

## LIST OF ATTACHMENTS

Exhibit 1: Planning and Community Development Department Staff Report including the following Attachments:

Attachment A1	Application for a Conditional Use Permit Amendment and Applicant Responses to CUP Criteria (USE2023-0017)
Attachment A2	Architectural Plans Set (updated 12/2023)
Attachment B	2002 Hearing Examiner Order and Amended 2007 Hearing Examiner Order
Attachment C	Design Review, Critical Area, and SEPA Land Use Applications
Attachment D	Request for Information Letters (12/4/2023 and 1/12/24)
Attachment E	Applicant Response to 12/4/2023 RFI
Attachment F	NOC, NOA, ODNs (1/12/24)
Attachment G	Traffic Memo, prepared by TranspoGroup (1/12/2024)
Attachment H	Geotechnical Engineering Report, prepared by Joe Schmidt, PE, and Devin Murphy LG with Geotest Inc. (2/2/2024)
Attachment I	SEPA Determination of Non-significance
Attachment J	Consolidated Design Review and Critical Area Permit Decision (DR2023-0033, CAP2024-0006)
Attachment K	Public Comments
Attachment L	Preliminary Stormwater Proposal, prepared by Jean Paul Slagel, Civil Engineer with Freeland & Associates, Inc. (11/8/2023)

**CITY OF BELLINGHAM PLANNING AND COMMUNITY DEVELOPMENT  
STAFF REPORT**

**HEARING EXAMINER**

**April 24, 2024**

**PROJECT NOS:** USE2023-0027 CONDITIONAL USE PERMIT AMENDMENT

**APPLICANT:** Daniel Lawrence, Zervas Architects, 209 Prospect ST, Bellingham WA 98225

**OWNER:** Franklin Force Foundation, 3000 Northwest Avenue Bellingham WA 98255

**I. OVERVIEW**

**A. 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 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 critical area and design review applications are administrative decisions, which were consolidated, and a permit was issued on March 28, 2024. The associated CUP application is under concurrent review through the Type III review process with a final decision issued by the hearing examiner.

**B. GENERAL INFORMATION**

- i. Location:** 3000 Northwest Avenue Bellingham WA 98225
- ii. Legal Description:** Lots 11-14 of Block 3 Cornwall Park Acreage.
- iii. Tax Parcel Number:** 380224412399
- iv. Zoning:** Columbia Neighborhood, Area 2, Zoned Neighborhood Commercial.

## **II. STAFF RECOMMENDATION**

Approve the CUP amendment (**Attachments A1-2**) with the recommended conditions in Section XII of this report.

## **III. JURISDICTION**

The Hearing Examiner is granted authority to hold hearings and make decisions on Conditional Use Permits pursuant to BMC 20.14.020.E.

## **IV. BACKGROUND**

Franklin Academy occupies 3000 Northwest and 1509 Victor Street. These properties are governed by a Conditional Use Permit, 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) (**Attachment B**).

BMC 20.16.010(I) allows the director to consider and approve one-time, non-accumulative additions, modifications, or changes when the intent of the hearing examiner, or specific conditions required by the hearing examiner, shall not be reduced, or eliminated, and the modifications meet all of the following criteria:

1. The alterations result in an improved development plan for both the use itself, and the neighborhood.
2. Any alterations to structures constitute less than a 10 percent change on a square foot basis of the total floor area as originally approved.
3. The alterations will not infringe upon any requirements of this title.
4. The alterations will not have significant impact beyond the site.

Staff have determined the proposed school expansion does not comply with all of the eligibility criteria for an administrative modification regarding building size, construction phasing, and building design, and therefore, a Conditional Use Permit Amendment is required to be reviewed and approved by the Hearing Examiner.

### **A. APPLICATION AND NOTICE CHRONOLOGY**

1. 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) (**Attachments A1, A2, and C**).
2. On 12/4/2023, city staff issued a Notice of Complete Application pursuant to BMC 21.10.190.
3. On 12/4/2023, city staff issued a Request for Information (RFI) (**Attachment D**). 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.
4. 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 (**Attachment E**). Staff determined the resubmittal adequate to proceed with review of the project.

5. 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 (**Attachment F**). Potential SEPA mitigation measures were not listed on the notice.
6. 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) (**Attachment D**).
7. 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 (**Attachment G**).
8. On 2/5/2024, the applicant submitted the required critical area permit and geotechnical report (CAP2024-0006) (**Attachments C and H**). City staff determined the submittal complete for intake.
9. On 2/21/2024, city staff issued a SEPA DNS (**Attachment I**).
10. On 3/28/2024, the city issued a consolidated permit decision for the design review and critical area permit applications (DR2023-0033, CAP2024-0006) (**Attachment J**).
11. On 4/9/2024 legal notice was provided in accordance with BMC Title 21.

## **B. PUBLIC COMMENT**

One public comment was received during the public comment period (**Attachment K**). The commentor stated concerns about tree removal, building design, traffic, geology, and construction impacts. The topics of concern related to tree removal, building design, and geology were analyzed in the design review and critical area permit decision (**Attachment J**).

*Traffic: TranspoGroup has submitted a memorandum analyzing traffic impacts related to the proposed building addition (**Attachment G**). Per their findings, "The overall student enrollment falls under what is allowable in the conditional use permits and enrollment is anticipated to remain the same. The expansion of Robin Hall will allow Franklin Academy to function more effectively for the existing student enrollment and would accommodate shifting 45 students from Markel Hall to Robin Hall. Given traffic and trip generation is driven by the number of students the volume of overall traffic is not anticipated to change; however, there would be some shifts in traffic from Markel Hall to Robin Hall as outlined in the trip generation section." There is no net increase in trip generation for the Franklin Academy campuses. As indicated in Table 2 of **Attachment G**, there will be an estimated additional 186 daily trips for Robin Hall and a decrease of 186 daily trips for Markell Hall. Considering student enrollment is not changing and the existing enrollment levels are 127 students below the threshold analyzed and conditioned by the governing CUP, staff find traffic impacts are negligible and mitigation measures are not required in this Conditional Use Permit Amendment.*

*Construction impacts: Condition 10 of the governing CUP (**Attachment B**) requires, "Hours of construction except for those construction activities that do not produce noise, light, odors or other noxious influences noticeable to residents of the surrounding neighborhood, are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Exceptions to these hours may be granted by the Planning Director in the case of emergency or necessity. Notice of any scheduled exception shall be provided to adjacent residential neighbors." The proposed building construction with concrete slab foundation has been reviewed by the geological engineer and determined suitable for the geological conditions of the site. Construction techniques like pile driving are not recommended as feared by the inquirer. The application materials do not include any requested modifications to the CUP conditions and staff find no evidence in the scope described in **Section I** to indicate this operational condition cannot be met.*

## **V. EXISTING SITE CHARACTERISTICS**

### **A. LAND USE AND ZONING DESIGNATION**

Columbia Neighborhood, Area 2, Zoned Neighborhood Commercial. 10,000 sf maximum building size (BMC 20.00.040).

\*NOTE: Pursuant to BMC 20.33.040, density regulations establish “Retail buildings shall comply with floor area restrictions contained in the applicable neighborhood zoning table under “Density.”” As the existing building is used as a school and not a retail building, the building size limitation does not apply.

The land use designation of the subject site is Commercial.

### **B. EXISTING CONDITIONS**

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.

Properties to the north are also zoned neighborhood commercial and are developed 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.

The property is legally described as Lots 11-14 of Block 3 Cornwall Park Acreage and identified as assessor’s parcel number 380224412399.

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) (**Attachment B**).

## **VI. ENVIRONMENTAL EVALUATION**

The proposed school expansion requires SEPA review pursuant to BMC 16.20.090(D). A threshold determination of non-significance was issued by the City of Bellingham on February 21, 2024, for SEP2023-0039 (**Attachment I**).

The property is in an area mapped with coal mine hazards having a severe potential for subsidence. 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. 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. The project scope proposes an addition of more than 2,000 sf to the existing building’s footprint and therefore requires a critical area permit. 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 (**Attachment H**). In accordance with BMC 16.55.090, the report was prepared by a qualified professional as defined in BMC 16.55.510. The qualified professional 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.

A Consolidated Design Review and Critical Area permit (DR2023-0033 and CAP2024-0006) was approved with conditions on March 28, 2024. Conditions are enumerated in **Attachment J** and require the building permit to incorporate the recommendations in **Attachment H** into the design and construction of the building addition and demonstrate compliance with the general requirements in BMC 16.55.450. Stormwater review shall occur under the building permit and must comply with the regulations in BMC 15.42.

Pursuant to the Land Clearing Ordinance (BMC 16.60), significant trees (defined as being larger than 6" diameter at breast height) that are proposed to be removed shall be replaced at a ratio to be determined by the Planning and Community Development Department. 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 **Attachment E**, 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) and agrees that a 1:1 replacement ratio is appropriate for the proposed removal activities.

## **VII. APPLICATION**

Please refer to **Attachments A1, A2, E, G, and H** for the land use applications, as amended by the applicant's responses to the City's requests for information.

## **VIII. APPLICABLE REGULATORY SECTIONS OF THE BELLINGHAM MUNICIPAL CODE AND PLANS**

- Bellingham Municipal Code (BMC):
  - Section 20.00.040: Table of Zoning Regulations – Columbia Neighborhood
  - Section 16.55: Critical Area Ordinance
  - Section 16.60: Land Clearing Ordinance
  - Section 20.12: General Standards
  - Section 20.25: Design Review
  - Chapter 20.33: Commercial Development Standards
  - Chapter 20.16: Conditional Use Requirements and Procedures
  - Title 21: Procedures and Administration
- Columbia Neighborhood Plan
- Bellingham Comprehensive Plan

## **IX. DEPARTMENT ANALYSIS**

Pursuant to BMC 20.33.030 and BMC 20.16.020(M)(1), schools are a conditional use in the Neighborhood Commercial zoning designation and must comply with the following special requirements:

- i. A school(s) should not become the only use within a neighborhood commercial subarea (or district when there are contiguous commercial subareas).
- ii. Any school proposal shall be consistent with the policies outlined within the applicable neighborhood plan.

### *Staff Comment:*

*The existing school at 3000 Northwest AVE is within Area 2 of the Columbia Neighborhood and zoned Neighborhood Commercial. This area can be defined as the Northwest AVE corridor between Victor Street and Squalicum Parkway (approximately ¼ mile). 3000 Northwest AVE is one (1) property out of the eleven (11) properties within Area 2 of Columbia. Other commercial uses in this area include Yeager’s Sporting Goods, Legendary Vinyl Records, Tecalitlan Mexican Restaurant, Wanida Thia Bistro, Mi Rancho Taqueria and Mi Rancho Meat Market, and numerous other restaurants and personal service uses within the “Northwest Shopping Center” strip mall building. Staff find Franklin Academy’s 3000 Northwest AVE location makes up a small fraction of the commercial area within Columbia Area 2 and is not the only use within the continuous commercial subarea.*

*The Columbia Neighborhood Plan includes goals and policies related to bicycle and pedestrian facilities. Since the adoption of this plan, many of these infrastructure goals have been realized. There are designated bike lanes along Northwest AVE and a striped crossing along Northwest AVE at E Victor Street. The proposed school expansion does not impact this existing infrastructure and the building/site design supports multimodal transportation opportunities with strong pedestrian connections from the school to the sidewalk as well as designated bicycle parking areas. Staff find the proposed school expansion is consistent with the policies outlined in the Columbia Neighborhood Plan.*

Per BMC 20.16.010.B, certain uses may be allowed in certain general use types by a conditional use permit granted by the hearing examiner, provided such use is specified under the conditional use subsection of the appropriate general use type handbook and it is clearly shown that they comply with the criteria specified under BMC 20.16.010.B.1-3 and BMC 20.16.010.E.1-8.

1) **The proposed use will promote the health, safety, and general welfare of the community.**

**Applicant Response:** *The expansion of Robin Hall provides a much-needed space for staff and students to have a better academic environment. Students are currently being taught in library and storage spaces and need more appropriate spaces for learning. The expansion would also improve the connection to the neighborhood and replace the crumbling brick with a safer exterior.*

**Staff Response:** *Schools are an essential function of the community and provide facilities for students to learn and recreational amenities during and after school. Based on the information provided by the applicant the existing school facility is undersized for current needs, resulting in a shortage of adequate classroom space. The proposed building expansion provides needed classroom space to house second graders and does not introduce new impacts related to overall student body increase, changes to programming, nor significant demolition to the building. The proposed design of the 2-story addition (**Attachment A2**) enhances the safety and welfare of the community through a design that supports natural surveillance and “eyes on the street” with significant windows along an arterial where previously, few had been.*

*Staff recommend removing Condition 8 of 2002 HE Order regarding Bellingham Police Department (BPD) review. Since 2002, BPD no longer provides crime prevention through environmental design (CPTED) review for development proposals due to the volume of urgent policing responsibilities taking priority. Subsequently, Planning and Community Development staff have been trained in CPTED practices and CPTED is now a component of Commercial Design Review (BMC 20.25.090(B)(3)). Staff finds Condition 8 is no longer enforceable, and more so, CPTED review has occurred under the Consolidated Design Review and Critical Area Permit Decision and should therefore be removed as a condition for the use permit.*

*Staff finds the applicant’s proposal will promote the health, safety, and general welfare of the Franklin Academy academic community through provision of safe and nurturing classroom space, and the broader Columbian Neighborhood community through a building design that activates the pedestrian realm.*

2) **The proposed use will satisfy the purpose and intent of the general use type in which it is located.**

**Applicant Response:** *The area is currently zoned as neighborhood commercial. The existing Robin Hall educates students preschool through 1<sup>st</sup> grade. The addition is merely expanding the space for the existing activities at Robin Hall to continue as the school has grown and will now serve preschool through 2<sup>nd</sup> graders.*

**Staff Response:** *The subject property is in a commercial zone with a neighborhood use qualifier designation. Per BMC 20.33.020(E), “The commercial neighborhood designation (NC) is intended to accommodate retail and personal service establishments which will primarily serve the immediate neighborhood populace.” Franklin Academy provides educational services to students from the broader Bellingham community in addition to the immediate neighborhood. Staff find it’s important to recognize the anchor effect schools have on strengthening neighborhoods through the incremental movements of families desiring proximity to school uses. More so, the architectural design of the school addition has been found to comply with the Commercial Design Standards in BMC 20.25.090 as evidenced in **Attachment J**.*



Staff finds that the applicant's proposed school addition satisfies the purpose and intent of the neighborhood commercial zoning.

**3) The proposed use will not be detrimental to the surrounding neighborhood.**

**Applicant Response:** Proposed activities currently take place at Robin Hall. The expansion would allow for greater use of the site and improve the curb appeal for the neighborhood.

**Staff Response:** Franklin Academy has operated at 3000 Northwest and 1504 E Victor Street for over two decades in compliance with its governing Conditional Use Permit as amended (**Attachment B**). Significant public input and staff analysis through two separate public hearing processes have resulted in the 2002 and amended 2007 HE Orders stipulating numerous operational conditions for the school use to control detrimental impacts related to construction, lighting, traffic, landscaping, and enrollment. The proposed school expansion does not request changes to any CUP conditions and staff find the proposal does not introduce new determinantal impacts not already analyzed in the previous CUP hearings.

Staff recognize there will be construction impacts for the school addition but if existing CUP conditions related to construction are retained and modified to address the scope at hand, staff find construction impacts can be effectively mitigated (**Conditions 1, 18, 19, 20, and 22 in Section X**).

Staff recognize there will be new lighting impacts related to the proposed new building façade and two story glazed vestibule. Staff recommend modifying Condition 13 of the 2002 HE Order to require all site and building lighting be shielded and/or downcast and require submittal of a photometric plan and lighting details with the building permit to ensure glare is reduced.

Traffic impacts related to the proposed school expansion have been analyzed by the applicant's contracted traffic consultant (**Attachment G**). Per this analysis, Franklin Academy's overall student enrollment falls under what is allowable in the conditional use permits and enrollment is anticipated to remain the same with the proposed building addition. The expansion of Robin Hall allows 45 students to be shifted from Markel Hall to Robin Hall. School traffic is influenced by the number of students being driven to and from campus. The volume of overall traffic is not anticipated to change with the proposed building addition, therefore, there is no anticipated net increase in trip generation for the Franklin Academy campuses. Considering student enrollment is not changing and the existing enrollment levels are 127 students below the threshold analyzed and conditioned by the governing CUP, staff find traffic impacts are negligible. To ensure operational controls remain in place for smooth parent drop-off / pick-up behaviors, staff recommend the existing CUP conditions related to school drop be retained and updated as needed to reflect the new scope (**Conditions 3, 6, and 18 in Section X**).

Based on the project scope, and existing CUP conditions recommended to be retained and modified, staff finds the proposal is not detrimental to the surrounding neighborhood.

In addition to the criteria above, the Hearing Examiner shall also consider the following factors in granting a conditional use permit:

- (1) Be harmonious with the general policies and specific objectives of the Comprehensive Plan.

**Applicant Response:** *Complies with Comprehensive Plan and architecturally aligns with existing Frankling addition on Victor.*

**Staff Response:** *Based on the information provided by the applicant in **Attachments A1 and A2**, the proposal is consistent with the general policies and specific objectives of the Comprehensive Plan. Community Development goals encourage development that reinforces and enhances neighborhood character. Though Franklin Academy is a private school, staff find the goals and policies within the Capital Facilities and Utilities Chapter of the Comprehensive Plan are still applicable to the proposal because the City has a vested interest in ensuring adequate school facilities for expected future student population.*

*Staff find the proposed school expansion is in alignment with the following specific comprehensive plan goals and polices:*

- *Goal CD-2: Express the City's distinct community identity and sense of place through improvements to the appearance of new development, commercial centers, urban villages, transit corridors and streetscapes.*
- *Goal CD-5: Ensure that the design and development of urban villages and transit corridors convey a positive image of the district they are located within, contribute to the economic vitality and perception of the City, and improve visual and physical transitions into adjacent neighborhoods.*
- *Goal CD-6: Encourage contextually appropriate infill development projects and property renovations.*
- *Policy CD-1: Enhance the streetscapes along the City's major commercial corridors and other major streets through coordinated public and private improvements to convey a positive image of the district they are located within, contribute to its economic vitality and perception of the City, and improve visual and physical transitions into adjacent neighborhoods.*
- *Policy CD-5: Promote community identity through streetscape enhancements, building designs, and treatments marking the primary entrances, or gateways, to the City.*
- *Policy CD-6: Strengthen the urban form of the City's urban villages and commercial, industrial, and institutional districts by building on the character of the existing historical and architectural fabric of the community, while allowing for the addition of complementary new development and urban design elements.*
- *Policy CD-7: Ensure that new development is of a type, scale, orientation, and design that maintains or improves the character, aesthetics, and livability of neighborhoods. While compatibility is more of an issue in established neighborhoods, new development needs to take into account the context of the area and should result in an improvement to the surrounding neighborhood.*
- *Policy CD-10: Encourage property owners to maintain their properties to help beautify their neighborhoods, including improvement of parking areas through the addition of landscaping, trees, boundary definition, and other enhancements.*
- *Policy CD-17: Create an attractive, walkable environment within and between commercial districts and neighborhoods through careful site planning, architectural design, and pedestrian amenities such as sidewalks, benches, pedestrian-scaled lighting, and other street furniture.*
- *Policy CD-18: Encourage development of public spaces and plazas within commercial, mixed-use and residential projects that can accommodate civic events and function as community gathering areas.*

- *Policy CD-19: Foster placemaking by reinforcing key design themes in building facades, public spaces, streetscapes and other built elements within the visual public realm to create a sense of place and inspire a greater sense of community pride and ownership.*
- *Policy CD-34: Emphasize pedestrian-oriented development that includes building facades that relate to the street and clear pedestrian entries.*
- *Goal CF-7: Ensure school districts serving Bellingham and its UGA provide adequate public school facilities needed to house the expected future student population.*
- *Policy CF-71: Retain neighborhood schools in developed areas and locate new schools consistent with the City's commitment to encourage infill development, walkability and compact growth.*

*Staff finds that the proposal supports the City's goals of investing in and enhancing existing development along key neighborhood corridors to reinforce neighborhood character and support economic vitality. The proposed school addition aligns with City goals and policies pertaining to maintaining and expanding neighborhood school facilities for a growing community. Though Franklin Academy is a private entity, it provides a vital service with elementary and middle school education. Staff recognize the important roll private schools play in providing expanded educational options for Bellingham families, and by calibrating demand on Bellingham Public School facilities.*

*Staff finds the proposal is harmonious with the goals and policies of the Bellingham Comprehensive Plan and the Columbia Neighborhood Plan.*

- (2) Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services.

**Applicant Response:** *Project will not impact the use of adjacent properties.*

**Staff Response:** *The subject property is served by existing public roads, utilities, and services. Staff recommend removing Condition 5 of the 2002 HE Order regarding improvements to Walnut Street as this work has been completed and approved by the City.*

- (3) Be designed so as to be compatible with the essential character of the neighborhood.

**Applicant Response:** *The exterior of Robin Hall expansion utilizes the existing character of the building and surrounding area.*

**Staff Response:** *The character of this neighborhood can be described as having midcentury commercial buildings bordering the Northwest AVE corridor with single family residential neighborhoods comprised of pre-WWII housing stock. As explained by the applicant, this neighborhood is also defined by the Franklin Academy campus which occupies two large properties at 3000 Northwest AVE and 1509 E Victor Street. The proposed 2-story building addition adjacent to Northwest AVE effectively leaves the majority of the existing circa 1955 building untouched and provides an updated primary façade cohesive with the architectural design of 1509 E Victor Street. Staff find the proposed expansion maintains the essential character of the neighborhood by avoiding excessive demolition and changes to the existing building while designing the new addition in a manner reinforcing Franklin Academy's architectural identity.*

*Staff find the proposal is compatible with the essential character of the neighborhood.*

(4) Be adequately served by public facilities and utilities including drainage provisions.

**Applicant Response:** *Project will be served with existing facilities and utilities.*

**Staff Response:** *The proposal will not impact public utilities or services. The site will continue to be serviced by City of Bellingham water, sanitary, and storm sewer facilities that are adequately sized for the proposed expansion. Final stormwater review shall occur under the building permit and must comply with BMC 15.42.*

*Staff finds that the proposal will be adequately served by public facilities and utilities.*

(5) Not create excessive vehicular congestion on neighborhood collector or residential access streets.

**Applicant Response:** *Proposed program is currently in use at the property, so there will be no change in vehicular use.*

**Staff Response:** *Based on the information provided by the applicant in **Attachment A1 and G**, no additional traffic will be created by approval of the conditional use permit. It will simply shift parent drop-off and pick-up from one section of campus to another. Staff concurs with the analysis provided by the applicant. Staff recommend the existing CUP conditions pertaining to staggered pick-up and drop-off times should remain in effect to balance trip generation throughout the school day (**Conditions 3, 6, and 18 in Section X**).*

*Staff finds that the scale and intensity of the proposal as conditioned herein will not create excessive vehicular congestion on neighborhood collector or residential access streets.*

(6) Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefore, or by the inaccessibility of the property or structures thereon.

**Applicant Response:** *Proposed program is currently in use at the property, and new expansion creates a better and more accessible educational environment. No increased hazard with CUP/expansion.*

**Staff Response:** *The proposal will not create a hazard to life, limb, or property. The construction permit(s) for the proposal shall be required to comply with International Building/Fire Codes and Public Works Engineering requirements to ensure the safety of the public. The property is accessible to emergency services. Based on the information provided by the applicant in **Attachment H**, a qualified professional has reviewed the proposed school expansion with respect to the geological conditions of the property and found it to be feasible given the proposed slab on grade construction techniques. As conditioned by the Consolidated Design Review and Critical Area Permit (**Attachment J**), the building permit submittal shall include a memorandum from the contracted geologist confirming the final engineered design complies with BMC 16.55.*

*Staff finds that this proposal will not create any safety hazards, nor will it increase property or structure inaccessibility.*

(7) Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations.

**Applicant Response:** *Proposed program is currently in use at the property, should not create additional detriments.*

**Staff Response:** *The impacts associated with the use of the subject property will be consistent with the established school use, which has been an active part of the neighborhood since the early 2000's. The proposed building expansion is adjacent to Northwest Avenue and will be buffered by the proposed courtyard programmed with landscaping and fencing. Other proposed changes include installing two additional parking spaces in the parking lot adjacent to the strip mall and removal of brick walls to improve site lines on campus. These minor site alterations should not result in any long-term detrimental influences to neighboring uses and should in fact reduce impacts related to traffic spill over and aid in crime prevention with improved visual surveillance. Based on the information provided by the applicant in **Attachment A1 and E**, there will be interim construction noise occurring with construction of the proposed school expansion. To ensure construction impacts are mitigated, staff recommend retaining and modifying as needed to reflect the scope at hand, all conditions in the 2002 and 2007 HE Order which regulate construction (**Conditions 1, 18,19, 20, and 22 in Section X**).*

*Staff recommend the wording of condition 13 of the 2002 HE Order be slightly modified to require all site and building lighting 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.*

*Staff find visual impacts related to mechanical equipment can be effectively mitigated when conditioned. The Consolidated Design Review and Critical Area Permit (**Attachment J**) conditioned the screening of exterior mechanical equipment to reduce the visibility of said equipment.*

*To ensure traffic impacts remain mitigated with the shift in students from Markel Hall to Robin Hall, staff recommend retention and modification as needed to reflect the new scope, all CUP condition related to traffic, access, and school pick-up / drop-off activities (**Conditions 3, 6, and 18 in Section X**).*

*Staff find the proposal as conditioned herein, does not create detrimental influences to neighboring uses.*

(8) Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

**Applicant Response:** *None anticipated.*

**Staff Response:**

**Natural Features:** *The subject property does not contain any wetland critical areas nor wildlife habitat conservation areas. As described in **Attachment A1 and E**, the proposed school expansion will remove eight (8) significant trees, including a 32" oak tree adjacent to Northwest AVE. The applicant proposes to replant trees at a 1:1 ratio in addition to other*

*required landscaping and street tree plantings. Staff recognize the importance of tree retention from an ecological and neighborhood character perspective. Although eight (8) trees are proposed for removal, it is important to note the quantity of trees being preserved by the project. Approximately 19 trees will be retained with the proposed school expansion. Considering the trade-offs in alternative locations for the school expansion including impacts to parking, vehicular access, playground space, and other existing mature oak trees that define the character of this corridor of Northwest AVE, the proposed location of the 2-story addition best balances these competing interests. Staff find the proposal maintains existing canopy coverage to the maximum extent feasible given the objectives of creating more classroom space and mitigates the loss of the proposed eight (8) trees via the 1:1 tree replacement ratio in addition to landscaping and street tree plantings.*

*Staff finds the proposal will not result in the destruction, loss, or damage to any natural features.*

*Historic Features: The building located at 3000 Northwest AVE is not located within an historic district nor listed on any local or national historic registry. According to the Whatcom County Assessor's information, the building was constructed circa 1955. Staff feel it's important to note the proposal seeks to avoid complete demolition and reconstruction of the building. The proposal maintains the majority of the existing building, demolishing one wall to accommodate the 2-story addition. Though not regulated to do so, the proposal complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties which include guidance for design and construction of building additions to historic buildings. "A new addition must preserve the building's historic character, form, significant materials, and features. It must be compatible with the massing, size, scale, and design of the historic building while differentiated from the historic building. It should also be designed and constructed so that the essential form and integrity of the historic building would remain if the addition were to be removed in the future." The proposed 2-story building addition adheres to this guidance by preserving the existing building form and materials while clearly differentiating the new building from the old with modern architectural techniques like cantilevers and multi-story glazing.*

*Scenic Features: This site is within Area 2 of the Columbia Neighborhood, which does not include a "view" special condition. The subject property is immediately north of Peabody Plaza, a relatively small public park lined with mature trees. The proposed school expansion does not impact or obstruct any element of Peabody Plaza.*

*Staff finds that this proposal will not damage any natural, scenic, or historic feature.*

## **X. CONCLUSION**

Following a review of the applicant's submittal materials, and consideration of the site context and history, staff believes the proposal, if conditioned properly, will comply with the applicable goals, policies, and regulations - including but not limited to Titles 20 and 21 BMC - and therefore recommends approval of the CUP amendment for the construction a proposed approximately 7,256 sf building addition, parking lot restriping, and courtyard programming, to 3000 Northwest AVE, subject to the conditions below.

## **XI. DEPARTMENT RECOMMENDATION**

Should the Hearing Examiner find that the proposal described herein and as provided in **Attachments A1, A2, E, G, and H** meets the criteria, staff recommends that all previous CUP conditions remain in effect and recommends modifying the following conditions of the 2002 and 2007 Amended CUP Decisions (**Attachment B**):

### **A. Recommended Conditions:**

1. Modify Condition 1 of the 2007 HE Order: Construction of the school expansion shall proceed in an expeditious manner to minimize the impacts of construction noise and traffic on neighboring residents. Prior to building permit issuance, the applicant shall provide a construction phasing plan to the City and shall distribute said plan to immediately abutting and kitty corner neighbors (including across rights-of-ways).
2. Retain Condition 2 of the 2002 HE Order: Each site may have one (1) indirectly down-lit, or internally lighted sign. Each sign shall not exceed thirty-two square feet (32' sq.) in area and be no greater than six feet (6') in height. The message shall be limited to the name and address of the school.
3. Retain Condition 3 of the 2007 HE Order: Client contracts shall include a provision prohibiting on-street drop-offs/pick-ups and on-street student parking. Staff and students who drive vehicles to the school shall be issued parking permits to park on-site. Staggered start and release times shall be implemented to minimize a.m. and p.m. peak traffic congestion and conflict with Bellingham Public School bus pick-up and drop-off. A traffic manager shall be employed to manage morning and afternoon pick-up and drop-off and ensure compliance with the traffic restrictions imposed in this Order and the September 2002 Order, including, but not limited to, closure of the northerly Walnut Street gate during drop-off and pick-up times.
4. Retain Condition 4 of the 2007 HE Order: Enrollment at 3000 Northwest Avenue shall not exceed 270 students. Enrollment at 1509 E. Victor Street shall not exceed 316 students. Total enrollment at both sites shall not exceed 520 students.
5. Remove Condition 5 of the 2002 HE Order.
6. Retain Condition 6 of the 2002 HE Order: Vehicular access to and from the northern most Walnut Street curb cut at the 3000 Northwest Avenue site shall be prohibited during drop-off and pick-up times by means of a closed gate or other physical barrier. If closure of this access does not adequately prevent all but a minimal amount of school traffic from using Walnut Street and East Maplewood to enter and exit the site, one or more traffic control personnel should be employed by the school to direct traffic onto East Victor Street to Northwest Avenue.
7. Retain Condition 7 of the 2002 HE Order: Vehicular access to Elizabeth Street from 1509 East Victor Street is prohibited.
8. Remove Condition 8 of the 2002 HE Order.
9. Retain Condition 9 of the 2002 HE Order: Garbage dumpsters and recycling bins shall be provided for each facility in a location approved by the garbage/recycling hauler(s) and screened from public streets and adjacent properties.
10. Retain Condition 10 of the 2002 HE Order: Bicycle racks shall be provided at each site to accommodate a number of bicycles equal to at least ten percent (10%) of the number of students.
11. Modify Condition 11 of the 2002 HE Order: A final landscaping plan and street tree removal/planting permit applications shall be submitted with the building permit application generally consistent with the plans submitted with the application

except as conditioned by the Design Review Permit (DR2023-0033). 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.

12. Retain Condition 12 of the 2002 HE Order: The applicant shall provide a maintenance guarantee for installed trees and landscape screening prior to issuance of occupancy approval. The guarantee may consist of proof of a two-year (2) maintenance contract with a landscape maintenance firm, assignment of funds or maintenance bond in the amount of fifty percent (50%) of the value of the landscaping labor and materials or other equivalent instrument acceptable to the Planning Director.
13. Modify Condition 13 of the 2002 HE Order: 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.
14. Modify Condition 14 of the 2002 HE Order: The Public Works Department shall approve the stormwater plan for 3000 Northwest AVE prior to issuance of a building permit.
15. Retain Condition 4 of the 2007 HE Order: The applicant, and any subsequent transferees of this conditional use permit, shall take all steps reasonably necessary and within their control to eliminate or mitigate the impact on businesses within the adjacent Neighborhood Commercial area of placement of the school in proximity to existing locations where alcoholic beverages are served or gambling activities are conducted, and particularly the impact of the school on existing or future liquor and gambling licenses for these locations for operations similar to those currently conducted in these locations. Such steps may include, without limitation, fencing or closing off access routes (except for emergency access) to create a separation and increase the walking distance between the school and liquor establishments, and not opposing license applications. It is the intent of this condition to provide, to the extent legally permissible, that location of the school adjacent to businesses now operating under liquor or gambling licenses issued by the State of Washington should not impair the ability of those businesses, or their successors, to continue to operate and obtain necessary licenses. This condition shall remain in effect but it is not intended to require the school to take any action that is prohibited by law or to close any access in a way that would violate the property rights of another person or entity.
16. Modify Condition 16 of the 2002 HE Order: Design and operation of the site(s) shall be consistent with materials submitted with the application, including, but not limited to the application, SEPA Checklist, and the Consolidated Design Review and Critical Area Permit (**Attachment J**), except as otherwise provided herein, or as modified pursuant to these conditions.



17. Retain Condition 17 of the 2002 HE Order: The proposal shall comply with all applicable local, state and federal laws and regulations.
18. Retain Condition 18 of the 2002 HE Order: The cost of traffic control marking and signage for safe walking routes shall be the responsibility of the applicant. The Public Works Department shall approve the location and design of all such traffic control devices and may, in its discretion, require that installation be performed by the City.
15. Modify Condition 5 of the 2007 HE Order: All other conditions of the 2002 and 2007 Orders not inconsistent with the provisions of this Order shall remain in effect
16. Retain Condition 6 of the 2007 HE Order: Location and design of access points for the E. Victor Street site and all required street improvements shall be subject to the review and approval of the Public Works Department.
17. Modify Condition 7 of the 2007 HE Order: Prior to occupancy of the temporary portable classrooms and toilet facilities at 1509 E Victor Street, screening shall be installed between these facilities and adjacent residences. The type and design of such screening shall be selected after consultation with the immediately abutting neighbors and the Planning Department.
18. Modify Condition 8 of the 2007 HE Order: The temporary portable classrooms and toilet facilities at 1509 E Victor Street, shall be set back as far as is feasible from property lines abutting residences, outside of the construction envelope, but no less than 10 feet from the property lines. The location of the portable facilities shall be approved by the Planning Department after review of the site plan showing the construction area and accesses.
19. Retain Condition 9 of the 2007 HE Order: Construction traffic shall be directed away from the residential neighborhood to the extent feasible.
20. Retain Condition 10 of the 2007 HE Order: Hours of construction except for those construction activities that do not produce noise, light, odors or other noxious influences noticeable to residents of the surrounding neighborhood, are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Exceptions to these hours may be granted by the Planning Director in the case of emergency or necessity. Notice of any scheduled exception shall be provided to adjacent residential neighbors.
21. Modify Condition 11 of the 2007 HE Order: Landscaping, screening and lighting plans submitted by the Applicant to the Planning Department shall be distributed to adjacent property owners and others who request copies, at the Applicant's expense.
22. Retain Condition 12 of the 2007 HE Order: Location, construction, design and use of school facilities shall comply with all provisions of the Bellingham Municipal Code and International Building Codes.
23. Retain Condition 13 of the 2007 HE Order: The mass and bulk of the Victor Street facility shall be substantially as proposed in the materials submitted in support of this application, or less. The E. Victor Street facility shall maintain setbacks from residential areas substantially as shown on the site plans submitted with the proposal, or greater. The design of the facility should take into consideration the location of the structure within a residential neighborhood and potential impacts on the surrounding neighbors.
24. Retain Condition 14 of the 2007 HE Order: If the Planning and Community Development Department receives substantiated complaints regarding violations of the conditions of the Conditional Use Permit or adverse impacts resulting from weekend or evening school events or activities the Director shall have the authority

to impose additional conditions and/or to refer the matter to the Hearing Examiner for further hearing that may result in additional conditions.

**Prepared By**



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**Sara Ullman**, *Planner II*  
*Planning and Community*  
*Development Department*

**Approved for Submittal By**



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**Kurt Nabbefeld**, *Development Services Manager*  
*Planning and Community Development Department*