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CONSOLIDATED PERMIT DESIGN REVIEW PERMIT AND CRITICAL AREA PERMIT DECISION

DR2023-0033, CAP2024-0006, and SEP2023-0039

**3000 Northwest Avenue
Type I and Type II Decision**

I. SUMMARY OF DECISION

Proposal: Proposed two-story, approximately 7,256 square foot (sf) addition to the existing 18,039 sf Franklin Academy school building at 3000 Northwest Avenue (Robin Hall). The proposed addition will house a commons area, eight (8) classrooms, and a staff lounge. Associated site improvements include a fenced and landscaped courtyard abutting Northwest Avenue, restriping existing parking spaces, paving several new parking spaces, removal of masonry walls in two locations to improve sight lines and increase safety, and the planting of street trees along Northwest Avenue. Eight (8) existing on-site trees are proposed to be removed to accommodate the expanded building footprint and the applicant is proposing a 1:1 tree replacement ratio (in addition to the street tree planting).

Student enrollment levels will not be increased. The proposed new classrooms will be used by existing enrolled second graders currently using the facilities at Franklin Academy's 1509 E Victor Street location (Markell Hall). The property is in an area mapped with coal mine hazards having a severe potential for subsidence. Per Bellingham Municipal Code (BMC) Section 16.55.130(C)(3) and (E), a critical area permit is required and therefore is included in this consolidated permit. Design review is required per BMC 20.25.020(E). The project scope does not meet eligibility criteria for an administrative conditional use permit (CUP) modification in BMC 20.16.010(I), and therefore requires a CUP amendment to the governing CUP (HE-02-PL-047, CUP2002- 00013 later amended by HE-07-PL-029, CUP2007-00006). The associated CUP application is under concurrent review through the Type III review process with a final decision issued by the hearing examiner.

Applicant(s): Daniel Lawrence, Zervas Architects, 209 Prospect ST, Bellingham WA 98225

Owner(s): Franklin Force Foundation, 3000 Northwest Avenue Bellingham WA 98255

Decision: Approved with conditions

Date: **March 28, 2024**

II. PROPERTY DESCRIPTION

Location: 3000 Northwest Avenue. Columbia Neighborhood, Area 2, Zoned Neighborhood Commercial. Legally described as Lots 11-14 of Block 3 Cornwall Park Acreage. Assessor's Parcel number: 380224412399

III. PERMIT PLANS AND EXHIBITS

This approval includes the following documents, subject to any modifications and conditions contained in **Section V** of this permit:

Exhibit A – Architectural Plans Set (updated 12/2023)

Exhibit B – Design Review and Critical Area Permit Applications

Exhibit C – Request for Information Letters (12/4/2023 and 1/12/24)

Exhibit D – Applicant Response to 12/4/2023 RFI

Exhibit E – NOC, NOA, ODNs (1/12/24)

Exhibit F - Public Comments

Exhibit G - Traffic Memo, prepared by TranspoGroup (1/12/2024)

Exhibit H – Geotechnical Engineering Report, prepared by Joe Schmidt, PE, and Devin Murphy LG with Geotest Inc. (2/2/2024)

Exhibit I – 2002 Hearing Examiner Order and Amended 2007 Hearing Examiner Order

Exhibit J – SEPA Determination of Non-significance

Exhibit K - Preliminary Stormwater Proposal, prepared by Jean Paul Slagel, Civil Engineer with Freeland & Associates, Inc. (11/8/2023)

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicable Zoning, Standards, and Surrounding Context

1. The subject site is approximately 80,967 square feet (sq) and has frontage on Northwest Avenue, Victor Street, and Walnut Street. The site is in Area 2 of the Columbia Neighborhood and is zoned Neighborhood Commercial.
2. Properties to the north are also zoned neighborhood commercial and are development with a commercial shopping center, properties to the east and west (across Walnut Street and Northwest Avenue) are zoned residential single and are developed with primarily single family residential uses and some multifamily uses, and property to the south across Victor Street is zoned public park and developed with Peabody Plaza.
3. The property is legally described as Lots 11-14 of Block 3 Cornwall Park Acreage and identified as assessor's parcel number 380224412399.
4. The property is developed with an 18,039-sf school building (Robin Hall of Franklin Academy). The Franklin Academy campus occupies 3000 Northwest Avenue and 1509 Victor Street. These properties are governed by a (CUP), initially approved by the Hearing Examiner in 2002 (HE-02-PL-047, CUP2002-00013), and later amended in 2007 (HE-07-PL-029, CUP2007-00006).
5. This proposal requires an amendment to the CUP with the decision issued by the Hearing Examiner and therefore, this consolidated permit decision should be conditioned to require full compliance with the Hearing Examiner's decision on the CUP application (USE2023-0027).
6. Design review is required per BMC 20.25.020(E) which establishes that all development activities within commercial zones shall obtain design review approval in accordance with this subsection.

7. The property is in an area mapped with coal mine hazards having a severe potential for subsidence. Per BMC 16.55.130(C)(3) and (E), a critical area permit is required for the proposed construction.
8. The proposed scope of work, described in **Section I** above, will require demolition and construction permit(s) and a street tree permit.
9. Applicable standard development regulations are found in BMC 16.60, 20.12 and 20.33.

Pre-Application

10. On 8/22/2023, the applicant completed a pre-application conference with city staff (PRE2023-0075).
11. On 9/28/2023, the applicant held a virtual pre-application neighborhood meeting (PRE2023-0086). Meeting attendees included the City's project planner, the applicant (representative from Zervas Architecture), the property owner (representatives from Franklin Academy), and about ten members of the public. Topics of conversation pertained to concerns about parking, traffic, construction, events, and noise.

Applications and Process

12. On 11/13/2023, the applicant applied for a Conditional Use Permit Amendment (USE2023-0027), Design Review permit (DR2023-0033), and SEPA checklist (SEP2023-0039) (**Exhibit A and B**).
13. On 12/4/2023, city staff issued a Notice of Complete Application pursuant to BMC 21.10.190.
14. On 12/4/2023, city staff issued a Request for Information (RFI) (**Exhibit C**). The letter requested the applicant provide a traffic memo analyzing the proposed building addition and potential impacts to traffic volumes, revisions and clarification pertaining to parking behaviors and parking revisions, clarification on demolition scope, project valuation estimate, identification of bike parking locations, provision of a tree retention plan in accordance with BMC 16.60, and revisions to fencing location for CPTED purposes.
15. On 12/21/2024, the applicant submitted a response to the RFI inclusive of narrative responses to each action item within the RFI, revised architectural plans set inclusive of updated parking data and a tree retention plan (**Exhibit A and D**). Staff determined the resubmittal adequate to proceed with review of the project.
16. On 1/12/24, city staff issued a Notice of Application and SEPA Optional Determination of Non-Significance (ODNS) pursuant to BMC 21.10.200 and WAC 197-11-355 (**Exhibit E**). Potential SEPA mitigation measures were not listed on the notice.
17. One public comment was received during the public comment period (**Exhibit F**). The commentor stated concerns about tree removal, building design, traffic, geology, and construction impacts. The topics of concern related to traffic and construction impacts will be analyzed with the CUP amendment in the staff report.

Staff Response:

*Tree removal: The applicant is proposing a 1:1 replacement ratio for the eight (8) significant trees to be removed as a part of the project scope. These tree replacements are in addition to the seven (7) street tree plantings required along the project's street frontages. Most of the proposed removed trees border the existing courtyard adjacent to Northwest AVE that is proposed for demolition. These trees are between 6" and 16" in diameter. Staff felt additional explanation from the applicant was needed to assess the removal of the 32" oak tree along Northwest AVE due to its large size. As discussed by the applicant in **Exhibit D**, the oak tree "has been identified by Franklin Academy as a safety concern. The tree has currently heaved the existing asphalt parking lot along Northwest more than 12" in height, impeding parking and the surface condition of the parking lot and adjacent*

sidewalks. This tree has limited parking since staff and visitors avoid these parking stalls due to the unlevel surface, tree limb debris, and sap. When looking at viable options for expanding Franklin Academy to provide the square footage needed, the best solution was fronting Northwest Avenue, as not to reduce parking or impede the pickup/drop off route. An addition along the north, east, or south would eliminate parking and push vehicular routes onto neighboring streets. With the amount of existing perimeter street trees and retained landscape, the cluster of large oak trees to the south approaching the school along northwest, asphalt heaving issues, and much needed additional classroom space, we feel our current design proposal is the best option. The required program to accommodate current needs at the school equates to the proposed footprint. Removing the tree is essential to providing the area for these academic needs as well as improving the existing parking lot, drive lane, and adjacent sidewalk. As proposed, the removed tree will be used on site per landscape plan.” Considering the root impacts of the tree on the parking area, the design constraints resulting in tree removal, the preservation of trees elsewhere on site, and the proposed mitigation in the form of 1:1 tree replacement and incorporation of felled trees into the landscape plan, staff find the project complies with the purpose and intent of the land clearing ordinance (BMC 16.60).

Building design: The existing building is legally nonconforming to the commercial design standards in BMC 20.25.090 because it was constructed prior to the codification of these regulations. The existing building does not meet several sections of the design standards regarding orientation to the street and blank walls. The proposed building addition makes the building more conforming to the design standards by moving the building closer to Northwest Avenue and eliminating blank walls along the street through the provision of numerous windows and a two story glazed commons space. As detailed in the Design Review section of this permit, staff find the proposed building addition complies with the commercial design standards.

*Geology: A qualified professional, a geological engineer, has analyzed the subject site and proposed development with respect to the geological hazards (critical area coal mine hazard). Per **Exhibit H** and as detailed in the Critical Area section of this permit, the qualified professional has concluded the risk of potential subsidence related to the proposed building addition is low.*

18. On 1/12/2024, city staff issued a Request for Information (RFI) for the submittal of a critical area permit application in accordance with BMC 16.55.130(C)(3) and (E) (**Exhibit C**).
19. On 1/17/2024, the applicant submitted a Traffic Memo prepared by TranspoGroup. Planning staff determined the memo adequately responded to the RFI to continue review of the project.
20. On 2/5/2024, the applicant submitted the required critical area permit and geotechnical report (CAP2024-0006) (**Exhibits B and H**). City staff determined the submittal complete for intake.
21. On 2/21/2024, city staff issued a SEPA DNS (**Exhibit J**).

Design Review

22. Per BMC 20.25.020(E), all development activities within commercial zones shall obtain commercial design review approval.
23. The subject site is located within a neighborhood commercial zoning designation, and therefore, the proposed school addition detailed in **Section I**, requires commercial design review.

24. Commercial Design standards are in BMC 20.25.090. Staff finds the proposal complies with these code provisions except for the following.
25. The application includes a departure request from BMC 20.25.090(B)(7)(c) regarding glazing amounts. Per this section, "A minimum of 60 percent of the building wall facing a public street, park, trail or plaza be transparent at a height between two feet and seven feet above grade." The proposal provides only 47% glazing between 2-7 feet along Northwest Avenue. The building's Victor Street and Walnut Street frontages are legally nonconforming to glazing requirements, and more so, the building does not directly abut either street. Considering these facts, staff determined the glazing requirement inapplicable to the Victor Street and Walnut Street frontages under this design review permit.
26. The applicant's departure request is in **Exhibit C**. In response to the departure criteria in BMC 20.25.090(A)(1) the applicant has submitted the following:
"The proposed design aims to balance several concerns while taking into consideration the intent of the design standard. Safety and creating a healthy learning environment are paramount to our design. Though the design doesn't meet 60% glazing requested, effort has been made to fully glaze the south corner of the addition to engage with the public areas. Large windows in the classrooms further open up the façade while keeping an optimal learning environment in mind. The design further engages with the ROW with a lively outdoor area along the frontage, coupled with a landscape buffer at the proposed fence line. We believe that this design meets the intent of the standard, enhances the livability and character of the neighborhood and adjoining open space and will have no detrimental impact on the nearby property, neighborhood or city."
27. Staff find the applicant has appropriately justified the departure complies with the criteria in BMC 20.25.090(A)(1). The school use necessitates different programming than typical commercial uses pertaining to privacy, safety, and access control. The building design effectively mitigates the reduced glazing and activates the street frontage with large windows and a programmed courtyard. Staff find the departure request from BMC 20.25.090(B)(7)(c) should be approved.
28. To comply with BMC 20.25.090(B)(2)(b), regarding screening mechanical equipment, all rooftop mechanical equipment screens as shown in **Exhibit A**, should be painted to match the predominant colors of the building. The building permit should identify the size and location of all new mechanical equipment. If mechanical equipment is visible from the public realm, it should be screened with landscaping or similar, and/or painted to match the building as determined by PCDD.
29. To comply with BMC 20.25.090(B)(1)(b)(ii), a final landscape plan and tree retention/replacement plan consistent with **Exhibit A** should be submitted with the building permit demonstrating compliance with applicable development regulations in BMC 20.12.030. The two new proposed "saw-tooth" parking stalls along the northern property line should be configured with landscape beds between the property line and wheel stops. The landscape plan should identify the installation of eight (8) replacement trees for the removal of the existing 8 significant trees (in addition to any code required trees). Replacement trees should be native species. The landscape plan and civil plan should identify the installation of 7 required street trees and avoid utility conflicts in their location. Submittal of a street tree permit will be required.
30. To comply with BMC 20.25.090(B)(3 and 6) regarding CPTED and lighting, all site and building lighting should be shielded and/or downcast. Lighting cut sheets and a photometric site plan should be submitted at time of building permit to ensure off-sight glare is minimized at the property lines.
31. Based on the plans submitted with the design review application and the findings herein, the development can comply with the Commercial Design standards if conditioned appropriately. Building permits should convey the same level of architectural detailing as

- identified in **Exhibit A**. Use of the proposed building materials and the level of detail and trim on the attached plans, including the use of contrasting colors, materials and reliefs, will be reviewed at building permit submittal for consistency.
32. Based on the plans submitted with the design review application, the proposed development can comply with the Commercial Design Review standards in BMC 20.25.

Critical Areas

33. The property contains geologic hazard areas as defined in BMC 16.55.420(D). The property is in a critical area coal mine hazard with a severe potential for subsidence.
34. The existing building is legally nonconforming to the critical area ordinance because it was constructed prior to adoption of the critical area ordinance, BMC 16.55.
35. Per BMC 16.55.130(C), expansion, reconfiguration and/or intensification of any of the developed elements of a nonconforming institutional development of more than two thousand square feet (sf) requires review and approval of a critical area permit.
36. The project scope described in **Section I** proposes an addition of more than 2,000 sf to the existing building's footprint and therefore requires a critical area permit.
37. A geologic mine hazard report was submitted with the Critical Area Permit application titled, "Geotechnical Engineering Evaluation Franklin Academy Expansion", prepared by Joe Schmidt, PE, and Devin Murphy LG with Geotest Inc., dated February 2, 2024 (**Exhibit H**).
38. In accordance with BMC 16.55.090, the report is prepared by a qualified professional as defined in BMC 16.55.510.
39. The report meets the requirements in BMC 16.55.210 and the specific requirements for mine hazards are in BMC 16.55.440(C)(1-2). The report includes an analysis of performance standards in BMC 16.55.460(C) and recommendations on mitigation.
40. The report provides an assessment of the anticipated site development, evaluates the presence of geologic hazards, and considers impacts of the project including potential necessary mitigation strategies in accordance with the city's Critical Area Ordinance (CAO).
41. BMC 16.55.430.E. establishes procedures to assess risk and a nexus for mitigation.
42. The report describes surface and subsurface geology, hydrology, soils and vegetations in the project area in accordance with BMC 16.55.430. As described in **Exhibit H**, the soil test pits show subsurface conditions of topsoil underlaid by undocumented fill material extending about 4 feet and glacial outwash lies below this.
43. The qualified professional has determined the proposed school addition being wood framed and supported by shallow, conventional foundations with slab-on-grade floors is feasible and does not require mitigation such as structural slab foundation designs or interconnected grade beam systems.
44. BMC 16.55.460(C)(1)(c) specifies that "within a mine hazard area with a severe potential for subsidence, no structural activities shall be permitted without an effective settlement mitigation strategy."
45. Per the conclusions and recommendations of the qualified professional detailed on pages 9-22 of **Exhibit H**, the qualified professional asserts that subsurface conditions at the site are suitable for the proposed development, provided the recommendations contained in the report are incorporated into the project design. Recommendations pertain to foundation design, site preparation and earthwork, wet weather earthwork, seismic design considerations, foundation support, foundation and site drainage, resistance to lateral loads, utilities, pavement subgrade preparation, stormwater infiltration potential, and construction monitoring.

46. The qualified professional recommends the slab on grade foundations be supported by undisturbed, firm, and unyielding glacial outwash soils, on properly placed and compacted structural fill, or on CDF structural trenches extending down to suitable native soils. As detailed on page 11 of the **Exhibit H**, removal of all undocumented fill is recommended, but if financially infeasible, an alternative strategy is recommended that removes only the first 18” of fill (though the owner would need to accept greater risk of potential building settlement).
47. This critical area permit should be properly conditioned to require the building permit incorporate the recommendations in **Exhibit H** into the design and construction of the building addition. Foundation design and grading plan should be clearly documented in the building permit in accordance with **Exhibit H**.
48. Considering the amount of excavation to occur, this permit should be properly conditioned to require construction activities adhere to inadvertent discovery protocols.
49. As detailed on page 20 of **Exhibit H**, based on the findings and data collection during the investigation, site soils are suitable for infiltration.
50. This critical area permit should be properly conditioned to require the building permit to comply with all stormwater regulations in BMC 15.42.
51. Staff has determined the intent of the CAO has been achieved as documented in these findings and **Exhibits A and H** provided that the recommendations of the qualified professional are incorporated into the design and construction, the proposed development uses reasonable methods to avoid potential impacts to critical areas. No geologic hazard mitigation measures are required or recommended.
52. The proposed development, as conditioned in **Section V** herein, can conform to the requirements of Chapters 16.55, 20.12, and 20.33 as well as the Commercial Design Standards, and a Design Review Permit and Critical Area Permit should be approved.
53. Any Finding of Fact that should be denominated a Conclusion of Law shall be deemed a Conclusion of Law. Any Conclusion of Law that should be denominated a Finding of Fact shall be deemed to be a Finding of Fact.

V. DECISION AND CONDITIONS

Based upon the Findings of Fact and Conclusions, the Director of the Planning and Community Development Department (PCDD), or designee, approves this combined Design Review and Critical Area Permit, subject to the following conditions:

A. General

1. Approval of DR2023-0033 and CAP2024-0006 shall be contingent upon the Hearing Examiner’s approval of the CUP amendment (USE2023-0027).
2. All development and use of the property legally described in **Section I** of this permit shall be generally consistent and to the level of detail shown with the permit plans and other exhibits listed in **Section III**, except as necessary to comply with the requirements in the Bellingham Municipal Code and the conditions of this permit.
3. This Consolidated Permit is granted with the conditions specified below pursuant to the Bellingham Municipal Code. It does not excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations that may be applicable to this project.
4. All building and construction permits shall be generally consistent with the provisions of this permit. All work shall be completed according to this and other City permits.

5. Site disturbance, including but not limited to clearing and grading, is not permitted without an issued permit, except as authorized for herein.
6. In the event the owner/applicant/assigns fail to comply with the terms of the conditions herein, the permit may be rescinded.

B. Design Review

1. The departure request from BMC 20.25.090(B)(7)(c) 47% glazing between 2-7 feet along Northwest Avenue is approved.
2. Building Materials and Architectural Features:
 - a) Exterior materials shall be those indicated on the attached set of plans. Deviations from these materials shall be reviewed and approved by the PCDD in writing.
 - b) Use of the proposed building materials and the level of detail and trim on the attached plans are required, including materials and reliefs, door and window schedule, railing/column designs, and similar architectural treatments, and will be reviewed at building permit submittal for consistency.
3. All rooftop mechanical equipment screens as shown in **Exhibit A**, shall be painted to match the predominant colors of the building. The building permit shall identify the size and location of all new mechanical equipment. If mechanical equipment is visible from the public realm, it shall be screened with landscaping or similar, and/or painted to match the building as determined by PCDD.
4. A final landscaping plan and street tree removal/planting permit applications shall be submitted with the building permit application generally consistent with **Exhibit A** except as conditioned herein. The landscaping plan shall identify plant type, size and quantity and comply with applicable development regulations in BMC 20.12.030. The two new proposed "saw-tooth" parking stalls along the northern property line shall be configured with landscape beds between the property line and wheel stops. The landscape plan shall identify the installation of eight (8) replacement trees for the removal of the existing 8 significant trees (in addition to any code required trees). Replacement trees shall be native species. The landscape plan and civil plan shall identify the installation of 7 required street trees and avoid utility conflicts in their location. Submittal of a street tree permit shall be required. Prior to final occupancy, the landscaping shall either be installed or bonded for in an amount no less than 150 percent of the cost of material and installation.
5. All site and building lighting shall be shielded and/or downcast. Lighting cut sheets and a photometric site plan shall be submitted at time of building permit to ensure off-sight glare is minimized at the property lines.

C. Critical Areas

1. At the time of building permit submittal, the applicant shall demonstrate compliance with the general requirements in BMC 16.55.450. A qualified professional, as defined in BMC 16.55, shall submit an addendum to **Exhibit H** or memorandum analyzing the proposed construction drawings and responding to the criteria in BMC 16.55.450.
2. The building permit shall incorporate the recommendations in **Exhibit H** into the design and construction of the building addition. Foundation design and grading plan shall be clearly documented in the building permit submittal in accordance with **Exhibit H**.
3. The building permit shall comply with all stormwater regulations in BMC 15.42.
4. Inadvertent Discovery of Archaeological Resources:
 - a. Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivette, Local Government

Archaeologist 360-628-2755) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-961-7752; Tamela Smart, Deputy THPO 360-927-2944) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055):

- b. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

D. Occupancy

Prior to issuance of a Certificate of Occupancy for any building, all terms and conditions of this permit shall be met. The applicable department may require bonding if the Developer, prior to completion of the terms of this permit, requests Temporary Occupancy Permits. Certificate of Occupancy permits shall be processed in accordance with BMC 17.10.020.

- E. This application is subject to the applicable requirements contained in the Bellingham Municipal Code, and Fire and Building Codes. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these codes. Any element(s) of the project design that is conditioned in the design review approval, but not in compliance with other applicable codes, may be subject to design review in the event correcting such element(s) requires redesign.

VI. AMENDMENTS

Amendments to this permit may be requested by the owner and approved by the Planning and Community Development Department in writing, provided such amendments do not substantially change or alter major elements of the project.

VII. EXPIRATION OF VESTED STATUS

Pursuant to BMC 21.10.260(C)(3), under a consolidated permit process, the vested status of the land use approval for each permit shall expire on the expiration date of the permit with the longest vested status. In accordance with BMC 21.10.230(C)(2), the design review permit and critical area permit, reviewed under the consolidated permit process, shall expire five (5) years from the date of decision.

Pursuant to BMC 21.10.260 (C) (3), if a complete building permit application is filed prior to the expiration of the land use permit, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is cancelled, the vested status of the subject permit or approval shall also expire or be cancelled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under the permit shall be automatically extended for the period of the renewal.

VIII. EFFECTIVE DATE

Pursuant to BMC 21.10.240(B), this decision is presumed valid and in effect on the issuance date in Section I of this permit, unless an administrative appeal is filed.

The critical area permit portion of this permit shall be effective after the close of the appeal period, or if an appeal is filed, after the withdrawal of, or final decision on an administrative appeal (BMC 21.10.240.C.3). Therefore, the effective date of this permit is April 11, 2024, unless an appeal is filed.

IX. APPEAL

Pursuant to BMC 21.10.110 (K) and 21.10.250 (C), this design review, parking wavier and critical areas permit may be appealed within 14-days from the date of the Notice of Decision to the City’s Hearing Examiner. Procedures for appeal to the Hearing Examiner are contained within BMC 21.10.250. Any appeal must be filed with the Planning and Community Development Department prior to the end of the appeal period on the appropriate forms and be accompanied by a filing fee as established by the City Council.

Prepared by:

Departmental Approval:



Sara Ullman, Planner II

Kathy Bell, Senior Planner



Steve Sundin, Senior Planner