

**4193 NORTHWEST AVENUE TOWNHOUSES  
CONSOLIDATED LAND USE PERMIT  
PROJECT NARRATIVE  
UPDATED for RFI#1 RESPONSE**

**I. Subject Site / Properties Information**

**Address:** 4193 Northwest Avenue, Bellingham, WA 98226

**Tax Parcel Number(s):** 380211 435125 0000

**Owner(s):** Victor & Galina Shintar

**Applicant:** Ali Taysi, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225

**Agent(s):** Same as applicant

**II. Subject Site / Property Description**

The subject property is located at 4193 Northwest Avenue, north of the intersection of Northwest Avenue and Bakerview Road, and south of the intersection of Northwest Avenue and Mahogany Avenue, on the west side of the road (“the Property”). The Property is located in the Meridian Neighborhood, in Area 2, with a Residential Single, Mixed/Planned zoning designation. The Property is approximately 2.24 acres in size (97,574 square feet) and it is located within Section 11, Township 38 North, Range 02 East of W.M. The base density for the Property is 3,600 square feet per unit, resulting in the Property having 27 total densities (maximum without bonuses).

The Property is generally rectangular in shape, long and narrow, with frontage along Northwest Avenue, Mahogany Avenue and Arctic Avenue. The Property is developed with one single family residence, located at the east end of the Property, with a driveway that extends to Northwest Avenue, and other associated improvements, including a garage, shed, kennel and a developed yard area. Most of the remaining portions of the Property are undeveloped and are vegetated with mature trees (deciduous and evergreen) as well as shrubs and ground cover. There are several wetlands located on the Property and off-site to the north and south. The larger wetlands run along the north property line and then extend through the middle of the Property, creating two upland areas (one along Northwest and one along Arctic/Mahogany). The remaining wetlands are small and/or isolated and do not have buffers. The Property is relatively flat off Northwest but has more topography on the west side and is elevated above Arctic at the west edge. There is significant grade change around the large central wetland, which sits in a depression.

The Property abuts Northwest Avenue, Mahogany, and Arctic, all of which are fully improved along the frontages with asphalt drive lanes and curb, gutter and sidewalk. There are water, sewer, and storm water infrastructure improvements in all three rights of way abutting the property. There are hydrants on Arctic, Mahogany and Northwest abutting the Property. Surrounding properties to the north, east and south have been developed with single family and multi-family residential structures including apartments and townhouses. Costco is located to the west of the Property across Arctic. There are two projects in permitting located immediately south of the Property, each including townhouses and other infill housing forms.

### **III. Project Description**

The proposed project is the development of the site with a townhouse subdivision including 19 new residential units, as well as the retention of the existing single-family residence and construction of a new detached garage (with ADU) for this residence. New utility and access infrastructure will be installed. Limited critical areas buffer impacts are proposed, with on-site mitigation. The existing shop, garage and kennel will be demolished as a part of the project.

Due to the large wetland and associated steep topography that bisects the middle of the Property there are two separate and distinct development areas; one area fronts on Northwest (east area) and one area fronts on Arctic/Mahogany (west area). These two areas necessarily take access from separate locations and do not have the ability to share infrastructure.

On the east side of the Property the proposal includes retention of the existing single-family residence, and the construction of six new townhouse units. Four townhouses will be located east of the existing house and two townhouses will be located west of the house. The existing garage, shop and kennel will be demolished, and a new detached garage will be constructed to serve the existing house. The existing driveway serving the existing house, located in the buffer of the on-site wetlands, will be removed, and a new shared driveway is proposed along the south property line (straddling the property line and intended to serve the Property and future development on the property to the south). This driveway is proposed at a 20' width with a 12' asphalt travel lane and flush 4' concrete sidewalks on either side. A fire turnaround is proposed on the neighboring property to the south connecting to this shared driveway. Please note that the shared driveway entering the site is designed to meet the "large lane" standards and functions as a lane for code compliance for the two townhouses at the west end of the lane, however the four townhouses closer to Northwest are oriented to a common pedestrian corridor pursuant to BMC 20.28, and for these units the lane is not considered a frontage lane for code compliance; the lane functions as an alley for these units (see discussion below of Infill Toolkit compliance).

The four townhouses to the east of the existing house will have garages that front this driveway, with 19' deep private driveways extending to two car garages. Each unit will also have a man door with covered entry porch, and private sidewalk with landscaping areas, that will extend to the shared driveway sidewalk. These entries are considered "rear" entries for these units; each unit will also have a covered front porch on the north side, facing the retained wetlands buffer, except the east end cap unit. Shared sidewalks will extend from these front porches out to the sidewalk along Northwest. This shared sidewalk is considered a "common pedestrian corridor" for Infill Toolkit compliance purposes. The corner unit fronting on Northwest will have a large wrap porch on the northeast corner that extends along the entire public street facing façade, with a front door facing the street, and a separate private sidewalk extending to the sidewalk along Northwest, to provide greater street presence for this unit. The two townhouses located to the west of the existing house will have long private driveways

accessing two car tandem garages. Each unit will have a large covered front entry porch that orients to the lane and maintains a pedestrian sidewalk connection to the common sidewalks extending along the shared driveway to Northwest. These units will also have fenced private side yards connecting to the front entry porch. A landscaping bed will extend between the two garage doors. The new detached garage serving the existing single-family residence will be located between the two clusters of townhouses, with maneuvering onto the shared driveway. All units will have covered front porches with posts that are trimmed and bases that are wrapped in a masonry finish, and private usable space in the form of porches, decks, patios, and yards. A split rail fence with NGPE signage will be installed along the reduced buffer edge running from Northwest around the entire development area. Buffer mitigation is proposed in the remaining buffer areas onsite. Landscaping will be provided around the units, parking areas, between garage doors, and private yards. All entry doors and garage doors will have glazing. Garbage will be contained in individual totes within garages and totes will be dragged out to the shared driveway edge on pick up day with SSC using the fire turnaround for maneuvering. This approach is preferred by SSC in this instance instead of a common garbage facility due to the size and design of the project. A mailbox cluster is proposed along the north side of the lane just west of the four townhouses adjacent to Northwest. New water sewer and storm drainage infrastructure will be installed in the shared driveway. Shared storm water flow control facilities will be located on the property to the south in an easement.

On the west side of the Property the proposal includes the development of 13 new townhouse units in four clusters. A four-unit cluster of townhouses will be located along the Mahogany frontage, a three-unit cluster will be located along the Arctic frontage, and 2 three-unit clusters will be located along the south property line. A single access point will be provided to an internal lane that will provide maneuvering for all 13 units, each of which will have a two-car garage facing the driveway (the 6 units along the south property line are designed with tandem garages) to reduce the garage width along the internal driveway. Landscaping beds will be provided between each garage door for all units. This single access point to Mahogany is located as far east as possible along the frontage to provide adequate separation from the intersection of Arctic and Mahogany. This access driveway will be 20' in total width, with a 12' asphalt travel lane and two 4' flush concrete sidewalks, meeting the "large lane" design standards. Please note that the shared driveway entering the site is designed to meet the "large lane" standards and functions as a lane for code compliance for the six internally oriented townhouses at the south end of the site, however the seven townhouses on Arctic and Mahogany are oriented to public streets pursuant to BMC 20.28, and for these units the lane is not considered a frontage lane for code compliance; the lane functions as an alley for these units (see discussion below of Infill Toolkit compliance).

A fire and garbage turnaround will be located internal to the site, with a common garbage enclosure located at the east end of this turnaround. A mailbox cluster is proposed along the west side of the lane as you enter the site. Sidewalks will run throughout the internal driveway providing pedestrian connectivity internal to the site.

Units facing Arctic and Mahogany will have front entries with covered front porches

facing the abutting public street. These entries will have private front yards or decks and will have direct pedestrian connections to the public sidewalk. The 2 three-unit clusters that are internal to the site are oriented to the internal lane with covered front entries and porches adjacent to tandem garage doors. Each unit will have private decks facing south, the far east and west end cap units will have private side yards, and a 28' x 20' shared usable space will be provided between the two clusters for use by the remaining 4 units. All unit entries will connect to the internal sidewalks.

Water, sewer, and stormwater infrastructure is proposed within the site, with connection to the offsite NERP for storm water flow control. The project requires limited buffer impacts along the east and south edges of the development area; mitigation for these impacts is proposed in the remaining buffers onsite. A split rail fence with NGPE signs is proposed along the edges of the reduced buffers. Reduction of the 15' building setback from the buffer edges is proposed for 6 of the units (reduction to between 5' and 15'). Landscaping will be provided around units, yards, between garage entries, along the frontages (including street trees) and around the common garbage facility.

Each unit, and the site, will meet the majority of applicable BMC 20.28 standards (those in .050 and .140) including Green Factor, FAR, orientation, height, parking, maneuvering, frontage, subdivision, usable space, and others. This design will require one modification from BMC 20.28 related to unit setbacks for the eight internally oriented townhouse units. This modification is discussed in Section VI below.

### **III. Subdivision Criteria**

The project includes a 20-lot cluster subdivision (preliminary plat) that must be shown to be in compliance with applicable sections of BMC 23. When utilizing the Infill Toolkit regulations in BMC 20.28 many of the standards contained in BMC 23 are no longer applicable (for example, the minimum lot size, lot design standards, public infrastructure and frontage standards and landscaping standards contained in BMC 23.08.040-.080 are predominantly no longer applicable). BMC 23.08.060.F.2 does require a minimum of 15% open space for a cluster subdivision. The project as designed incorporates in excess of 15% open space, with the majority of this area over critical areas and buffers (significant natural features). The open space within critical areas and buffers is intended to be placed in a conservation easement for permanent protection. Additional open space areas are located within private and common yard areas and will be maintained by a Homeowners Association.

All subdivisions must be shown to be in compliance with the Performance Standards in BMC 23.08.030 and also the Decision Criteria in BMC 23.16.030. The following is a discussion of the projects' compliance with these Standards and Criteria.

#### ***BMC 23.08.030 Performance Standards***

##### ***B. Community Design***

The Property is located in Area 2 of the Meridian Neighborhood. The Plan for this Neighborhood identifies the land use designation as Single Family Residential, Mixed

Planned. The plan calls for medium density development in this Area and indicates that a mix of single family and multifamily development is appropriate. The Plan encourages development to consider natural topographical features, wetlands, pedestrian connectivity, and other design components. The Plan includes a number of Goals related to Open Space, Public Facilities, Transportation, and the Meridian Commercial District. Many of these Goals are specific to other areas of the Meridian Neighborhood, but to the degree that any Goals are broadly applicable (for example related to wetland preservation) the project is entirely consistent with these Goals.

#### C. Natural Features

The project design has utilized mitigation sequencing to predominantly avoid and minimize impacts to critical areas both on and off site. In those areas where impacts are proposed they are limited to buffer impacts, and these impacts are limited in nature, occurring mostly in areas that are already developed or degraded. Larger intact wetland areas are avoided and steeper sloped areas on site are also avoided. Mitigation for unavoidable impacts will occur on site through enhancement of remaining buffer areas. Mature trees are scattered across the site and some trees will require removal, however the majority of mature trees will be avoided and preserved in the remaining critical areas and open space areas. Mitigation for unavoidable tree removal will occur onsite. A conservation easement will be established over all critical areas and buffers after project completion in order to preserve these areas in perpetuity.

#### D. Clearing and Grading

The proposed project has taken the natural environment into consideration for the overall design and layout of development. The two distinct development areas are located in portions of the site that are not encumbered with critical areas and are generally the most level portions of the site, reducing the need for grading (some grading will be inevitable). Topography has been considered in the design, which incorporates shared access and stormwater facilities and other design measures to reduce site clearing and grading impacts. The proposed development areas work with the natural contours of the land to reduce the need for retaining walls as much as possible and to ensure that unit entries are oriented to adjacent public streets or open space areas to the maximum degree possible. All plans have been prepared using best engineering practices by a professional civil engineer.

#### E. Dedication

The proposed sewer and water main extensions will be placed in public easements to be maintained by the City. No other public dedications are required or proposed.

#### F. Pedestrian Features

The project design incorporates onsite pedestrian facilities throughout the two development areas. Individual walkways from each townhouse will connect directly or indirectly to the sidewalks in Arctic, Mahogany, and Northwest. A pedestrian connection to the adjacent project to the south along Dover Street is provided.

#### G. Streets

The proposed site design incorporates vehicular and pedestrian design components to ensure safe vehicular travel to and from the site and safe pedestrian travel within the site. Individual walkways from each townhouse will connect directly or indirectly to the sidewalks in Arctic, Mahogany, and Northwest. Each of the fronting streets is already fully improved with full width travel lanes, curb, gutter, and sidewalk. New street trees will be installed along all three frontages.

***BMC 23.16.030 Decision Criteria***

*A. Preliminary plats shall be given approval, including preliminary plat approval subject to conditions, upon finding by the hearing examiner that all of the following have been satisfied:*

*1. It is consistent with the applicable provisions of this title, the Bellingham comprehensive plan and the Bellingham Municipal Code;*

Comment: The Subdivision has been designed to be consistent with the applicable provisions of Title 23, the Comprehensive Plan, and all applicable sections of the BMC, including but not limited to those related to lot size, setbacks, building envelope, performance standards, utility, and road abutment, environmental, and others. The design includes limited requests for departures from the applicable BMC 20.28 standards. The project represents context-sensitive infill in an area serviced with infrastructure. This is consistent with our Comprehensive Plan Goals and Policies related to Land Use, Housing, Transportation, and the Environment.

*2. It is consistent with the applicable provisions of Chapter 23.08 BMC;*

Comment: The Subdivision is consistent with the provisions of Chapter 23.08 BMC, see criteria addressed in the preceding section of this narrative, all plans, reports, and other relevant information provided with this application.

*3. The division of land provides for coordinated development with adjoining properties or future development of adjoining properties through, where appropriate, the extension of public infrastructure, shared vehicular and pedestrian access, and abutment of utilities;*

Comment: The project will not preclude any extension of existing infrastructure to surrounding properties, and to the contrary includes shared access and storm water facilities with adjacent property to the south and the extension of sewer and water facilities through the site to serve adjacent property. Extension of public streets through the project site to serve adjacent properties is not desirable due to conflict with steep slopes and critical areas.

*4. Each lot in the proposal can reasonably be developed in conformance with applicable provisions of the BMC, including but not limited to critical areas, setbacks, and parking, without requiring a variance that is not processed concurrently with the subdivision application pursuant to Chapter 23.48 BMC;*

Comment: Each lot can be reasonably developed in conformance with the applicable provisions of the BMC. There is adequate building envelope on each proposed lot, as well as area for open space, parking, and other features associated with BMC 20.28 standards. A single variance is requested as a part of the project in order to waive improvement requirements for an adjacent undeveloped right of way (Division Street). This request is incorporated into the proposed project application.

*5. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and*

Comment: All provisions listed are adequately met. Each lot will provide adequate open space, stormwater management and private access. The site is served by Alderwood Elementary School, Whatcom Middle School, and Squalicum High School. The Property is greater than 1 mile from each of these schools. None of these schools have uninterrupted public sidewalk access from the Property and all of these schools provide bus service in the vicinity of the Property. Bus stops for Alderwood Elementary School, Whatcom Middle School and Squalicum High School are all located immediately south of the site at the intersection of Garland Lane and Northwest (connected by sidewalk to the Property).

*6. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17RCW, as amended.*

Comment: The proposed Subdivision will serve the public use and interest and is consistent with public health, safety, and welfare. It is consistent with applicable zoning regulations, Neighborhood Plan standards and other relevant codes. It is designed to be safe for residents and the public and accommodating of environmental features in the vicinity. It provides the opportunity for additional residential housing in a portion of the City that is adequately served with utilities and infrastructure.

#### **IV. Subdivision Variance**

Long subdivisions are subject to the requirements set forth in Title 23 BMC, including Chapter 23.08 (Plat Design, Lot Standards, and Improvement Standards). The proposed project as designed is substantially in compliance with Chapter 23.08, however, one subdivision variance is proposed.

The proposed variance is from the requirement to improve abutting unimproved Division St right of way, which runs along the north side of the Property. BMC 23.08.070(B) requires that “*all rights-of-way within and abutting a land division are improved in accordance with BMC Title 13.*” Title 13 standards require that the unopened Division Street right of way be improved to a  $\frac{3}{4}$  standard along the full property frontage. The Property abuts improved Northwest Avenue right of way as well as improved Arctic

Avenue and Mahogany Avenue rights of way. Both Arctic and Mahogany were recently constructed by the City to provide regional circulation in the area. Due to these improvements the City does not intend Division Street right of way to be utilized for any further road infrastructure. As such, the project does not propose any improvements to these rights of way, and the Applicant is requesting a variance from BMC 23.08.070(B).

Variances are permitted pursuant to BMC 23.48.040. A request for a variance pursuant to this code section must show that unique circumstances preclude a proposal from achieving zoned density or that a variance results in better lot design; and, that the variance will not be detrimental to the public welfare. The following is a discussion of the project consistency with these criteria.

### **23.48.040 Variances**

*A. Variance. The hearing examiner may grant a variance from any term of this title, except minimum lot size, if it is shown that the proposal is consistent with the following criteria:*

*1.a. Because of unusual shape, the location of preexisting improvements, other extraordinary situation or condition, or physical limitation including, but not limited to, exceptional topographic conditions, geological problems, or environmental constraints, in connection with a specific piece of property, the literal enforcement of this title would involve difficulties, result in an undesirable land division or preclude a proposal from achieving zoned density;*

Comment: The Property is subject to unique circumstances including the location of pre-existing improvements and physical limitations including topography and environmental constraints. These unique circumstances result in a situation where the literal enforcement of this title would involve significant difficulties and result in an undesirable land division. The Division St right of way is an unopened right of way that extends along the entire north property line of the Property, from Mahogany Avenue to Northwest Avenue. This right of way was historically platted prior to any development occurring in this area of the City. Over time, development occurred along Northwest Avenue and particularly to the west and northwest with the Costco development, which resulted in new regional transportation infrastructure being developed. This infrastructure included new Arctic Avenue and new Mahogany Avenue rights of way being developed, with a new signal-controlled intersection immediately north of the Property at Mahogany and Northwest and a new stop-controlled intersection at the northwest corner of the Property at Arctic and Mahogany. This regional infrastructure was planned and designed to serve the entire area with arterial street access. These existing streets serve the Property with access and frontage improvements. These preexisting improvements create a unique scenario whereby the abutting Division Street right of way is not intended to be developed with infrastructure. In addition, the Division Street right of way is severely encumbered with critical areas (wetlands and buffers) and also steep topography. These critical areas and topography would make it difficult and expensive to design and construct infrastructure improvements within the right of way; direct wetland fill would be required and there is no location onsite or in the vicinity to mitigate for this amount of direct fill. Development of the Division Street right of way would generate impacts on planned traffic circulation in



the area, as well as impacts on critical areas, both of which would involve difficulties and would result in an undesirable land division.

*1.b. The granting of the variance will establish a better lot design resulting in a development pattern found to be consistent with the neighborhood character including, but not limited to, development orientation to the street, setbacks, lot orientation, or other contextual element associated with the proposed development;*

Comment: Not applicable, because no lot design variance is requested.

*2. The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located. [Ord. 2018-12-036 § 2 (Exh. A)].*

Comment: The variance will not be unduly detrimental to the public welfare. In fact, the variance will benefit the public welfare. Literal enforcement of this title would result in the construction of public infrastructure in an area where it is not needed for traffic circulation purposes. It would create two new intersections in close proximity to existing intersections, resulting in significant safety concerns for vehicles and pedestrians. The improvements would generate long term maintenance costs for the City and would result in extensive new impervious surfaces, removal of existing vegetation, significant grading, direct wetland fill, and other physical impacts, none of which are in the public interest. The improvements would add significant cost to the project, increasing the cost of the housing units that are proposed; this is also not in the broader public interest. The right of way improvements are not necessary for traffic circulation, for life safety access to the Property or any other properties in the vicinity, or for access to the Property or the property to the north abutting the right of way. For these reasons, the variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and will, in fact, benefit the public.

For all these reasons the variance request is consistent with the applicable criteria and should be approved.

## **V. Public Works Arterial Access Administrative Variance**

As discussed in this narrative the Property is unique in that it is a through lot with frontage on two arterial streets (Mahogany and Northwest) and due to the presence of a large wetland in the middle of the Property, which is located in a depression, there are two distinct upland development areas, one on each end of the Property. The western upland development area fronts on Mahogany and Arctic and the eastern upland development area fronts on Northwest. To connect the two upland development areas on site would require substantial direct wetland impacts and grading activity, for which there is no space to mitigate onsite. As a result of these unique site conditions the project is designed with two distinct and separate “projects”. The western project includes 13 townhouses with a single access point to Mahogany. This access point has been located at the eastern edge of this upland area to create separation from the intersection of Mahogany and Arctic. The eastern project includes 6 townhouses and one single family residence with a single access

point to Northwest. This access point is shared with the property to the south to reduce curb cuts along Northwest.

BMC 13.52.040 restricts access to one driveway per Property onto an arterial street.

*Each parcel shall be permitted one driveway giving access to an abutting arterial street, either permitting direct access to the parcel, or jointly with an adjoining parcel.*

In this case, the Property fronts on two arterial streets, and due to the site complexities discussed herein, it is difficult and undesirable to design a project with only one access to an arterial. The Applicant is therefore requesting a variance from this requirement pursuant to BMC 13.52.120. This code section permits the Public Works Department to grant variances from the requirements in the chapter when:

*2. The owner of a parcel provides a traffic study acceptable to the department of public works showing that the variance is feasible and desirable, and in accordance with the intent of this chapter.*

The applicant for this project has commissioned a limited scope traffic study to evaluate the proposed project design and the two arterial access points. This study concludes that access to both Mahogany and Northwest would be safe and acceptable due to the limited number of users, and due to the existing left turn channelization infrastructure on both streets. In addition, both proposed access points meet sight distance requirements. For these reasons the Applicant believes that the project design meets the administrative variance requirements and that two arterial access points as shown should be approved.

## **VI. Design Review**

The proposed project includes multifamily residential development containing 3 or more units and is therefore required to go through a design review approval process. The project also includes an Infill Toolkit townhouse component and is therefore required to go through an Infill Toolkit design compliance review process. Design of all of the buildings and the overall site must be consistent with the Requirements identified in the City of Bellingham Multi-Family Residential Design Handbook (the “Handbook”), and design of the townhouse units must be consistent with the Infill Toolkit General Standards in BMC 20.28.050, and the Infill Toolkit Townhouse requirements in BMC 20.28.140. The Handbook identifies a number of Requirements that must be met with the project design, and also includes Guidelines that can be used to meet the Requirements. In this Section is a list of each Requirement in the Handbook with an accompanying discussion of how the building or site design incorporates the Guidelines and meets the intent of the Requirement, where applicable. Individual Guidelines from the Handbook are not listed in this discussion. Also, in this section is an overview of the project’s compliance with the Infill Toolkit General Standards and Townhouse requirements, including 1 minor modification request.

In addition to compliance with the applicable design standards, the City Design Review application forms require a discussion of the applicable conditions, considerations and

regulations identified in the zoning table. In Area 2 of the Meridian Neighborhood there are both Special Conditions and Special Regulations listed in the zoning table. The Special Conditions include access, spacing of curb cuts along Northwest Ave, drainage, wetlands, and buffers. The project has been designed with these Special Conditions in consideration. Access to the site is limited to one access point for each of the distinct development areas. It is not possible to have a single access point for the entire project because of the unique critical areas and topographical constraints. The Applicant has commissioned a limited scope traffic analysis that evaluates the proposed access and confirms that it will be safe and functional. A discussion of the required administrative variance for this (two arterial access points) is provided in this narrative. The access along Northwest has been consolidated with the neighbor to the south to reduce the number of curb cuts along Northwest. The stormwater analysis and drainage for the project has been carefully considered by the project engineer, and the proposal includes shared drainage facilities as well as proposed use of the regional City storm water facility (NERP). The site design has incorporated mitigation sequencing, including avoidance (no direct or indirect wetland impacts) and minimization (limited buffer reduction, predominantly in areas that are already developed/impacted), with onsite mitigation. The design carefully considers wetlands and buffers and has reduced impacts to the minimum necessary. The Special Regulations for Area 2 related back to density bonuses and associated design criteria and are catalogued in Attachment 2 to the Meridian Zoning Code – Area 2. The project is being developed with 20 units, which is within the range of density permitted for this Property (27 total units permitted). No bonuses are needed to achieve the proposed density.

## MULTI FAMILY DESIGN STANDARDS

### I. SITE DESIGN

#### A. Orientation

*Requirement: Orient buildings to public streets and open spaces in a way that corresponds to the site's natural features and enhances the character of the street for pedestrians.*

*Comments: The site is unique in that it is long and skinny with three frontages, wetlands through the middle and steep topography separating the two development areas. These conditions make it difficult to orient all units towards the street, and necessarily require some units to be “tucked back” behind the street fronting units. As a result of this, the two development areas have been designed with some units oriented to the street and other units oriented to open spaces. The eastern townhouse units are oriented to the on-site open spaces, with the four townhouses nearest Northwest oriented north, with front entries connecting to a common pedestrian corridor that extends east to Northwest. The corner unit fronting Northwest will have a large corner wrap porch extending across the full Northwest frontage, with a front door facing the street and*

sidewalk extending to Northwest, all of which provides orientation to the street and enhances the character of that unit for pedestrians. The two townhouses behind the house are tucked into a corner of the site, with front entries oriented to the adjacent lane, and private side yards that orient towards open spaces. The western townhouse units are oriented to the adjacent abutting frontages, with seven of the units having front entries facing Arctic or Mahogany. These front porches, and unit designs in general, will enhance the pedestrian experience for people using the adjacent public sidewalks. The six townhouse units that are interior to the site on this end will have private side yards and a shared open space that will orient south towards the adjacent open spaces on the property to the south.

#### B. Neighborhood Connections

*Requirement: Provide functional pedestrian and vehicular connections to existing neighborhoods.*

*Comments: All units will have sidewalk connectivity to the abutting public street and public sidewalk. The four units adjacent to Northwest will connect from front entries and rear garage side entries with sidewalks to Northwest. The two units tucked into the back on this side will have sidewalk connection from front entries out to Northwest. The seven units adjacent to Arctic and Mahogany will connect from front entries directly to these abutting public sidewalks. The six units tucked into the site will have sidewalk connection from front entries along the internal drive lane out to Mahogany. Vehicles will enter each development area from a single access point, and all garages will be accessed internally to the site from these driveways.*

#### C. Parking Location and Design

*Requirement: Minimize the impact of parking facilities on the fronting street, sidewalk and neighboring properties by designing and locating parking lots, carports, and garages so that they do not dominate the street front.*

*Comments: No parking facilities will be fronting on the public streets. All parking is proposed in garages. No garage doors will face the street.*

#### D. Clearing and Grading

*Requirement: Preserve significant natural features whenever feasible and*

*minimize changes to the natural topography.*

Comments: The proposed project has taken the natural environment into consideration for the overall design and layout of development. The large wetland and buffer areas, and steeper topography, which exist through the middle of the Property, have been avoided entirely. Development is concentrated in the two upland areas that are more level. This design will reduce grading, cuts, fills and retaining walls necessary for the development.

#### E. Fences and Walls Adjacent to Streets

*Requirement: When using fences or walls, use designs and materials that will maintain a pedestrian scale along streets or public walkways.*

Comments: Limited fencing is proposed. Those fences that are proposed around private yards for the townhouses will be 42” or lower in height. Some small retaining walls will be necessary around units and yard areas, particularly along the western development area, but these retaining walls will be low in height and will utilize landscaping to soften their appearance. No significant (greater than 2’) retaining walls are proposed along public sidewalks or street frontages.

#### F. Open Space and Recreational Area

*Requirement: Locate and design useable space to encourage its use for leisure or recreational activities.*

Comments: Usable space for each unit is proposed in a private front or side yard area or in some instances in a shared yard area, as well as on private decks and/or patios. These usable spaces will be predominantly oriented toward open spaces and wetland and buffer areas or for street facing units in front yards. Landscaping around front and side yards will help to provide screening and privacy for these areas. Decks for the townhouses fronting on Arctic and Mahogany will be elevated above street grade for privacy. Most decks and patios are large enough to accommodate outdoor furniture for leisure activities.

#### G. Mailboxes, Site Lighting, Bus Stops

*Requirement: Locate and design functions such as mail boxes and bus stops to promote ease of use and safety. Provide lighting adequate for the function without creating excessive glare or light levels.*

Comments: Common mailbox banks will be provided for all residents along the internal lanes. Residents will have direct sidewalk connectivity within each development area to access mail. Lighting will be provided along all interior sidewalks and around the mailbox banks for safety. All lighting will be down shielded.

#### H. Trash and Recycling Storage

*Requirement: Provide adequate screening for trash and recycling facilities associated with multifamily developments.*

Comments: All units in the eastern development area will have individual garbage totes that will be kept in their garages. SSC has requested that these totes be brought to the sidewalk edge along the north side of the internal shared driveway on garbage pick up day. All units in the western development area will share a common garbage enclosure that is located adjacent to the SSC/fire turnaround on site in the internal driveway. This enclosure will be screened with landscaping.

#### I. Landscape Design – Overall Project

*Requirement: Provide landscaping that is in scale with the buildings and spaces, and compliments the function of the space.*

Comments: Landscaping will be incorporated into both development areas, with trees, shrubs and ground cover planted around the exterior of the development areas, around townhouse front and side yards, in beds between garage doors, around the garbage facilities in the western development area, and along street frontages (including street trees). The retained buffers on site will be enhanced with additional planting.

#### J. Landscape Design – Parking Areas

*Requirement: Use landscaping to help define, break up, and screen parking areas.*

Comments: There are no proposed surface parking areas. Landscape beds are proposed between garage doors and driveway parking areas to break up the “row” feel of these doors.

#### K. Signs

*Requirement: Minimize the amount of signage needed to identify the multifamily*

*development.*

Comments: No signage is proposed.

#### L. Sidewalk Design

*Requirement: Design sidewalks to be consistent with the existing or proposed street design for the subject area.*

Comments: Internal sidewalks will be concrete and will connect to existing public sidewalks and to garages and unit entries.

#### M. Site Drainage

*Requirement: When open storm water facilities are proposed to be located on the site, minimize negative impacts on natural site features and incorporate them into the overall landscape scheme.*

Comments: There are no proposed open storm water facilities.

## II. BUILDING DESIGN

#### A. Neighborhood Scale

*Requirement: The scale of those portions of the building facing an existing developed neighborhood shall conform to the scale established in the neighborhood or the scale identified for the district.*

Comments: The Property is in a unique area where there is not a consistent scale of development. The eastern development area faces Northwest where there is limited new or redevelopment. Many of the structures in this area are single family residences. The western development area faces recently constructed multifamily apartments and townhouses, as well as Costco. The surrounding development is generally 2-3 stories in height. The proposed townhouses are all 2-3 stories in height and are clustered in groups of 2 – 4 units. These clusters will be entirely in scale with the surrounding existing development and the scale identified for this area of the City.

#### B. Neighborhood Compatibility

*Requirement: New buildings should reflect some of the architectural character of surrounding buildings when locating in a neighborhood where the existing context is well defined.*

Comments: The majority of residential structures in the vicinity have been developed in a traditional northwest style with pitched asphalt shingle roofs, lap and shingle siding and vertically oriented windows. The proposed townhouses hew to this style and should fit nicely into the existing architectural character of the neighborhood.

### C. Privacy

*Requirement:*                    *Orient buildings to provide for privacy, to the extent practical, both within the project and for adjacent residential uses.*

Comments: As noted, the site is unique because it is long and skinny and is split into two distinct development areas. This limits the ability to orient all units for privacy. Many units are oriented to adjacent streets (Arctic and Mahogany) and in order to provide privacy for these units' front porches and decks are elevated above street grade. Interior units are predominantly designed with side entries that are adjacent to private side yards. Northwest Avenue units are oriented to private yards facing wetlands to limit the impacts of this major arterial on private space. Yards and units are oriented to open spaces to the maximum degree possible considering site conditions.

### D. Façade and Articulation

*Requirement:*                    *Use architectural features that break up blank, flat walls and roofs and give the building a human scale.*

Comments: All buildings will include modulation and articulation in facades and will incorporate dormers and gable ends in the roof lines, second story bump outs, color and siding material changes, and other design features to break up blank walls. The buildings are two to three stories in height and clustered in small groups. These design considerations will give the buildings a human scale.

### E. Windows

*Requirement:*                    *Provide articulation of the building facade by using well-proportioned and spaced windows.*

Comments: The window to wall ratio along each of the buildings is appropriate. Window spacing and sizing is similar to and consistent with those used in the other multifamily residential developments in the area. Windows are proportioned vertically and



are divided or paired where appropriate. All front entry doors incorporate windows, as well as all garage doors.

#### F. Building Foundations

*Requirement: Design a building foundation to blend visually with the site.*

Comments: The buildings will have limited exposed foundations and where foundations are exposed siding will extend down over these walls and landscaping will be used to screen them.

#### G. Entries

*Requirement: Clearly define the main entrance of a building, orient it to a pedestrian walkway and enhance safety through lighting and visibility.*

Comments: Each townhouse unit will have a covered and clearly defined front porch entry. All entries will orient to a street, a common pedestrian corridor, or an internal sidewalk system, which provides access to the public sidewalk. Lighting (down shielded) will be provided along all pathways and around all entries.

#### H. Building Materials

*Requirement: Use durable exterior finish materials that provide visual detail, reduce the perceived scale of the building through texture or pattern and appear similar to those used in the neighborhood.*

Comments: The buildings will include durable exterior finish materials with varying detail. Fiber-cement siding in multiple styles will break up walls and reduce the perceived scale of the units. These varied material types will be applied to different building modules. Building colors will vary by module while maintaining a consistent color theme throughout the project.

#### I. Garages and Accessory Buildings

*Requirement: Design garages and carports in a way that does not dominate the streetscape or obscure building entries. Accessory buildings shall be subordinate in scale to the main buildings.*

Comments: Garages will be provided for each unit. These garages are all facing interior drive lanes and no garages will front the street. Garage doors will have windows and landscape beds

will be provided between garage entries.

#### J. Additions to Existing Structures or Sites with Existing Buildings

*Requirement:*                    *When retaining existing structures, incorporate them into a project in a way that preserves their integrity and contributes to a desirable neighborhood character.*

*Comments:* The existing single-family residence will be retained on the site. A new garage serving this residence will be installed along the shared driveway serving the adjacent townhouse units. This garage will be designed in the same architectural style as the townhouses and will include similar siding material, windows in the garage doors, and other features to tie it to the existing and proposed development. An Accessory Dwelling Unit is proposed above this garage. The single-family residence will be tucked into the site and will not be visible from the street.

#### INFILL TOOLKIT DESIGN STANDARDS

The proposed project includes the development of Infill Toolkit (ITK) townhouses. Therefore, the project is required to meet the general development standards in BMC 20.28.050 and the townhouse development standards in BMC 20.28.140. The eleven townhouse units that front public streets or a common pedestrian corridor will meet all applicable standards with no modifications requested. The eight internal units on both the east and west development areas will meet nearly all applicable standards, but will require one modification from the street frontage setback requirements. This modification is detailed below.

##### BMC 20.28.050.A Pedestrian-Oriented Design.

In general, the design of the project prioritizes fronting units on the existing improved public streets, with as many units as possible fronting Arctic and Mahogany, and the corner unit fronting Northwest with a large wrap porch and front door/walkway orienting it to the street. Due to the long narrow site and the proposed shared access with the neighbor to the south (for the east development area) not all units can front on a public street. The four townhouse units near Northwest are oriented to open space with a common pedestrian corridor providing access to Northwest. The two townhouse units at the west end of the Northwest Ave side of the project, and the six townhouse units internal to the Mahogany Ave side of the project, are all oriented to the internal lanes. These units each have rear yards oriented to open spaces (A.1). Parking is in garages and there is no parking accessing a public street or located between dwelling unit entries and the internal lane, except as permitted in subsection A.4.d (A.2). The internal lanes in both instances function like an “alley” or “back of house” and provide access predominantly to garages (A.3). Only the eight internal townhouse units have front entries facing these internal lanes, and each unit has direct pedestrian connection from this walkway to the exterior of the site without requiring a crossing of the lane. For the eight townhouse units

that have front entries facing the internal lane, each garage is proportionally less than the width of the unit (A.4.a). The two townhouse units at the west end of the Northwest Ave side of the project are designed so that the driveways do not cross pedestrian facilities. The six townhouse units internal to the Mahogany Ave side of the project are designed with driveways that do cross internal pedestrian facilities. These driveways are limited to less than 12' in width (A.4.b). All the designs of all the units (even those that do not have a front entry on a lane) include architectural detailing that minimizes the visual presence of the garages, including glazing in garage doors, landscaping between garage doors, modulation in facades on upper stories above garages, including change in material, and gable ends (A.4.c). The only instances where parking is proposed between the dwelling units and the lane are in instances where the parking is in front of a garage (A.4.d).

#### BMC 20.28.050.B Density.

The project meets density requirements for this Area. The project proposes 20 total densities in an area with an ITK maximum base density of 27 units (1 unit per 3,600 square feet of land area). No bonuses are needed for this project.

#### BMC 20.28.050.C Lot Requirements.

The 19 townhouses are proposed to be on individual subdivided lots. Pedestrian access to all lots will be either through direct private sidewalks (for townhouses with front entries oriented to the public streets) or through shared private sidewalks in easements (for townhouses with front entries oriented to common pedestrian corridors or the internal lanes). Vehicular access to all units will be provided from the internal lanes via shared easements.

#### BMC 20.28.050.D Subdivision.

The 19 townhouses are proposed through a cluster preliminary subdivision, with each townhouse on a fee simple lot. The lot transition provision in BMC 23.08.060.F1. is not applicable in this instance. FAR, Open Space and other Infill Toolkit standards are calculated site wide, excluding the retained single-family lot.

#### BMC 20.28.050.E Common Facilities.

The project anticipates preparing and recording a set of Covenants, as well as various easement documents, which will grant rights and responsibilities to the owners and tenants of each lot for use and maintenance. A homeowner's association that is compliant with WUCOIA regulations will be incorporated for the project prior to final plat approval to regulate and enforce the Covenants and easements.

#### BMC 20.28.050.F Encroachments and Common Wall Development.

The project includes limited encroachments pursuant to BMC 20.10.080.B. All townhouse units that have common walls (all units have at least one common wall as proposed) will have common wall agreements recorded on the title of the project prior to final occupancy of any affected unit. These agreements will be reviewed by the City. No reductions in front yard

setbacks are proposed (all units are setback between 10' and 15' from the adjacent rights of way) except for the eight internal units, some of which have reduced setbacks and some of which have increased setbacks (see discussion of modification below).

#### BMC 20.28.050.G. Private Lanes, Common Pedestrian Corridors, and Alleys.

Each lot and townhouse in the project abuts a street, lane, or common pedestrian corridor. Four townhouse units abut Mahogany Avenue, three townhouse units abut Arctic Avenue, one townhouse unit abuts Northwest Avenue, three townhouse units abut a common pedestrian corridor extending to Northwest Avenue, and 8 townhouse units abut an internal lane. Each unit in the project has direct access from a front porch to a pedestrian facility that accesses the street directly, or via a lane or common pedestrian corridor (G.1). The three townhouse units that utilize a common pedestrian corridor are designed with this corridor as the "street" for frontage, setback, and design purposes. The eight townhouse units internal to the project with front entries facing the two internal lanes are designed with these lanes as the "street" for frontage, setback, and design purposes (this results in the need for setback modifications for these units, see modification discussion below) (G.2). The two lanes are designed to meet the minimum standards for the number of units they serve; each lane is 20' wide with a 12' asphalt travel lane and a 4' concrete flush sidewalk on each side (G.3). These lanes will be in shared easements recorded against title and will be privately maintained. The internal lane serving the Mahogany Ave portion of the project accesses 13 units; however, this design has been approved by the Fire Department as compliant with BMC Title 17. No parking is provided within the lanes. The common pedestrian corridor serving three townhouses will have a 4' wide path, separated from private front yards by 2' with 42" fences and landscaping. These fences will delineate the private front yards of the townhouses, which will be setback from the corridor by a minimum of 10' (G.4.a.b, 5-9).

#### BMC 20.28.050.H Parking.

All units in the project have greater than 1,000 square feet of floor area, and the designs provide for 2 garage parking stalls per unit, in side by side and tandem layouts (H.1.a). The project includes 19 Infill Toolkit units; no formal guest parking is proposed (H.1.b). All parking stalls are designed to be 9' x 18' (H.2). No open parking facilities are proposed in any setbacks, including setbacks from the internal lanes. Informal tandem parking (in excess of that required by code) is proposed in the driveways of the six townhouse units on the Northwest Ave side of the project. Four of these units front on a common pedestrian corridor or on Northwest Ave so the internal lane is not the "street" for Infill Toolkit compliance and the parking does not have to meet a 25' setback from the lane. The two units that front on the lane and consider it a street are setback from the terminus of the lane with driveways that provide adequate space for tandem parking and maintain the required 25' setback from the lane. The lane terminates near the garage, and there is approximately 53' from the end of the lane to the garage doors, providing room for the setback and parking (H3.a.b and H.4.a.b). The internal lanes provide access to all garages and parking, and function like "alleys" for this purpose, allowing maximum orientation of unit entries to each adjacent street (H.5.a-c.).

#### BMC 20.28.050.I Landscaping and Fencing.

A preliminary landscape plan has been prepared for the entire project. This plan includes street trees along Arctic (3), Mahogany (6) and Northwest (4) meeting 40' spacing requirements. Street trees are also proposed along internal lanes, with trees located around buildings and in landscape islands adjacent to front entries and between garage doors for each unit (I.1-3). Fences are proposed in front yards delineating private usable space. These fences will not exceed 42" in height and will be 60% opaque or greater. Compliance with these requirements will be verified on final landscape plans provided with building permits (I.4).

#### BMC 20.28.140.B Site Requirements and Setbacks.

Each townhouse is proposed to be located on a fee simple lot. The only ADU that is proposed is associated with the retained single-family residence (B.1). The eight townhouses oriented to the public streets provide a front yard setback between 10' and 15'. The three townhouses oriented to the common pedestrian corridor provide a front yard setback of 10'. The two townhouses on the east side of the project that are oriented to the internal lane provide a setback greater than 20' (this will require a minor modification, see discussion below). The six townhouses on the west side of the project that are oriented to the internal lane provide a setback less than 10' (this will also require a minor modification, see discussion below). All units meet rear and side yard setbacks (B.2).

#### BMC 20.28.140.C Bulk and Massing.

There are no more than 4 attached units in any cluster. The total FAR for the project (excluding the single family retained lot) is .59, below the .75 maximum. All units have height less than 35' using definition #1 (C.1-3).

#### BMC 20.28.140.D Usable Space, Open Space and Landscaping.

Each dwelling unit has more than 200 square feet of usable space. The units fronting Arctic, Mahogany, Northwest, the common pedestrian corridor, and the two units on the Northwest Ave side of the project that front the internal lane each have 200 square feet of private usable space, provided in decks/patios and private yards. Yard areas will be delineated by opaque fencing less than 42" in height and landscaping. Each of these units has direct access from the unit to their private usable space. The six units on the Mahogany Ave side of the project that front the internal lane each have between 88 and 92 square foot private decks. The east and west end cap units each have a private side yard area, which will provide more than 140 square feet of additional private usable space. The four interior units will share a common usable space area located between the two-unit clusters. This area will be 28' x 20' wide, providing 140 square feet of additional common usable space per unit. This common area will be accessible via short pedestrian sidewalks extending from each front door (D.1 and 2). More than 30% of the site shall be preserved in open space, consisting of landscaped areas, lawn areas, and critical areas and buffers (D.3). A green factor score of .4 (excluding the single family lot area) has been met with the proposed design (D.4).

#### BMC 20.28.140.E Parking

All parking requirements are met; see discussion of BMC 20.28.050.H compliance in this narrative.

#### BMC 20.29.140.F Design Standards.

Each townhouse unit fronts on, and has a primary entry facing, a public street, internal lane, or common pedestrian corridor (F.1). Each unit has a separate entrance with a man door connecting to a private covered front porch and in many instances a private yard area (F.2). Each unit entry connects directly to the public street, internal lane, or common pedestrian corridor via private on-site sidewalks (F.3). Each unit has a covered front entry porch of at least 40 square feet with no dimension less than five feet; these porches are not included in private usable space calculations (F.4). Each cluster of units is modulated along the public street at least every 30'. This modulation extends between 2' and 4' depending on unit type. Modules have varied siding material and color, and align with gable ends, providing architectural detailing that delineates the individuality of each unit (F.5). Garbage facilities serving the units on the Mahogany Ave side of the project will be consolidated in an enclosure. This enclosure will have walls and will include vegetation screening. The location of this facility has been approved by SSC. Units on the Northwest Ave side of the project will utilize individual garbage and recycling totes that will be stored in garages and brought out to the lane edge on pick up days. This approach to garbage collection for the east side of the project has been approved by SSC (F.6).

#### BMC 20.28.140.G Design Guidelines

This area of the City is not a historic neighborhood; it is a newly developing area with a mix of residential, commercial, and industrial uses and a variety of housing types and forms, including apartments, townhouses and single-family residences. Most of the residential development in this area has been designed in a traditional northwest style with pitched asphalt shingle roofs, single or double hung trimmed windows, and fibre cement siding in lap, panel, and other styles. The proposed units are of high-quality design and utilize materials and architectural details that are consistent with surrounding development and will contribute to the developing character of the area. The units utilize lines and rhythms through modulation, bay windows, siding style changes, gable ends, covered front porches and fenced yards, landscaping and other architectural details to create a human scale streetscape (G.1 and 2). No front yard parking aprons are proposed in the project (G.2.a). Landscaping is proposed around units, between garage doors, in front, rear and side yards, and around front porches. Landscaping includes lawn areas, ground cover, shrubs, and trees throughout the project (G.2.b).

It should be noted that the existing single-family residence is not proposed to be converted to an ITK Small Lot unit and has been located on a large remainder lot (Lot 20) meeting RS single family development regulations in BMC 20.32 and subdivision regulations in BMC 23.08 for lot size, building envelope, lot coverage, and other applicable standards. No variances or modifications of any standards are proposed for the existing single-family residence.

## MINOR MODIFICATION REQUEST

The proposed development includes one minor modification request that is applicable to the eight townhouse units that are internal to the site. The two townhouse units on the Northwest Ave side of the project that front the internal lane, and the six townhouse units on the Mahogany Ave side of the project that front the internal lane, do not meet the front yard setback requirements in BMC 20.28.140.B.2. This section of code requires front yard setbacks to be between 10' and 20' in depth from the fronting street. BMC 20.28.050.G.2 requires that lanes “*shall be considered streets for frontage, setback and design purposes*”. The eight units in question all front on an internal lane, and therefore must draw their front yard setbacks from this lane. In the instance of the two townhouse units on the Northwest side of the project, the lane terminates further than 20' from the entries of these units (approximately 53'). From the terminus of the lane, private driveways extend between 40' and 53' to the front entries. In the instance of the six townhouse units on the Mahogany side of the project, the unit entries are located less than 10' from the lane.

Due to unique site conditions related to the property shape (long and skinny), as well as the site topography and wetlands, which create two distinct development areas on either end of the Property, restrict access, and limit the available area for development, it is not possible fit these eight units into the project design and maintain front setbacks between 10' and 20'. The two units on the Northwest side of the project are tucked behind the existing residence and proposed new garage, in a small pocket of upland. The lane is shared with the neighboring property to the south, and if extended further west this lane would begin to encroach on proposed units and unit yards in the neighboring project. The six units on the Mahogany side of the project are tucked along the southern edge of the site, which is not deep enough from Mahogany to the south property line to accommodate units fronting on Mahogany, the internal lane, a 10' setback and units fronting on the lane. Due to the site constraints these units will require a minor modification from BMC 20.28.140.B.2. The minor modifications are consistent with the criteria for modifications from BMC 20.28.030.

According to 20.28.030 (B), “*Applicants may request minor modifications to the development and design standards set forth in this chapter.*” Below is an inline response to each of the criteria and how the proposed modification and project will meet the criteria.

1. *A. The site is constrained due to unusual shape, topography, easements, sensitive areas, the location of pre-existing improvements, or other extraordinary situation or condition, or*

Comment: The subject Property is constrained due to unusual shape, topography, and sensitive areas. As discussed in detail throughout this project narrative, the site is split into two distinct development areas by a large wetland and ravine area in the middle of the Property. The site is also very narrow and long, with only approximately 130' of width along Arctic and Northwest. The east portion of the site shares a lane with a neighboring property and has existing retained development that restricts the site. The west portion of the site has a small upland developable area constrained by wetland buffers, and is a corner lot, with two public frontages that require unit orientation. These physical conditions limit the space available for development and when the applicable front yard setback standards from BMC 20.28 are applied to the project

these physical conditions make it impossible to design a project that can provide front yard setbacks between 10' and 20' without undesirable environmental impacts, substantive density loss, or units that can't provide adequate parking, living area and other amenities. The constraints on this Property are clearly extraordinary.

*B. The granting of the modification establishes a better development pattern found to be compatible with adjacent development (existing and anticipated) including, but not limited to, pedestrian-oriented development, setbacks, lot orientation, or other contextual elements associated with the proposed development; and*

Comment: N/A

*2. The modification is consistent with the purpose and intent of this chapter.*

Comment: The modification is entirely consistent with the purpose of this chapter. The purpose of the chapter is to provide for alternative and innovative housing forms to be developed in the City to meet the City's housing needs and to provide opportunities for tasteful infill of our developed neighborhoods, while also balancing impacts to environmentally sensitive areas. The proposed project includes infill of a site that is serviced by existing utility and road infrastructure and has the capacity for the proposed development. It is designed to predominantly avoid critical areas impacts and reduce grading. The purpose of the front yard setback standard is to ensure that units balance a strong pedestrian-oriented design to the public (outward facing) and provision of clear private space between unit entries and the public right of way. In the instance of the eight internal townhouses, these units do not face public streets and the need for specific orientation and privacy is diminished. The modified front yard setbacks, in both instances, do not jeopardize the units' overall consistency with the purpose and intent of the chapter. The project design meets the setback intent; both development areas include townhouse units along the public road frontages, with front entries facing these streets setback between 10' and 20'. The only units that are proposing a modification are tucked into the back of each development area where there is limited room to accommodate setbacks. These units are screened from the public and each of them is still designed with covered front entry porches and sidewalks that extend from these porches through the site to the abutting public streets. These units are set against open space areas and will have fenced yards that are adjacent to the open spaces. If these units were to provide code compliant setbacks this would require more substantial critical areas buffer impacts, create conflict with the adjacent project to the south that shares the eastern lane, and would likely eliminate the six townhouse units on the western development area. This is the only proposed modification from the ITK standards; all other design standards for the units have been met, and they will contribute to an overall quality aesthetic for the project.

For these reasons this minor modification request should be approved for the eight townhouse units.