



Planning and Community Development Department

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NOTICE OF INCOMPLETE APPLICATION & REQUEST FOR INFORMATION

Notice is hereby given that the Planning and Community Development Department (PCDD) has determined that the submitted applications associated with the CityView proposal are not sufficiently complete to begin review.

Date of Notice: August 10, 2019

Date Application Received: 7/22/2019

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

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

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

Application Type: Planned development (PDP2019-0015)/Design review (DR2019-0036)/Height variance (VAR2019-0009)/Critical area permit (CAP2019-0037)/SEPA checklist (SEP2019-0039)

To complete the application, please submit the following information:

General

The building elevations need to be reconciled with the submitted renderings and responses to the design review standards must address the reconciled plans.

Public Infrastructure

Revise the proposal as necessary to show the required 30-foot dedication of Consolidation Avenue from Nevada St to 46th St. This dedication will effectively establish a new property line for setback purposes.

Action Item: Submit a revised site plan showing the required dedication and compliance with all development regulations that are measured from property lines (such as parking).

The construction of Consolidation Avenue to 3/4 -city standard of a residential access street from Nevada St to fully about the 45th Street right of way with ADA compliance for sidewalk connectivity is required. The proposal did not include these improvements.

Action Item: Submit preliminary engineering drawings demonstrating compliance with the required Consolidation Ave improvements.

Pursuant to BMC 20.38.050 (B)(13)(d), a pedestrian facility is required to connect the required Consolidation Ave improvements to Puget Street.

Action Item: Submit preliminary engineering showing the proposed location and design of this pedestrian facility.

Critical Areas

The geohazards report (University Ridge Student Apartment Development, GeoEngineers, April 29, 2013) was not produced for this project. While the geologic conditions of the site were described, the current proposal has not been evaluated. See the geohazard report requirements for the site plan, hazards analysis and more in BMC 16.55.430-16.55.460.

Action Item: Submit the required geohazard information, developed by a licensed geologist, described in BMC 16.55.340—16.55.460 for this proposal.

The wetland mitigation plan proposes the purchase of mitigation bank credits for mitigation for Wetland B. Mitigation banking is allowed when criteria in BMC 16.55.360 D are met. Criterion D 6 is not met: “The director determines that the wetland bank provides appropriate compensation for impacts.” With no known opening of the Lummi Nation Wetland and Habitat Mitigation Bank, the proposed mitigation credit purchase does not provide appropriate compensation.

The project is avoiding clearing and grading more than half the site. Knowing that the site plan is likely to change, based on code requirements, avoidance should be considered as an option. Buffer reduction or averaging is another option as long as it meets requirements for each in BMC 16.55.340 C.

Action Item: Explore avoidance and other means of maintaining the wetland. If there are no viable options, provide a mitigation plan that meets criteria for mitigation in BMC 16.55.350.

The Critical Area Report describes the drainage flowing from the east side of Puget St. to the property where it flows into Wetland B. It does not describe the drainage flowing from Puget St. down the Consolidation right-of-way where a trail is proposed.

Action Item: Describe the drainage flowing in the Consolidation right-of-way. Show where crossings and/or culverts are proposed, if any.

There is no indication on the mitigation plan, or any of the site plans, where the conservation easement boundary will be. Similarly, a split rail fence should be proposed to protect the wetland and wetland buffer remaining,

Action Item: When finalizing the mitigation plan, incorporate the location of the conservation easement boundary and the location of a split-rail fence. Include a cost estimate for the split-rail fence for the required surety.

Tree Retention

The city adopted low impact development standards to reduce stormwater impacts citywide. The Land Clearing Chapter, BMC 16.60.080 B requires a tree retention plan.

Action Item: Provide a tree retention plan prepared by a ISA certified arborist that identifies the species and size of all significant trees (6" at dbh or greater) on and near the site. The retention plan should also identify all trees that will be removed and those that will be preserved. For those being preserved, provide a description and drawing of the fencing method to protect the critical root* zone during construction. All significant trees to be removed require replacements at a ratio to be determined by the city.

For a complete tree retention plan:

- Map significant* trees and identify the species.
- Locate structures and infrastructure to maximize tree retention.
- Identify trees that will be removed and those that will be retained.
- For those retained, draw the critical root zone** protection area.
- Show the fencing method used to install at the critical root zone.
- Show locations of underground utilities to ensure no conflicts with the critical root zone of retained trees (consider pipe boring to avoid conflicts).
- Identify locations for replacement trees (native species) to be located. Consider "Right tree, right place." Replacement ratios will be determined by the city.

Zoning

The application materials address the clearing special condition listed in the zoning table for Area 17, with the exception of demonstrating how the proposal minimizes the destruction of existing vegetation, encourages the incorporation of existing vegetation, and demonstrate how the proposed grading necessary to develop the improvements and infrastructure will not result in excessive clearing. Additional information is necessary to demonstrate the clearing special condition is met and fulfill the purpose of the planned development chapter pursuant to BMC 20.38.020.

Action Item: Submittal of preliminary grading plans and the tree retention plan required above is necessary to fulfill this request.

The application materials do not adequately address the view special condition. The application materials must provide sufficient analysis to determine what, if any, view impacts the proposed development will have on surrounding properties.

Action Item: Please provide a view analysis that takes into consideration those properties located uphill to the east and south of the subject site.

Planned Development

The site plan does not show the required yards consistent with BMC 20.38.050 (B)(7). A twenty five foot setback is not found in code.

Action Item: Submit a revised site plan demonstrating compliance with the required yards.

The usable space does not qualify for the 2:1 ratio since the usable space does not contain significant recreational equipment.

Action Item: Revise the proposal to provide the required 34,000 sf of usable space compliant with BMC 20.38.050(B)(6).

BMC 20.38.050(B)(8) Parking. The parking stalls appear to be sized as 9' by 18'. For multifamily development, these dimensions can be reduced to 8.5' by 15' pursuant to BMC 20.12.030(C)(4)(e).

Parking may not be located in the front, side or side flanking yards. It appears some parking may be located within the required yard for Consolidation Ave.

Action Item: Submit a revised site plan demonstrating compliance with the required parking standards.

Design Review

Per BMC 20.25, multifamily design review is required. The project shall comply with all site and building design standards contained in the Multifamily Residential Design Handbook (Handbook). The comments below are standards from the Handbook that are not met.

SITE DESIGN.

- A. Orientation - Orient buildings to public streets and/or open space. This standard does not appear to be met. As designed, the building is oriented to the parking lot and the parking lot is oriented to the street.
- B. Neighborhood Connections – This standard does not appear to be met. Pedestrian facilities to Puget Street are needed and required though the planned development regulations.
- C. Parking Location and Design – This standard does not appear to be met. While the parking lots are located at the sides, assuming Consolidation is the front for design purposes, the parking lots have not been broken up to minimize their mass or ease for pedestrian circulation; additional pathways connecting the parking areas to the walkways adjacent to the building are necessary to satisfy this standard. A final landscape plan will need to demonstrate how the parking lots will be screened from abutting and adjacent single-family residences.
- D. Clearing and Grading – To meet this standard and ensure the site is maximizing preservation of existing vegetation, a survey of the existing vegetation on site should occur to ensure development is being proposed in appropriate location. A tree retention plan pursuant to BMC 16.60.08(B)(4) is required. The effect of grading must be minimized by well-proportioned and design retaining wall associated with the parking lots, pursuant to subsection E – Fences and walls.
- F. Open Space and Recreational Area – The proposal does not meet this standard. The outdoor usable space located on the east side of the building will be shaded much of the time; consider relocating this amenity where sun exposure is maximized. If the indoor common use areas are proposed for gathering purposes, consider locating them on the west side of the building for the same sun exposure comment above.
- G., H. and I. – Overall, these are standards that can be met and must be incorporated with a final site and building design. The use of landscaping to screen and buffer the proposal, including the building, parking areas and retaining walls supporting the parking areas, from the adjacent residences on Nevada should be given priority and shown on the landscape plan.

- I. Landscape Design – Together with the street orientation, the building’s main entrance shall be emphasized with special landscaping, paving and lighting.
- M. Site Drainage – Additional information will be needed with final engineer drawings to ensure the clearing and grading for the open facility is minimized and restoration of the disturbed area is maximized through buffer landscaping.

BUILDING DESIGN

- A. Neighborhood Scale – This provision is not met. The building does not incorporate design elements that are at a similar scale of the adjacent single-family neighborhood. The existing neighborhood has a very well-defined character consisting of 2 story elements and building features typical of Pacific Northwest housing.
- B. Neighborhood Compatibility – The architectural character of the surrounding buildings is well-defined. The proposal minimally addresses this standard and must be revised to incorporate the human scale elements of this defined character.
- C. Privacy - This provision requires additional analysis. Distance alone does not privacy. The proximity of the parking to the single-family residences and the height of the building could result in privacy issues that require further analysis how mitigation should be provided.
- D. Façade and Articulation – This standard is not met. The building’s repeating pattern lacks modules of distinct design as guided in the Handbook and results in a monolithic building.
- E. Windows – This standard is not met. Staff does agree that the window spacing, size or placement is consistent with the neighborhood context. Window placement in the recessed portions of the building’s modulation does not meet this standard and should instead be placed on the outward portion of the module.
- G. Entries – This standard is not met. The building entry should be an element of the overall building design that is celebrated with human scale elements such as change in materials (stone, brick, etc) that can and usually extends above the first two or three stories.
- H. Building Materials – Additional detail is needed to determine compliance with this standard.

SEPA Checklist

Revise the SEPA checklist to address the information requested in this notice and the following:

- Include in the project description the full scope of the proposal including all required public infrastructure, critical area review, use, parking access etc.
- The SEPA checklist instructions ask that the applicant “answer each question accurately and carefully”. It also says, “complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.”

The SEPA checklist does not provide complete answers to the questions. It is okay to list the studies relied on for the project but listing them as the “answer” to the questions does not provide complete and accurate information. For example, question #11 on page 2 asks for a brief description of the proposal. This description is what is used for the SEPA determination and needs to be provided by the applicant. Referencing the “elevations, site plans, and details attached” does not accurately answer this question. Include offsite improvements in the description also.

When the SEPA determination is made, it includes the checklist but not all the reports, so the other agencies and individuals reviewing the checklist won’t have those reports to refer to.

It appears that the wetland “fill” will result from diverting the water source to the wetland. In the section “3. Water” provide specific information about the wetland, the water source, and the proposed diversion. Provide the square footage of wetland fill.

Action Item: Provide complete and accurate answers to the questions to include the entire scope of the proposal including the information requested in this notice. Instead of referencing reports and studies, list them in question #8 on page 2. Otherwise, provide the details needed from the respective reports.

Review of the application cannot commence until all of the above referenced information has been submitted. Within 14 days after submittal of the requested information, staff will determine the completeness of the information and shall notify the applicant whether the application is complete or specify what additional information is necessary. **If all the requested information is not submitted within 120 days of the date of this notice (December 9, 2019, the application shall become null and void, in accordance with BMC 21.10.190(c). This is your only notice regarding the incomplete status of your application and no further notice will be sent concerning the expiration of the 120 day timeline.**

Please contact the staff member listed below if you have any questions.

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