet the required 10'-20' front yard setback as required by BMC 20.28.070.B.2, maintaining the residential character along the road. The residences on Lots 20-23 will have front porches and front yards oriented to Pebble Pl. The residences on Lots 15-18 and 24-36 will have front porches and front yards oriented to internal pedestrian corridors. The remaining residences will have front porches facing the alleys. All detached garages will also be oriented to the internal alleys with garages facing the alley pipestems wherever possible. Landscaping around the residences will enhance the character of E McLeod Rd, Pebble Pl, the alleys, and the various walkways and pedestrian corridors for pedestrians.

B. Neighborhood Connections

Requirement: Provide functional pedestrian and vehicular connections to existing neighborhoods.

Comments: An alley, named Wineberry Cir, will loop through the site around Lots 28-36. Alley pipestems will connect to the Wineberry Cir providing vehicular access to rear garage entries for Lots 15-27 and front garage entries for Lots 13 and 14. Lots 6 and 7 will have rear garage entries that access an emergency access road, which will connect to Wineberry Cir. The remaining lots will have garage entries oriented to Wineberry Cir. All proposed alleys will connect to Pebble Pl for vehicular access to and from the site. Sidewalks are proposed adjacent to Wineberry Cir on both sides of the alley. Additionally, pedestrian corridors are proposed between the residences on Lots 15-18, 24-27, and 28-36. These residences will have front entries and front yards oriented to the pedestrian corridors. All pedestrian pathways and sidewalks will connect to the sidewalk in Pebble Pl. The project also includes the improvement of the existing trail to the east of the Property, the construction of a trail on the south side of the Property and the improvement and formalization of the trail that crosses the northwest corner of the Property, connecting N Heather Pl to E McLeod Rd. The pedestrian corridor between the residences on Lots 15-18 will also connect the sidewalk along the central alley to the new trail proposed to the south of the Property.

C. Parking Location and Design

Requirement: Minimize the impact of parking facilities on the fronting street, sidewalk and neighboring properties by designing and locating parking lots, carports, and garages so that they do not dominate the street front.

Comments: Parking facilities will not dominate E McLeod Rd, Pebble Pl, or Magrath Rd. All parking will be accessed via the alleys and garages will be oriented to the internal alleys. Residences fronting on E McLeod Rd will have front entries oriented to E McLeod Rd with attached garages oriented to the alleys. Where possible, parking facilities will be oriented to the pipestem alleys. The intent of the site design is to orient Infillt Toolkit Small Lot building entries to pedestrian corridors or street frontages where possible which garage access is from the opposite side of the residence off the alley. The standard single-family residences will have garage and front entries oriented toward the alley. Parking stalls for the common open space will be located on the inside of the alley.

D. Clearing and Grading

Requirement: Preserve significant natural features whenever feasible and minimize changes to the natural topography.

Comments: There are no natural features of significance on the Property. Grading will be designed by a licensed civil engineer and will take into account the site's soils and infiltration capacity. Some grading will be required to develop the proposed residences and roads and alleys. Homes will be constructed with daylight basements and detached garages where possible to reduce grading associated with the development.

E. Fences and Walls Adjacent to Streets

Requirement: When using fences or walls, use designs and materials that will maintain a pedestrian scale along streets or public walkways.

Comments: Fencing and walls will be limited. A retaining wall up to 12' in height will be utilized on the north side of the stormwater pond, adjacent to E McLeod Rd. Vegetation in the form of climbing plants, ground cover, shrubs, and trees will be planted to screen the wall from view. Where fencing is utilized it will be of quality material such as cedar or similar wood products. Fencing to delineate private yards for the residences will be less than 6' feet in height.

F. Open Space and Recreational Area

Requirement: Locate and design useable space to encourage its use for leisure or recreational activities.

Comments: Every proposed residence will have a private covered front porch, private front yard, private rear or side yard deck, and private backyard. Additionally, pedestrian pathways through the site will connect to the proposed and existing trail adjacent to the Property to the south and east.

G. Mailboxes, Site Lighting, Bus Stops

Requirement: Locate and design functions such as mailboxes and bus stops to promote ease of use and safety. Provide lighting adequate for the function without creating excessive glare or light levels.

Comments: Mailboxes will be consolidated into a bank near the vehicular entry to the project. Down-shielded lighting will be

provided for this facility and in other areas around the site to ensure safety of residents.

H. Trash and Recycling Storage

Requirement: Provide adequate screening for trash and recycling facilities associated with multifamily developments.

Comments: Garbage and recycling will not be consolidated into a common facility. SSC has approved individual garbage/recycle pick up for each residence. Therefore, this Standard is not applicable.

I. Landscape Design – Overall Project

Requirement: Provide landscaping that is in scale with the buildings and spaces and compliments the function of the space.

Comments: Landscaping in the form of grasses, shrubs and trees will be provided around all the residences, detention pond, travel-ways, walkways, and open parking stalls. Vertical climbing plants, groundcover, evergreen shrubs, trees will be planted along the detention pond retaining wall for screening of the wall. A variety of low shrubs and trees will be planted along the perimeter of the extension of Pebble Pl, the alleys and guest parking. Fencing will be provided along the public trails to the south and east for privacy and screening. No existing vegetation will be retained due to the extent of the site development and the impact that site grading will have on the areas that will remain in open space.

J. Landscape Design – Parking Areas

Requirement: Use landscaping to help define, break up, and screen parking areas.

Comments: Landscaping will be provided around the alleys, guest parking stalls, and in front of all residences and detached garages to help screen the parking facilities and roadways. This landscaping will be located in a common tract for common maintenance.

K. Signs

Requirement: Minimize the amount of signage needed to identify the multifamily development.

Comments: Besides address numbers on each unit, only one small monument sign is proposed at the Pebble Pl entry.

L. Sidewalk Design

Requirement: Design sidewalks to be consistent with the existing or proposed street design for the subject area.

Comments: Sidewalks will be designed to be consistent with existing sidewalks along E McLeod Rd and Pebble Pl.

M. Site Drainage

Requirement: When open storm water facilities are proposed to be located on the site, minimize negative impacts on natural site features and incorporate them into the overall landscape scheme.

Comments: An open stormwater detention pond is proposed in the northwest corner of the Property, the lowest point on the Property. The storm pond will not impact natural site features on the Property. Vertical climbing plants, ground cover, shrubs and trees will surround the entire storm pond to screen it from view along E McLeod Rd and the neighboring residences.

II. BUILDING DESIGN

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.

Comments: Each residence will be similar in height, mass, architectural appearance and other features to surrounding development. Each building will be no taller than three stories and many will be built into the slope of the site minimizing their mass from the uphill perspective, where most neighboring residences are located in relation to the project. Extensive modulation will further break up the residences into smaller sections. Windows facing adjacent residences will be minimized to reduce impacts on privacy.

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.

Comments: All proposed residences will be designed to have a

traditional style with fiber cement lap siding, asphalt shingles, pitched and varied roofs, dormers, covered porches and patios, vertically-oriented, well-proportioned, trimmed windows, architectural detailing under the eaves, extension modulation and other massing components that are consistent with surrounding development.

C. Privacy

Requirement: Orient buildings to provide for privacy, to the extent practical, both within the project and for adjacent residential uses.

Comments: Minimal windows are proposed on the building facades facing neighboring residences or other residences in the project. Windows facing each other within the project will be off set to reduce line of sight between residences. Larger windows will be placed on the front and rear of each house for light and greater privacy. Individual private yards behind each residence will be screened with landscaping and the detached garages for privacy on each lot. Private front porches and rear patios will be inset into the residences for greater privacy.

D. Façade and Articulation

Requirement: Use architectural features that break up blank, flat walls and roofs and give the building a human scale.

Comments: The residences incorporate modulation and articulation in the façade and roof, with no blank walls or expansive rooflines. These features along with decks, patios and covered entries will give the buildings human scale. No Infill Toolkit Small Lot residences exceed two stories in height.

E. Windows

Requirement: Provide articulation of the building facade by using well-proportioned and spaced windows.

Comments: Window spacing is well-proportioned.

F. Building Foundations

Requirement: Design a building foundation to blend visually with the site.

Comments: The buildings will have limited exposed foundations and where foundations are exposed landscaping will be used to screen them.

G. Entries

Requirement: Clearly define the main entrance of a building, orient it to a pedestrian walkway and enhance safety through lighting and visibility.

Comments: The primary entries to the residences on Lots 1-7 will be oriented to E McLeod Rd and the primary entries to the residences on Lots 20-23 will be oriented to Pebble Pl. The primary entries to the residences on Lots 8-14 will be oriented to the sidewalk along the main alley or the southeast alley pipestem. The remaining residences will have primary entries oriented to common pedestrian corridors splitting the lots. All primary entries will have covered front porches for emphasis and separation from the street and all primary entries will connect to the surrounding pedestrian network by well-lit pedestrian walkways.

H. Building Materials

Requirement: Use durable exterior finish materials that provide visual detail, reduce the perceived scale of the building through texture or pattern and appear similar to those used in the neighborhood.

Comments: Exterior finish materials will be durable (fiber-cement) and will provide visual detail.

I. Garages and Accessory Buildings

Requirement: Design garages and carports in a way that does not dominate the streetscape or obscure building entries. Accessory buildings shall be subordinate in scale to the main buildings.

Comments: No detached or attached garages will be oriented to Pebble Pl or E McLeod Rd. All garages will be oriented to the alleys. All building entries will front on clearly defined proposed pedestrian corridors or sidewalks or existing pedestrian sidewalks.

J. Additions to Existing Structures or Sites with Existing Buildings

Requirement: When retaining existing structures, incorporate them into a project in a way that preserves their integrity and contributes to a desirable neighborhood character.

Comments: N/A – No structures are to be retained on-site

INFILL TOOLKIT GENERAL STANDARDS

A. Pedestrian Oriented Design

Comment: The proposed Small Lot residences along E McLeod Rd will front on E McLeod Rd. All other Small Lot residences will front on a pedestrian corridor or the extension of Pebble Pl onto the Property. All Small Lot residences will have garages on the back side of the unit oriented toward an alley.

B. Density

Comment: The Property is zoned Residential Multi, Planned, Low Density. Therefore, the Property has a base zoning density of 7,201 square feet per unit, or 33 densities. BMC 23.08.040(C)(1) offers a density bonus of an additional 50% more lots when Infill Toolkit housing types make up at least one-half of the total units or lots. The proposed subdivision meets this criterion. With only a 9.1% density bonus, the Property can accommodate the 36 densities proposed.

C. Lot Requirements

Comment: Per this requirement, there are no minimum lot dimensions, lot sizes, or minimum street frontages. All Small Lot residences will have access to Pebble Pl via alleys, which will be placed in easements.

D. Subdivision

Comment: Comment: Transition lots are not required for the proposed development. Area 2 of the Barkley Neighborhood, a Residential Multi zone, extends beyond the west and south boundaries of the Property. The adjacent properties to the east are located outside Bellingham city limits and zoned Urban Residential – Mixed Use 6-12 units per acre (URMX6-12), which is not a single-family zone. Squalicum High School is located across E McLeod Rd to the north, which is also not a single-family zone. Notice will be provided for any associated land use approvals.

E. Common Facilities

Comment: Covenants, Conditions, Restrictions, and Reservations will be prepared for the subdivision and submitted with the project's final plat application. This document will identify the rights and responsibilities of property owners and/or a homeowner's association for use and maintenance of common facilities.

F. Encroachments and Common Wall Development

Comment: No yard encroachments, common walls, or reduced setbacks are proposed.

G. Private Lanes, Common Pedestrian Corridors, and Alleys

Comment: All Small Lot residences will abut a street or a common pedestrian corridor. The Small Lot residences have been designed to treat the abutting street or pedestrian corridor as the frontage for setbacks and design purposes. The private alley named Wineberry Circle will meet the large lane standards with a 12' wide asphalt travel lane and 2 flush 4' concrete sidewalks. The alley pipestems off Wineberry Circle will meet the alley standards at 16' wide. The pedestrian corridors will be 5' wide and constructed with concrete. All alleys and pedestrian corridors will be placed in easements and maintained. The extension of Pebble Pl will be dedicated to the City as public right of way. Wineberry Circle will serve a fire apparatus road and an emergency access road off Magrath Rd will be provided. No lanes are proposed, therefore the perpendicular parking provided is allowed.

H. Parking

Comment: All Small Lot residences will be greater than 1,000 square feet in size, therefore 2 stalls are required for each Small Lot residence. 2-car garages meeting the minimum parking dimensions will be provided for each Small Lot residence to meet this requirement. An additional 20 guest stalls will be provided. All stalls front on an alley, therefore there is no parking setback for the proposed garages and guest stalls.

I. Landscaping and Fencing

Comment: Though Wineberry Circle is an alley, a street tree will be provided every 40' on both sides of the alley. Landscaping will be provided between all housing units and the alleys and street frontages. All driveways will be separated by landscaping. Any fences constructed in front yard and side street setbacks will be below 42" in height and will be no more than 60% opaque.

VI. Accessory Dwelling Unit

BMC 20.10.036(B) Accessory Dwelling Unit Standards

Pursuant to BMC 20.10.036(B)(1), the construction of an ADU is permitted, as long as the requirements of BMC 20.10.036 (B) are met. Below is an inline response to each applicable requirement, explaining how the project meets those requirements.

4. Ownership and Occupancy

There are no plans to further subdivide the newly created lots, and all requirements for a Covenant will be followed in accordance with the code. No more than two residents will live in each ADU. The required covenant will be recorded with the Whatcom County auditor.

5. Site Requirements

Only one ADU will be built on Lots 29, 30, 31, and 32 and each of these lots will be adjacent to and have direct access to the proposed alley.

6. ADU Size

None of the ADUs will exceed 66% of the floor area of the primary residences. Each carriage house will be between 795 square feet and 799 square feet in size while each associated primary residence will be between 1,512 square feet and 1,564 square feet. As a result, the ADUs will be between 53% and 55% of their associated primary residences. Each ADU will be a studio unit. ADUs are exempt from FAR calculations pursuant to BMC 20.28.070(C)(1). The primary residences on each lot containing an ADU will meet applicable FAR requirements from the Infill Toolkit.

7. Minimum Yards for D-ADUs

Each lot abuts the alley and each Carriage House will be oriented to the alley in the rear yard of the lot. Each carriage house will have at least 5' side yard setbacks on both sides of the structure and will be at least 6' from the primary residence.

8. Building Height for D-ADUs

All four ADUs will be greater than 20' in height per height definition No. 1 due to the slope of the site. As a result, we are requesting a minor modification from BMC 20.10.036(B)(8). This code section states that a "*D-ADU shall be no higher than 20 feet under BMC 20.08.020, height definition No. 1.*" The ADUs will range between 22'-5" and 23'-1" in height per height definition No. 1. We request a minor modification from the maximum height requirement for ADUs to exceed the height requirement. This modification is consistent with the criteria for modifications from BMC 20.10.036.

According to BMC 20.10.036(B)(3), "*Applicants may request minor modifications to the development and design standards for ADUs.*" Below is an inline response to each of the criteria and how the proposed modification and project will meet the criteria.

a. The site is physically constrained due to, but not limited to, unusual shape, topography, easements, existing development on site, or critical areas; or

Comment: This site is physically constrained by the topography of the site. The site slopes moderately downhill from south to north. To accommodate the slope, the proposed ADUs will be built into the slope with daylight basement garages. Access to the 2nd floor dwelling space will be provided at grade from the rear of the building. Additionally, the ADUs have been designed with pitched roofs in alignment with the character of the proposed primary residences and the surrounding neighborhood. In order to provide an ADU entry at grade with the site slope, a comfortable ceiling height internally, and pitched roofs, the ADUs must be greater than 20' in height per height definition No. 1. The existing topography physically constrains the site and creates a unique condition.

c. The granting of the modification will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and district in which the property is situated; and

Comment: The modification will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity. Allowing ADUs to exceed the height limit by a few feet will not produce any additional impacts to the neighbors or the

general public. The ADUs will be located near the center of the Property, meaning they will not be located near existing residences in the area. Window placement in the ADUs will be designed for privacy with most of the windows in each ADU facing its associated primary residence. There are no other potential impacts to the public welfare or other land or improvements in the vicinity as a result of this modification.

d. The granting of the modification is consistent with the purpose and intent of this section; and

Comment: The granting of the modification is consistent with the purpose and intent of BMC 20.10.036 accessory dwelling units. The purpose of this section is to implement Citywide policy provisions that promote increased housing options, while making more efficient use of public infrastructure and services, in areas close to shops, jobs and amenities. It is also to encourage well designed infill development. As proposed, the modification would allow for slightly taller ADUs than permitted, which would facilitate the development of the ADUs. The intent of the specific section regarding building height is to ensure that each ADU is subordinate in mass to the primary residence. Because the ADUs will be built into the slope of the site, their height per definition No. 2 will only be between 12'-2" and 12'-10". The ADUs will not be as tall as the primary residences and will be clearly subordinate to the primary residences in terms of their overall mass. Furthermore, the height of the ADUs per definition No. 1 (22'-5" to 23'-1") and No. 2 (12'-2" to 12'-10") is in compliance with the Infill Toolkit Small Lot height requirement in BMC 20.28.070(C)(2) and would be a permitted height for an accessory structure if it was not an ADU. Furthermore, the mass of the ADUs will be reduced by being built into the slope with a daylight basement garage. All of these factors demonstrate that the ADUs will meet the intent of the height definition.

e. All reasonable mitigation measures for the modification have been implemented or assured.

Comment: The proposed height is the minimum possible height to facilitate development of the ADUs. The ADUs will be built into the slope, which will reduce the perceived mass of the structures. Furthermore, only four ADUs are proposed. The remainder of the lots will be developed with attached or detached garages.

9. Parking

Two parking stalls are required for the primary residences and one parking stall is required for the ADU. Pursuant to BMC 20.28.050(H)(4), tandem stalls are allowed as long as at least one of the stalls is located in a structure. On each lot containing an ADU, two parking stalls will be provided in the garage and two parking stalls will be provided in the driveway behind the garage stalls with adequate maneuvering space behind the driveway stalls. Therefore, an excess of one parking stall above the required three stalls will be provided for the proposed ADU and primary residence on each lot.

10. Privacy

Zero to three small windows facing neighboring properties are proposed for each ADU and one window will be facing the alley. No windows on the sides of the ADUs facing neighboring properties will look directly into windows on neighboring windows and will

be mostly elevated. These design features will maintain privacy between neighboring properties. The most substantial windows in each ADU will face south toward the primary residence.

11. Design Standards

The proposed Carriage Houses will have traditional pitched roofs, horizontal lap siding and window patterns similar to the proposed primary residences on the lots as well as the surrounding homes. Blank walls will be avoided through extensive modulation, varied roof lines, lap siding, window placement, and by building the structures into the slope. The ADU entries will be subordinate to the primary residence entries because they will be on the back side of the structures and the ADUs will be on an alley, rather than the main pedestrian corridor. A stoop will be included above each ADU entry. Lighting will be provided on the exterior of the Carriage House to provide safe access from the driveway to the stairs and walkway accessing the unit.

12. Utilities

Water, sewer and storm mains will be located adjacent to the ADU lots. Each primary residence will have connections to water, sewer, storm, and electrical utilities, and each ADU will share these services with the primary residence.

13. Compliance with Applicable Codes

The building will meet all applicable building code requirements.

14. Accessibility

There will be no deviations from the stated requirements.