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Request For Information Response Letter

3509 Meridian

The City issued a Request for Information letter for PDP2022-0011/DR2022-0023/SUB2022-0033/SEP2022-0032, dated July 6, 2023 (RFI). The RFI consisted solely of requests from the Planning Department, which summarized the public comments that were received during the project notice and comment period. These public comments were summarized in 23 specific questions in the RFI, which focused on site design, consistency with applicable BMC 20.28 standards (Infill Toolkit), tree preservation, noise impacts, traffic, and other environmental concerns. The RFI requested that the applicant team respond to these topic areas. This Response Letter addresses each comment and the applicant team response.

The project as designed is consistent with and in compliance with applicable rules and regulations from BMC 23, BMC 20.32, and BMC 20.28. The project is thoughtfully designed in consideration of the unique site conditions and the needs of the Bellingham Golf & Country Club use, which is adjacent to the development, and provides mitigation for impacts related to noise, stormwater, traffic, tree removal and other project components. The project is consistent with the Comprehensive Plan and will result in the infill of a residential multifamily zoned property with a “High” density designation, situated in an area with existing road and utility infrastructure and proximity to services, parks, transportation facilities and other amenities.

1. Planning Department

a. The applicant is required to provide a response to the following comments made during the public comment period:

i. The impacts of the project on the removal of a legacy tree stand.

Comment: The project will result in the removal of a number of “significant trees” (defined in BMC as trees that are 6” dbh or greater). Mitigation for the removal of these trees is proposed consistent with BMC 16.60.080.B.4, which requires replacement of removed significant trees at a ratio determined by the Planning Department. The Planning Department has established a policy requiring replacement at a ratio of 1:1 for trees between 6” dbh and 30” dbh, and 3:1 for trees greater than 30” dbh. The proposed mitigation will meet these requirements and will include new tree planting on-site and on the adjacent golf course property with approximately 397 new trees. The public comment mischaracterizes the tree canopy on the Property as a “legacy” tree stand, and

in many instances refers to the canopy as “old growth”. There are no definitions of “legacy” tree stands in the Bellingham Municipal Code or Comprehensive Plan however “legacy” trees are often characterized as individual trees within a broader stand of trees that “have achieved near-maximum size and age and are significantly older than the average trees on the landscape”. The trees on the Property that are proposed for removal are not “legacy” trees and there are no “old growth” trees on the Property. The entire Property was previously cleared, likely between 1920 and 1950 based on the size and height of the existing tree canopy. The project professional arborist identified that the majority of the larger trees on the Property are between 70-80 years old, with many younger trees growing across the Property. There are no specific trees that are particularly taller, larger, or older across the Property or that provide special/unique habitat (confirmed by the project biologist during their site review).

Furthermore, the Property is currently and has historically been utilized as a yard waste and material dump site by the Golf and Country Club. While there are large trees along the perimeter of the Property, particularly along the Guide Meridian frontage, the interior of the site has been impacted by this historic activity, with large brush and slash piles, construction waste piles and other debris dominating the landscape. The Arborist Report completed for the project identified that many of the trees currently on-site are already in poor health, with a number of dead/dying trees, trees that pose a hazard due to leaning or being topped/broken, and other factors. The trees on site are decidedly not in a “legacy” stand and do not provide particular value that can’t be mitigated by new plantings consistent with adopted City codes and policies.

The City has also adopted an aggressive infill strategy in the Comprehensive Plan and this strategy is reflected in the City’s adopted codes that govern development. This strategy prioritizes the redevelopment of properties that are zoned for residential multifamily development with high densities that are situated in areas with existing infrastructure and services. This strategy is rooted in the concept that aggressive infill within the City’s corporate limits will allow the City to grow up and not out and reduce the need to expand the City boundary, annex new rural lands, etc... This facilitates the protection of sensitive environmental areas, intact critical areas, farmland, and mature forest land in the undeveloped portions of our County. The development of this Property as proposed will contribute to the preservation of true “legacy” forest areas in the unincorporated portion of our County.

- ii. *Revisions to the proposed design to reduce the number of units (particularly buildings 2.1, 2.2, 2.3, & 2.4) to preserve existing mature trees on-site.*

Comment: It is unreasonable to assume that revision to the proposed design to reduce the number of units will result in substantive preservation of existing mature trees on site. The existing trees are spread across the Property in a way that limits the net benefit of designing around them; for example, moving or eliminating a building in order to save 2 or 3 mature trees, only to isolate those trees with development surrounding them, presents risk to the future residents and structures from tree and branch fall, without substantive tree preservation. The site is also narrow and long and the City design standards require units to be oriented to streets and open spaces. This results in the need to have a single internal drive lane that functions like an alley serving garages, and this drive lane must accommodate water, sewer and stormwater infrastructure while also providing required separation between utilities. There is no wiggle room to shift the driveway and other infrastructure, or units, around the site to accommodate select tree preservation.

There are also real market and economic considerations that must be made when evaluating redesign to reduce unit count. Buildings 2.1, 2.2, 2.3, & 2.4 are all proposed patio units. They have been designed so the living/dining/kitchen area and master bedroom are on the ground floor. These units are ideal for aging populations who want to avoid stairs and for those who may have limited mobility. These designs comply with the purpose and intent of the infill toolkit by increasing housing choices and diversity. Removing these buildings would not necessarily result in saving a significant number of “mature” trees; approximately 40 trees would be removed for these buildings. Of these 40 trees, only 8 of them are over 30” in caliber size, and it is not clear that all these trees could be preserved if the units were removed due to the need to accommodate infrastructure and pedestrian facilities. These units represent 11% of the project density. Eliminating 11% of the project density could jeopardize project financing and have significant impacts on the ability to make the project economically viable. Charging higher rents or sale prices to offset this is not a reasonable solution as this is inconsistent with City efforts to reduce housing costs.

iii. Revising the proposed design to accommodate the number of units vertically in multifamily buildings to reduce the building footprint and increase tree preservation on site.

Comment: It is also unreasonable to assume that revising the proposed design to accommodate the number of units vertically would result in substantive tree preservation beyond what is proposed. In order to accomplish this type of design change, the unit count for the site would need to increase (multifamily rental units in a 4 or 5 story apartment do not garner the same price per unit in a project proforma as a townhouse/for sale product). For example, even a conservative increase in unit count to 100 multi-family units would result in similar site impacts due to the need to accommodate additional surface parking (vs the proposed garage parking), as well as infrastructure, useable open space, driveways, and other improvements required by code. A 100-unit apartment with average unit sizes of 1,000 square feet each would result in approximately 120,000 square feet of gross habitable floor area (assuming an 80% efficiency factor in the design). If this were accommodated in a single 5-story building, this would have a footprint of 24,000 square feet. Area around the building would be necessary for patios, sidewalks, landscaping, garbage, and other amenities. Parking requirements would result in the need for a minimum of 150 parking stalls (assuming no guest parking). At an average square footage of 400 square feet per stall (including maneuvering area), approximately 60,000 square feet of the site would be dedicated to parking. Additional site area would be needed for active usable space (required at 250 square feet per unit). A development like this could reasonably impact 90,000 to 100,000 square feet of site area solely for buildings and parking. The proposed development impacts approximately 92,000 square feet of site area for buildings and parking. This is just one example of how a project that “accommodates the number of units vertically in multifamily buildings” would not actually substantively decrease site impacts or result in greater tree preservation.

It should also be noted that a shift to a multifamily project like this would be a complete change in the housing product type that is proposed. The City does not have the authority to dictate the type of housing built within a project, particularly when the underlying zoning that has been adopted for the site provides options for a property owner to choose from when considering site development and housing form. The applicable residential multi zoning allows multifamily apartments, townhouses, duplexes, triplexes, detached cottages and other housing forms. A

property owner must evaluate the value of the land, market conditions, construction costs and other factors when deciding what product to construct on a particular site.

iv. The proposed townhouses in buildings 2.1, 2.2, 2.3 & 2.4 do not meet the intent of the infill toolkit.

Comment: This public comment is not accurate and belies a general lack of understanding of the intent of BMC 20.28 by the public, particularly when applied to green-field development. BMC 20.28.010 contains the Purpose and Intent language for the application of the Infill Toolkit:

BMC20.28.010 Purpose and Intent

A. This chapter establishes special development regulations for a series of housing forms that are in addition to the standard detached single-family and multifamily housing types. These regulations are intended to implement comprehensive plan goals and policies encouraging infill development, more efficient use of the remaining developable land, protection of environmentally sensitive areas, creating opportunities for more affordable housing and increasing housing choice and diversity.

B. Development and design standards in this chapter emphasize pedestrian-oriented design with street oriented front porches, entries, and windows, and architectural and landscape features that add human scale visual interest and complement building and site design. These design principles are also applied equally to lesser streets called lanes, and to common pedestrian corridors when used in lieu of streets or lanes. An intent of these design details is that they collectively contribute to and enhance the public realm, create a sense of place, foster social interaction, and make alternative transportation options more attractive, inviting, and safe to use, and thereby more likely to be used. Guiding principles are: (1) Parking should not be located between dwelling units and the street or lane, and (2) When garages front on a street or lane, they should be proportionally subordinate to the width of the dwelling unit, and (3) Fronting housing units on an existing street should be prioritized over fronting units internally off a new lane or common pedestrian corridor.

The Infill Toolkit is not intended to only provide townhouse style development or attached unit development. The housing forms identified in the Toolkit include townhouses, duplexes, fourplexes, detached cottages and small houses. Many of the housing forms listed have a 2-story height limitation; there is no prohibition on single-story design in the Toolkit. As noted in Section A of BMC 20.28.010 the intent of the regulations is to implement Comprehensive Plan goals and policies encouraging infill development, and more efficient use of the remaining developable land. The project as designed specifically does this; the Property is a high-density zoned parcel of land in an area with road and utility infrastructure, in proximity to services, transportation, school and park facilities. There are no designated critical areas on the Property at all (no wetlands, streams, habitat areas or geohazards). The presence of trees alone does not make a Property an “environmentally sensitive area”. The inclusion of the garden style homes provides an opportunity for a broader range of citizens to reside in the project, increasing housing choice and diversity. In addition, as noted in Section B of BMC 20.28.010, the standards emphasize pedestrian oriented design with units facing the street, with parking behind units, garages screened and other design

considerations, which the current project design clearly incorporates. As designed, the project, with the garden style units, is entirely consistent with the intent of BMC 20.28.

v. The proposed townhouses orientation to the private lane and garages do not meet the intent of the infill toolkit.

Comment: The design of the project clearly meets the design standards in BMC 20.28, both the General Standards and those in the Townhouse section. Section B of BMC 20.28.010 discusses this design component specifically and the language makes it clear that orienting units to adjacent streets and/or to pedestrian corridors is preferred, with parking screened from view and garages preferred off internal “alleys”. The design of the internal drive lane, referred to in public comments as a “garage ghetto”, is based off consultation with City staff, the application of experience from many prior Infill Toolkit projects, and general good planning principles, which screen parking and “back of house” activities like garbage collection, from the public realm. BMC 20.28.050 General Standards includes as the very first standard “Pedestrian-Oriented Design”. These Standards reflect the desire for projects to be designed with units facing outward and parking/garages located on an alley or internal lane. As designed, all units in the project orient either to the adjacent street (Guide Meridian) or to common pedestrian corridors, and the internal lane functions like an alley. Figure 20.28.050(G) and (H) show lane and common pedestrian corridor configurations that are similar to what is being proposed for the development. Figure 20.28.050(I) reflects design and landscaping that is consistent with the project design as well. BMC 20.28.140, Townhouse Standards, sub (F)(1) also requires that each townhouse unit shall front a street, lane, or common pedestrian corridor, and have an entrance that faces a street, lane, or common pedestrian corridor. BMC 20.28.140(F)(3) requires each unit to have direct access to both the public street, lane, or common pedestrian corridor and parking. All units will have a front door facing a common pedestrian corridor. The back of each townhouse unit, which faces the alley, will have direct access to the lane. Pedestrian pathways will connect the front and back of each unit to the lanes and sidewalks along the frontages on Meridian and Birchwood.

vi. The applicant should be required to meet the Greenfactor score for townhouses under the infill toolkit excluding the trees and area proposed for dedication of right of way for the future roundabout.

Comment: The design team has reviewed the Green Factor calculation for the project and has confirmed that the required GF score can and will be met with a mix of retained trees, new landscaping, and open space tracts, excluding the area proposed for dedication of right of way for the future roundabout. An updated plan set has been provided with this RFI response, which includes updated landscape sheets and GF calculations that specifically exclude the roundabout area.

vii. The proposed tree replacement plan is not adequate mitigation without the necessary sureties for survival and long-term preservation.

Comment: The applicant team agrees that without necessary conditions that the proposed tree replacement would not provide adequate mitigation. The applicant team has proposed mitigation on the assumption that the City would condition project and permit approval to include

requirements for performance standards (rates of survival), monitoring, maintenance, long term preservation and financial surety to be in place. These conditions are typical when mitigation is proposed for critical areas impacts and the applicant team expects a 5-year maintenance and monitoring and surety condition to be applied to the project.

viii. How will the project incorporate best management practices for preservation of existing trees.

Comment: The applicant team expects that the project construction drawings (for infrastructure and buildings) will be required to incorporate typical best management practices for tree protection into the construction schedule and sequencing. The City has standard details for tree preservation, which include fencing and other protection measures, all of which would be applied to the subject project. In those instances where activity is occurring in close proximity to a preserved tree, it may warrant consultation with or monitoring from the project arborist (in the field) during construction. Many of these methods and details are referenced in the arborist report submitted for the project, which is anticipated to be incorporated into the permit approval as an exhibit.

ix. How will the project incorporate best management practices for tree planting to ensure successful mitigation.

Comment: The applicant team expects that the project construction drawings (for landscaping) will be required to incorporate typical best management practices for tree planting to ensure successful mitigation. The City has standard details for tree installation that include staking, soils amendment, tree sizing, spacing, tree protective tubes, etc... It is assumed that these standards that are implemented throughout the City will be applied to this project and that these requirements will be memorialized in the issued construction permits. The City also conducts inspections and requires as-builts after completion of mitigation installation. It is assumed that these inspections will occur and that a condition requiring an as-built showing the location of all installed mitigation trees will be incorporated into the issued construction permits. These measures will ensure that the proposed tree planting mitigation will be successful.

x. The applicant is required to confirm the total number of trees proposed for preservation excluding land dedicated for the future roundabout.

Comment: The total number of trees proposed for preservation, excluding the land dedicated for the future roundabout, is 65. All calculations for tree removal and preservation on the project plans have been updated to exclude the roundabout area. The applicant cannot guarantee that all trees proposed for preservation will be maintained throughout construction, and conversely that all trees proposed for removal will require removal during construction. Unforeseen circumstances do occur during construction. The contractor will need to work closely with the design team, arborist, and civil engineer, as well as the City, to ensure that best practices are implemented during construction. The applicant team is anticipating that with appropriate conditions placed on the permits that most if not all of the listed trees can be preserved during construction, and that with clear mitigation ratios and performance standards established prior to construction, that slight variations in the number of preserve or remove trees can be adequately addressed.

xi. The proposed trees for preservation in poor and very poor condition should be removed from the Greenfactor score due to unlikeliness to survive.

Comment: The City regulations that apply to tree removal and preservation, and to Green Factor calculations (BMC 16.60.080 and BMC 20.12.030(E)) do not require an applicant for a project to distinguish between healthy and unhealthy trees or consider the condition of the trees. All trees proposed for retention are counted for all purposes. This is also true of proposed removal trees; those in poor and very poor condition (of which there are many) are still being mitigated for at a 1:1 or 3:1 ratio regardless of their health.

xii. The applicant should provide both noise and air quality studies to address impacts associated with Meridian St. on the proposed development.

Comment: Noise and air quality studies are not required by applicable City regulations for this project and these studies have not been identified as mitigating conditions during the SEPA review. Construction of residential projects of similar scale are proposed regularly throughout Bellingham in similar proximity to arterial streets or even Interstate 5. The City has not made it a practice to require noise or air quality studies when permitting these types of developments. Some examples of larger more recent multi family or townhouse housing developments that abut arterial streets in similar fashion to the proposed project are located at 950 Lincoln Street, 3619 Byron Avenue, 3613 Consolidation Avenue, 3125 Old Fairhaven Parkway, 3928 Northwest Avenue, 525 Telegraph Road, 1050 Telegraph Road, 418 W Bakerview Road and 1300 Mahogany Avenue.

xiii. The applicant should provide a chemical study and spraying schedule records from the Golf Course to address potential impacts on the project occupants.

Comment: The applicant team engaged with the Golf and Country Club to request information on their site maintenance practices. According to the Club representative, on a monthly basis, during the growing season, they apply a liquid fertilizer to the fairways and greens, and, during the summer months, they also apply a wetting agent to the fairways and greens, which allows them to reduce water usage. They indicated that all such applications are made by an employee who is licensed by the State and as required by the Washington State Department of Agriculture, records of all such applications are retained for seven years. It should be noted that a tributary of Squalicum Creek passes through the Golf Course property and that there is no historic evidence that the applicant is aware of that there is any unusual contamination or discharge of chemicals into the main Squalicum Creek section immediately to the south. In addition, there are many multifamily and single family residential structures surrounding the Golf Course property and there is no evidence that there have been any impacts to the residents of these properties from Golf Course maintenance activities. The request from the public comment to require a study addressing the activities of the neighboring property owner is atypical and would be difficult for the City to require for this project. There will be a buffer of mature vegetation between the proposed project and the fairways/greens to the west on Club property that will provide separation between the two uses.

xiv. The qualified professional shall provide additional information indicating why the proposed stormwater infiltration gallery is the most suitable way to accommodate stormwater associated with the proposed development given past flooding concerns in the vicinity.

Comment: The project civil engineer reviewed the public comments related to stormwater management and indicated that the Department of Ecology Stormwater Management Manual of Western Washington (DOE Manual) prioritizes various methods of stormwater management in order of feasibility. Infiltration is one of the highest priority methods, and *the* highest priority method determined feasible by the project geotechnical and civil engineers based on soil conditions on site. When feasible, the DOE Manual requires a project to incorporate infiltration as the primary method to accommodate stormwater. The property is not within a FEMA 100-year floodway, but the design team is aware that the City of Bellingham maps the southeastern tip of the property as a “frequently flooded area”. If the property were to be inundated by floodwaters, all methods of stormwater management would stop functioning until the flood waters receded (including infiltration, dispersion, or detention facilities in a vault, pond, or pipe below ground). Thus, there is no reason to deviate from infiltration methods for this project despite the limited risk of flooding at the south end of the project site. It should be noted that at no point during the two years plus period of planning for this project has any design team member witnessed actual flooding of the Property; flooding predominantly has occurred to the south and east along the Squalicum Creek corridor and along Birchwood Road, not on the project site.

xv. The applicant should address the likeliness of survival of the trees proposed for preservation due to impacts from utility lines.

Comment: The applicant team, including the project arborist, landscape designer and civil engineer have all reviewed the proposed civil infrastructure plans, including the buried utility lines, and have taken those lines into consideration when planning for tree preservation and tree removal. It is true that during construction contractors will need to exercise caution when excavating utility lines and other infrastructure near to trees proposed for preservation. The applicant cannot guarantee that all trees proposed for preservation will be maintained throughout construction, and conversely that all trees proposed for removal will require removal during construction. Unforeseen circumstances do occur during construction. The contractor will need to work closely with the design team, arborist, and civil engineer, as well as the City, to ensure that best practices are implemented during construction. The applicant team is anticipating that with appropriate conditions placed on the permits that most if not all of the listed trees can be preserved during construction, and that with clear mitigation ratios and performance standards established prior to construction, that slight variations in the number of preserve or remove trees can be adequately addressed.

xvi. The location of the proposed common use area does not promote the best use of the area given the proximity to Meridian St. Why can't the common use area be oriented towards the golf course?

Comment: The open space and common use area was selected for a number of reasons. By locating it along Meridian it will receive more sunshine than if located along the golf course, where significant mature trees are intended to be preserved, and mitigation trees are proposed to be added. Portions of the infiltration galleries are proposed to be located underneath this area, due to the soil conditions here, and the proximity to the utilities within Meridian, this location made the most sense. This area has fewer mature trees than other areas on the Property, reducing tree removal for the open space. By locating the open space in this area, it allows more of the townhouses to

be situated further away from Meridian, reducing the noise and traffic impacts that some members of the public have expressed concern about, and also increasing the livability of those units. In addition, the Club expressed concern about locating active useable space along the edges of the adjacent fairway, both from a safety and privacy perspective. All these considerations influenced the location and design of the usable open space. It should be noted that the usable space area will be fenced so that it is secure for resident and guests to recreate without the risk of children running into the street or the public entering the area.

xvii. The applicant should consider incorporating native trees and plant species into the proposed landscaping plan.

Comment: The landscape architect has developed a landscape plan that relies heavily on native, drought tolerant plants. Plant species are identified on the landscape plan sheets and reflect this.

xviii. The applicant should consider ensuring the tree replacement plan will achieve an equal canopy and carbon mass within 15 years of construction similar to the City of Seattle's Urban Forestry Plan goals.

Comment: The City of Bellingham has not adopted code requirements or Comprehensive Plan goal and policy language that requires or encourages equivalent canopy and carbon mass within 15 years of a project development. The City is developing an Urban Forestry Management Plan that may incorporate policy directives that would encourage this standard to be adopted into code, but this Plan has not been developed yet, and is still in the early stages of public engagement. Despite this, the project proposal includes significant tree mitigation, with a focus on placing that mitigation on the Property first, followed by placing mitigation on the adjacent property, and only then looking off-site in the immediate neighborhood. This approach will ensure that mitigation canopy will be placed in the immediate vicinity of the canopy removal that is necessary for the project to be developed. Over time this canopy, if properly maintained, will provide equal or greater canopy cover and carbon sequestration as that which currently exists on the Property.

xix. The applicant should consider a combined access with the Bellingham Golf and Country Club for the proposed project.

Comment: The applicant team evaluated various access point locations for the project, including shared access with the Club entrance. The project application includes a professionally prepared traffic impact analysis that also evaluates the proposed access point. Based on this analysis and in consultation with City staff it was determined that locating the access point directly across Meridian Street from the existing W Orchard Drive access would be the safest location. Generally, offsetting intersections is not a preferred design approach when considering traffic flow and safety.

xx. The applicant should identify proposed mitigation measures to ensure preservation of trees within the 15' construction access easement.

Comment: The 15' construction easement labeled on the plans is misleading and should not have been placed on the plans. The property, including the open space tract, will be developed under single ownership and an easement for construction is not necessary for access in this area. Once constructed, it is not the intention of the design to provide a 15' corridor for future construction

access. Much like the rest of the site, some construction access will be necessary around the proposed buildings, pedestrian corridors, and infrastructure. Trees in the vicinity of this area will be protected with the same mechanisms to be implemented for other preserved trees (orange fencing, root protection, arborist review, etc...) that are discussed in response to other public comments in this letter. It should be noted that it is the intent of the applicant to incorporate significant tree planting as mitigation in this open space tract, which has the potential to accommodate mitigation plantings. This planting will occur after construction is complete to ensure that newly planted mitigation trees are not impacted by construction activity.

xxi. Has the project team incorporated Crime Prevention through Environmental Design Principles into the project to address safety issues?

Comment: Yes, CPTED analysis was included into the project design. The City also reviews plans for CPTED principles. CPTED strategies include fencing and securing the perimeter of the project site to discourage access from non-residents, incorporating lighting along buildings, pathways, parking area and drive lanes (all down shielded), reducing dark and hidden corners on buildings and around the garbage enclosures, and utilizing landscaping that is appropriate in scale and species for each area of the site to reduce hiding places. The open space area was designed with front doors and pathways facing it so that there will be “eyes on” the space at all times.

xxii. The applicant should consider incorporating the native tree replacement plan into the open space tract to the maximum extent practicable for long term survival.

Comment: The applicant team agrees with this comment and intends to incorporate native tree replacement in the open space tract into the plan. The proposed open space area is intended to be planted with as many replacement/mitigation trees as possible while still providing adequate spacing for growth of these trees.

xxiii. The applicant should consider if the open space tract can be moved to abut Meridian St. to provide greater tree preservation.

Comment: This is a repeat comment. See the applicant response to the public comment identified with roman numeral xvi above.

Thank you,

A handwritten signature in cursive script, appearing to read "Riley Marcus".

Riley Marcus
AVT Consulting LLC