

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.

See revised Building Elevations, reconciled with the submitted revised Rendering. Responses to the design review standards address the reconciled plans. See RFI Response under Design Review: Site Design & Building Design, and updated Narrative.

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).

See revised Site Plan, showing the required dedication and compliance with all development regulations that are measured from property lines (no parking in setback).

The construction of Consolidation Avenue to 3/4 -city standard of a residential access street from Nevada St to fully abut 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.

See 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.

See Preliminary Engineering Trail Plan 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.

See included 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 revised Critical Areas Report: Wetland Mitigation Plan no longer proposes the purchase of mitigation bank credits.

The Site Plan has been revised to avoid disturbance of Wetland B, and maintain the required setback/buffer averaging, signage and split rail fencing.

See revised Site Plan and Critical Areas Wetland Mitigation Plan.

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.

The drainage flowing in the Consolidation Ave. right-of-way is described in the Critical Areas Wetland Mitigation Plan (page 4; paragraph 1). Proposed crossings and/or culverts are shown on the Preliminary Engineering Trail Plan, as well as the Preliminary Engineering, Consolidation Ave. improvements.

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.

See the Conservation Easement Map, included in the revised Critical Areas Wetland Mitigation Plan. Per the Plan, no monitoring or surety is required as critical areas will not be disturbed (Critical Areas Report, Section 8.1 Mitigation Approach, #7). The location of the required signage and split rail fencing is shown on the CE map. See also the revised Landscaping Plan: Conservation Easement Map.

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 an 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.

- 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.

See included Tree Retention Plan prepared by an ISA certified arborist, which includes all above Action Item information. In addition, a Tree Risk Assessment is included in this plan.

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 demonstrates 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.

See revised Site Plan, Narrative/Site Design/Section D: Clearing & Grading, and Preliminary Grading Plan. See also Tree Retention Plan prepared by an ISA certified arborist.

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.

See 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.

See 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).

Unit count has been reduced from 136 to 106. The required amount of usable space is 26,500 sf (106 units x 250 sf/unit). The proposal has been revised to provide 43,600 sf of usable space, compliant with BMC 20.38.050 (B)(6). See revised Site Plan and Narrative/Site Design.

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.

See revised Site Plan demonstrating compliance with the required parking standards (no parking is located in the required yards).

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.

The Site Plan now contains 3 buildings (A, B & C). Building B is adjacent to the large exterior common usable area. Both buildings A & B are oriented to this CUA. The main entrance to each building is centrally located on the east side, and clearly marked with special lighting and landscaping. Additional entrances are on the west side of each building, as well as stair towers at each end. All buildings have been oriented to the southwest to minimize shadow casting on adjacent properties.

Due to the site topography, (15-20% west to east grade) any proposed buildings on this site must be elongated due north/south. The project includes two vehicle entrances and three pedestrian entrances at the front of the site (Consolidation Ave). Pedestrian routes allow easy access via minimally sloped sidewalks that do not go through any parking lots (ADA compliant). Both the pedestrian and vehicle entries will be lined with City approved street trees, to add color and interest. The western (main) entrance to the complex will be enhanced with a site sign, as well as additional lighting and landscaping.

See revised Site Plan and Landscaping Plan.

B. Neighborhood Connections – This standard does not appear to be met. Pedestrian facilities to Puget Street are needed and required though the planned development regulations.

A pedestrian trail to Puget St. (via Consolidation Ave.) will be provided.

See Preliminary Engineering Trail Plan showing the proposed location and design of this pedestrian facility.

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.

Surface parking areas have been broken up into six lots (A-F). No lot, except F, includes more than 8 contiguous stalls without a landscaping strip. All lots have been designed to ensure ease of pedestrian circulation to building entrances, site amenities, garbage & recycling enclosures and Consolidation Ave. Two vehicular points of ingress/egress are proposed via Consolidation, with one continuous looped lane around the buildings.

Lots A and B are located to the east of Buildings A and C, far from our westerly neighbors. Lot C has been pushed easterly. A large common area along our western border adds buffer. Building B now shields Lot D from both our Nevada St. and Marionberry Ct. neighbors. All westerly facing stalls in lots C and E are headlight screened with a solid 4' vinyl fence. Marionberry Ct. will be further screened with a dense replant along the northwest border of Lot F.

See revised Site Plan and Landscaping Plan.

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.

A tree retention plan produced by an ISA certified arborist is included, pursuant to BMC 16.60.08(B)(4). The existing grade of the site is +/-15-20%. Parking lots and buildings are located to minimize cut/fill. +/-48.6% of the site will be left in open space. Concrete retaining walls are limited to 4'-5' in height whenever feasible, and stamped/decorative if visible. A 2:1 sloped re-plant will be located to the east of Lots A and B, to minimize changes to the natural topography and blend into the native forest.

See Tree Retention Plan, revised Site Plan, Landscaping Plan, Site Sections, and Prelim Grading Plan.

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.

The exterior common usable space has been re-designed as one large (+/-40,600 SF) contiguous area on the western portion of the site. Recreational amenities added to this area include a walking/jogging trail, picnic tables and park benches. 26,500 sf of usable space is required (106 units x 250 sf). A total of 43,600 sf of indoor/outdoor usable space is proposed.

See revised Site Plan, Landscaping Plan and Rendering.

G., H., J. 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.

The exterior common usable area has been relocated to the western boundary. Nearly 1 acre in size, this large area adds buffer to the adjacent Nevada St./Marionberry Ct. homes. In addition, a +/- 20 ft strip along a large portion of this boundary will be planted to establish a densely forested screen. A retaining wall with a solid fence above will add physical separation. These combined measures, utilizing both man-made and natural elements, provide additional privacy to our westerly neighbors.

See revised Site Plan, Landscaping Plan and Rendering.

I. Landscape Design –Together with the street orientation, the building's main entrance shall be emphasized with special landscaping, paving and lighting.

The westerly Consolidation Ave. complex entrance has been emphasized with a site sign, special landscaping and lighting.

See revised Site Plan and Landscaping Plan.

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.

The open stormwater treatment pond has been replaced with a stormwater treatment bio-cell.

See revised Site Plan and Preliminary Stormwater Plan/Report.

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.

The Site Plan has been re-designed to contain 3 buildings (A, B & C). Buildings A and B, closest to Nevada St./Marionberry Ct., are both 2.5 stories (not to exceed 35' per Definition 1). These buildings are identical, each containing just 4 sections of 44'. These sections are similar in scale to adjacent homes (50'-60' in width). The existing neighborhood homes are also similar in height to Buildings A and B, ranging from 1 to 3 stories. Cityview's 2.5 story buildings are strategically placed to transition from the existing 1-3 story homes, to our larger Building C (5.5 stories, not to exceed 65' per Definition 1). All buildings have basement units facing west, designed similarly to single family 'walk up' units. Additional single-family elements such as covered entries, assorted hipped and gable roof lines, and siding/window configurations help blend all buildings with the adjacent Pacific Northwest style residential homes.

See revised Site Plan, Landscaping Plan, Building Elevations and Rendering.

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.

CityView's rooflines, architectural style and details, assorted siding materials and colors, window sizes and patterns, as well as entry configurations (basement level 'walk up' units) are designed to be similar to the existing character of the Puget neighborhood.

See revised Site Plan, Building Elevations, and Rendering.

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.

Parking Lots C, D, E and F (closest to our westerly neighbors) are screened with densely planted landscaping. Headlight screening has been added to Lots C and E. A large (+/-1 acre) buffer/re-plant/usable space has been added along the project's westerly border. This area not only adds distance to our Nevada neighbors, but also increases privacy. It contains a re-plant buffer, additional landscaping, as well as a retaining wall with fencing above to increase physical separation. The project has been amended to include 3 buildings (A, B, and C) instead of 1. Building A is 2.5 stories. It is set back +/-160' (mid-point average) from the westerly boundary. Building B is identical to Building A, it is set back +/-90' (mid-point average) from Cityview's westerly boundary. Building C is set back +/-240' (midpoint average) from the westerly boundary. Building C has been strategically placed to the east of the smaller Building B, in order to increase privacy for our westerly neighbors. No decks are proposed. To maximize privacy for adjacent westerly homes, upper floor units are designed with a 6' slider protected by a 42" railing (Juliet balcony). Tenants will have access to plenty of fresh air, while minimizing impact to neighbors' privacy. Finally, windows within the complex are placed so that Tenants cannot look directly into adjacent units.

See revised Site Plan, Building Elevations, Rendering and Landscaping Plan.

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.

The project has been amended to include 3 buildings (A, B and C) instead of 1.

Building articulation in these amended designs is achieved by modulating exterior walls. Maximum distance between modules is +/-26’, minimum module distance is +/-10’. A common, unifying design theme is proposed throughout the buildings. Conventional sized windows, covered entries (basement units), along with variation in textures and lines, are designed to reduce the perceived mass of the buildings and give them a human scale.

Each modulation is stepped back a minimum of 4’. 3 different styles of siding are proposed: 1) 2’-3’ stone veneer (basement floors), 2) horizontal lap siding on the lower levels, and 3) vertical siding on the upper floors. A minimum of 4 different siding colors add further visual interest. Variation in gable and hipped roof lines is achieved by using an assortment of pitch and width.

See revised Building Elevations and Rendering.

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.

Windows have been added to the outward portion of each module. The centrally located common areas have been improved with large picture windows. Additional windows have also been placed on all end walls. The combination of these window improvements helps Cityview blend within the neighborhood context.

See revised Building Elevations and Rendering.

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.

The main entrances, centrally located on the east sides, are defined by directional signage, and ample walkways leading to the lobbies. These entrances are well lit, lined by landscaping, and clearly visible from the adjacent parking lots and drive lanes. An oversized, covered walkway leads to each lobby. Variations in siding styles and colors extend to the roofline above the entries.

The centrally located basement entrances are located on the west sides of the buildings. These entrances are also clearly defined, with sidewalks leading to doorways. Directional lighting (downward facing) helps guide tenants and guests. Two additional secure entries are located on the north and south stair towers of each building. Again, non-invasive lighting and clear pathways lead to these additional points of pedestrian ingress/egress.

See revised Site Plan, Landscaping Plan, Lighting Plan, Building Elevations and Rendering.

H. Building Materials – Additional detail is needed to determine compliance with this standard.

3 different types of durable siding are proposed: 1) 2’-3’ of brick veneer (basement level), 2) horizontal lap siding (lower floors) and 3) vertical siding (upper floors). An array of colors will be used to reduce the perceived scale of the buildings. These various siding components, in addition to multiple colors and stone veneer, add a ‘Pacific Northwest’ style.

See revised Building Elevations and Rendering.

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.

See updated SEPA Checklist with complete and accurate answers, including the entire scope of the proposal including the information requested in this notice. All referenced reports and studies have been listed in question #8, page 2, SEPA Checklist.

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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