

4193 NORTHWEST AVENUE
TOWNHOUSES
CONSOLIDATED LAND USE
PERMIT
RFI#1 RESPONSE LETTER

On July 27th, 2023, the Applicant received a Request for Information (RFI) on the proposed townhouse project at 4193 Northwest Avenue (SUB2023-0031, DR2023-0018). This RFI Response Letter provides an in-line response to each of the action items for which staff are requesting additional information. In addition to this Letter, please find attached supplemental information, including updated plans and reports, which support these responses.

RFI Comments and Action Items*:

*please note that City comments from the RFI are identified in *italics*, and Applicant responses are identified in standard text.

1. Fire Addressing:

- a. The access road from Northwest that will serve the existing residence, new townhouses and future development to the south is required to be named. Please submit three separate road names that aren't duplicated anywhere in Whatcom County for review.*
- b. The existing residence is required to undergo an address change. Please provide written confirmation that they will not object and will comply with city requirements.*
- c. The development on the west end will have the main address of 1235 Mahogany Ave, there is a strong possibility that those will be addressed with a single building address and unit numbers, rather than individual addresses for each unit.*
- d. Both developments are required to install site plan/complex signs showing location of the buildings with their addresses, at the entrance to the respective complex.*

Applicant Response: These comments are noted. The access road is shared with the property to the south. The Applicant is working with this property owner to develop a list of three road names that are satisfactory to both property owners. A road name application will be provided to the Fire Department for review prior to a final land use decision by the City. The property owner has been made aware that the address for the existing residence will change; please accept this RFI response as an acknowledgment that the property owner is aware of this change, will not object to this change, and will re-address the residence when a new address is provided by the Fire Department. The west end address of 1235 Mahogany is noted. The property owner has been made aware of the potential that all units accessing from Mahogany will share a primary address and will have unit numbers. The property owner has no objection to this approach to addressing. The property owner has been made aware of the requirement to install site plan/complex signs showing the location of the buildings with their addresses. These signs will be installed near the entry to the west and east access roads, after addresses and road names have been assigned. These signs will be

presented in draft form to the Fire Department for approval prior to installation. The Applicant anticipates that conditions will be added to the consolidated decision to address these requirements.

2. Stormwater:

a. The preliminary storm analysis states that the NERP was designed to provide detention and treatment for all areas draining to Mahogany Ave. The applicant's engineer will have to verify this based on empirical evidence.

b. The preliminary storm analysis states that the eastern portion of the project site will discharge to the detention facility to the neighboring property to the south. The applicant's engineer will have to show empirically that this facility will accept any discharge and a drainage release and/or easement must be obtained to allow this.

Applicant Response: The project civil engineer has engaged in correspondence with City Public Works staff regarding the use of the NERP for the western portion of this project, and the preliminary storm water design memorandum (November 29th, 2023) has been updated to include more detailed discussion of this approach to storm water design. This updated memorandum is attached in the RFI response package. The project civil engineer has also engaged in site and civil design planning with the project civil engineer for the project to the south, to ensure that the facility located on the property to the south will be designed to accommodate the runoff from the proposed project. Both parties are working in concert on this design, and at the time of civil construction drawing submittal for each project detailed design and stormwater analysis will be provided for each site showing empirically that the facility can accommodate all runoff. Both property owners are in agreement regarding this shared infrastructure and have agreed to execute all relevant documents including a drainage release and easement for this and other common project elements. This document will be provided prior to final approval of either project and the Applicant anticipates a condition will be added to the consolidated decision attesting to this requirement.

3. Critical Areas:

a. Revision to mitigation plan required. Sheet WT2 in the CAR / MIT plan needs to show the width of the remaining buffers from wetlands A and B. Buffer reduction is allowed but only down to 60-feet for A and B. The edge of the turn-around / garbage recycle area west of wetland B appears to comply, but verification is needed. However, this is not the case for the 4 townhomes south of wetland A. It appears that indirect impacts are occurring to wetland A and would need to be mitigated for. Please also revise plan to identify the required 15' building setbacks from all buffers per the CAO.

Applicant Response: The Critical Areas Report (CAR) for the project has been updated to reflect changes in project design and to address RFI comments. Full and reduced buffer dimensions are shown on the Design Review (DR) plan sheets. The proposed turnaround and garbage/recycle area have been redesigned and shifted west such that impacts are limited to the outer 25% of the full 80' buffer. This is reflected in the updated plans. The only impact in the inner portion (within the remaining 60' buffer) on the west side of the site is for the required City pedestrian/trail connection to the property to the south. This connection is required by the City (see comments later in the RFI) and due to the topography of both sites, there is no viable location for this trail outside of the 60' reduced buffer. This buffer impact is nominal and mitigation for the impact has been added to the updated CAR. On the east side of the property there are proposed impacts within the inner portion of the buffer for the 4 townhouses adjacent to Northwest Ave. These impacts occur over

the top of existing disturbed areas, including maintained lawn and an existing gravel driveway serving the existing residence. While these impacts are located within the inner portion of the buffer, this in and of itself does not mean that they are considered indirect impacts. These areas of the site, having been previously disturbed, do not provide the same buffer functions as an intact buffer, and are functionally separated from the intact buffer by the gravel driveway surface. Impacts to and mitigation for these areas are discussed in greater detail in the updated CAR. All units on the east side of the site provide a full 15' + building setback from the reduced buffer lines. Several units on the west side provide a reduced building setback ranging from 5' – 15' from the reduced buffer lines; in these areas the project biologist has determined that the full 15' setback is not necessary to protect critical root zones (this is discussed in the updated CAR). The reductions are proposed pursuant to BMC 16.55.340.G, which permits an administrative reduction of the setback.

4. ACTION ITEM: *An ADU permit is required for the proposed ADU living space above the proposed garage. Per BMC 20.30.100, 2 story garages are not permitted. The applicant may submit an ADU permit with the consolidated land use submittal currently under review, or the consolidated permit shall be conditioned to require ADU permit approval prior to building permit issuance for the garage/ADU.*

Applicant Response: Since the issuance of the RFI for the project the City has adopted new ADU regulations in BMC 20.10.036. These regulations no longer require a land use permit approval for an ADU. Due to this change in code the Applicant requests that the City include a condition requiring that the proposed garage may only be constructed as shown on the site plan and in the design review drawings if a building permit including the ADU component is submitted. If no ADU component is included in the building permit for the garage, the Applicant understands that the current garage design will not be able to be approved by the City. In this instance, the upstairs of the garage will be removed but the footprint will not be altered.

5. ACTION ITEM: *Please confirm lot size. Surveyed and stated lot size is 97,574 sf while assessor says 96,184 sf.*

Applicant Response: The survey is an accurate legal method of verifying property boundaries and lot sizes and is therefore the governing document for establishing the total lot size at 97,574 square feet. Assessor information is not always accurate and should not be used for establishing the total lot size when a legal survey is available.

6. ACTION ITEM: *Revise the Narrative to explain the project requires a preliminary cluster subdivision approval (because the project is for Infill Development consistent with BMC 20.28). To note, Lot Size Transition requirements in BMC 20.28 and Title 23 do not apply considering the neighborhood context. Please discuss Open Space requirements (BMC 23.08.060.F.2) in the Narrative.*

Applicant Response: The project narrative has been revised to note the requirement for a preliminary cluster subdivision approval. An open space discussion has been added to the project narrative. Please see updated project narrative attached with this RFI response.

7. ACTION ITEM: *Revise the Narrative to remove reference to the Minor Modification Request from BMC 20.28.050G.1. and BMC 20.28.140.F.1. This request is invalid. The site plan clearly*

shows lanes configured within the proposed infill development with units fronting either on the lane, or on the street. This request shall not be processed.

Applicant Response: The project narrative has been revised to remove the minor modification request from BMC 20.28.050.G.1 and MBC 20.28.140.F.1. This approach to lane designation was based on prior City staff direction on other projects. The Applicant understands that in the instance of this project the on-site access driveways will be considered “lanes” by City staff. This change in designation results in one minor modification being necessary, related to setbacks, for the eight townhouse units that are internal to the site, and oriented to the lane. The project narrative has been updated to include the revised minor modification request.

8. Per BMC 23.08.020, the purpose of the land division chapter (Title 23) is to “encourage compact and walkable neighborhoods that create accessible and attractive connections between destinations through a well-connected system of streets and pathways that encourage the use of all modes of transportation.” The proposed plat layout does not provide an E-W connection nor N-S connection for vehicles or pedestrians within the subject or abutting properties. The proposed plat does not comply with the purpose of the land division chapter nor with the following performance standards in the land division code nor the MFDR requirement:

BMC 23.08.030(F): Incorporate pedestrian features into the overall plat design that provide for networks of walking and bicycle facilities that create access to community services and amenities such as schools, parks, shopping centers, public transportation stops, bicycle and pedestrian corridors identified in the city’s bicycle and pedestrian master plans within the proposed land division and to adjoining property that is not subdivided. Pedestrian features should be spaced at 500-foot intervals unless such an interval is not feasible due to a physical hardship that is not a result of the overall plat design.

BMC 23.08.030(G)(2): Vehicular and Pedestrian Circulation. Streets and trails proposed within a land division should:

a. Extend to and connect with existing streets abutting its perimeter to provide for the logical extension of streets and utilities for coordinated development of contiguous tracts or parcels of undeveloped land.

b. Include a street network that provides multiple routes within and in/out of a proposed division of land with a grid pattern or a network modified grid of curvilinear streets and/or alleys unless there are physical limitations including critical areas, significant natural features, conflicts with the existing built environment, or adverse topography that prevents such a street pattern.

c. Avoid single points of access, cul-de-sacs, and dead-end streets, unless the city determines such extension is not necessary due to physical conditions that exist on or adjacent to the site.

d. Public and private trails should also be considered in the design of a street network.

MFDR Section I.B. “Provide functional pedestrian and vehicular connections to existing neighborhoods. Guidelines: 1. Provide interconnected circulation systems by using such methods as a. Providing convenient pedestrian connections between the street, bus stops, buildings, parking areas and recreation areas. b. Using an interconnected street system within the project. c. Taking

advantage of opportunities to connect pedestrian walkways, bicycle routes and/or access drives between developments.”

ACTION ITEM: *Provide additional documentation indicating why the subject property is unable to connect vehicular access to Dover Street with either dedicated right of way or a private lane through the southern abutting properties in accordance with the requirements above. Revise the proposal to incorporate a pedestrian trail through the subject property with the southern abutting properties in accordance with the requirements above.*

Applicant Response: Through the design development of this project and the adjacent project to the south the Applicant team has had several meetings with City Planning and Public Works staff (Sara Ullman, Ryan Nelson, and Brent Baldwin) and has explained in great detail why E-W and N-S vehicular and pedestrian connections are not viable. There is significant topography as well as a large wetland complex that extends through the middle of the site, effectively creating two upland areas that are entirely disconnected. There is also significant topography between the west portion of the property and the adjacent property to the south, which precludes vehicular connection between these two properties (a road would be required to traverse a 25% + slope, on a side cut, with wetlands immediately adjacent to the east and west). These existing site conditions make it unreasonable to construct pedestrian and vehicular connections in an E-W fashion or vehicular connections in a N-S orientation. In addition, Public Works staff has determined that through connections (E-W and N-S) are not needed for transportation circulation or for life safety purposes and has indicated support for a variance from the restriction on multiple access points to an arterial street pursuant to the allowance contained in BMC 13. 52.120.B.2. The Applicant has conducted a professional traffic analysis to support this conclusion. This decision from Public Works precludes the need for E-W and N-S vehicular connectivity. Construction of these improvements would generate significant infrastructure cost, entirely unnecessary environmental impacts, which could not be adequately mitigated on-site and would impact the unit yield on the property and viability of the project, and they do not provide any necessary transportation circulation. The project design has been revised to provide a N-S pedestrian connection that will allow pedestrian circulation in the area, from Dover Street through to Mahogany Avenue. This pedestrian facility is reflected in the updated project DR plans. Please note that due to the steep topography in the area this pedestrian facility will require stair sections and will be located in the buffer of an on-site wetland.

9. The lanes are required to comply with BMC 20.28.050(G) and BMC 20.28.050(I)(1).

ACTION ITEM: *Revise the landscape plan to show tree plantings every 40’ along the lanes.*

Applicant Response: The project DR plans have been updated to add trees along the lanes at the required 40’ spacing.

10. ACTION ITEM: *Revise the Narrative to explain the correct density. The highest listed density in the zoning table (without utilizing bonuses or TDRs) is 3,600 sf per unit. Per 20.28.050(B), for Infill Development, the highest listed density for any housing type specified in the applicable neighborhood subarea pursuant to zoning tables in Chapter 20.00 BMC shall be considered the maximum possible density.*

Applicant Response: The project narrative has been revised to reflect the correct project density. The total property size is 97,574 square feet. At the highest listed density of 3,600 sq feet per unit, the density is 27 units. Please see updated project narrative attached with this RFI response.

11. Per BMC 20.28.050.A.1. "Fronting infill housing units on existing improved streets shall be prioritized over fronting units internally off a new street, lane, or common pedestrian corridor. Gaps may occur as necessary for building setbacks, vehicular and pedestrian access, and features that contribute to the pedestrian realm." Also, per MFDR Section IA "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." The townhomes on the east side of the property do not abut Northwest AVE and instead are oriented towards a common pedestrian corridor. BMC 20.28.050.A.1 and MFDR Section IA are not met.

ACTION ITEM: *Revise the site plan to front townhomes along Northwest Ave. Considering the location of wetland buffers, splitting the townhomes into two, 2-unit buildings with one of these buildings fronting Northwest AVE and the other behind it sharing a driveway should be explored. Entry design needs to comply with MFDR Section II.G.*

Applicant Response: The Applicant design team explored re-orienting the east four townhouse units to Northwest Avenue as recommended by staff, however this orientation was determined to be less desirable for various reasons. In lieu of re-orienting units to Northwest, design changes were incorporated into the end cap townhouse unit to strengthen the orientation of that unit to Northwest.

Four units will not fit in a N-S orientation in the space that is already impacted by existing site improvements (the lawn and gravel driveway); further encroachment into the natural portion of the adjacent wetland buffer would be required. This impact would not be consistent with mitigation sequencing requirements and would result in the loss of units in the project. If the four townhouse units were re-oriented as recommended by staff in the RFI, with two units facing Northwest and two units facing west, it would be difficult to fit the four units in the depth of available space between the front yard setback and the existing house that is proposed to be retained on site. This design approach would result in units that have front porches close to Northwest (a major arterial street with over 6,500 daily trips pursuant to the most recently available City data), no rear yard at all, garage doors tight to an internal lane, and west facing units with front entries and pedestrian pathways jammed into the front entry of the existing house. This would also require these west facing units to access via a pedestrian sidewalk along the edge of the internal lane and would increase impervious surfaces on-site for the lane. All of these design changes are viewed as negative for the user/resident experience, particularly when considering that the alternative design proposed by staff in the RFI would likely only add one additional front door facing Northwest. The proposed design, with significant architectural details along the end cap unit facing Northwest, generates a similar street appeal without any of the negative impacts discussed above.

It should be noted that BMC 20.28.050.A.1 suggests that orientation to the existing streets should be "prioritized" but is not mandated. In each project, unique site circumstances should be taken into consideration. In the case of this site, the major arterial status of Northwest should be considered, as well as the on-site critical areas and open spaces. Orienting units to Northwest is not desirable for residents, and the view of vehicles and pedestrians passing by on this street should not be prioritized over project livability for residents. This design would also place fewer units

oriented to open space, required pedestrians to travel along the internal lane to access Northwest, and would generate greater square footage of pollution generating impervious surface within the adjacent critical area buffer. These facts should be considered when weighing design priorities. Contrary to this, the proposed design orients units to the adjacent open spaces, allowing for all four townhouses to have private front yards/useable space that will be functional and enjoyable for residents. The proposed design provides a common pedestrian corridor via which all residents can access Northwest (this design will also encourage more interaction amongst neighbors). The proposed design will limit pollution generating impervious surface within the reduced buffer.

For these reasons the proposed design is consistent with MFDR Section I.A. As noted in the RFI, this section requires that a project:

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.

In the case of this particular property, the Applicant design team has chosen to focus orientation on the on-site open spaces as opposed to the public street. This is due to the site's natural features, with critical areas constraints, and a narrow frontage along the public street.

The design standards cited in the RFI consider this type of situation. The Guidelines provide different recommendations for traditionally designed or high-density neighborhoods vs other areas. The subject property is neither in a traditionally designed neighborhood or a high-density area. In traditionally designed neighborhoods Guidelines recommend building entry orientation to the street (1.b) and connecting entries to the public sidewalk by walkways that do not go through parking lots (1.c). The proposed design is consistent with Guideline 1.c but is not required to comply with Guideline 1.b. For other context areas, the Guidelines state:

In other contexts buildings may be oriented to natural areas and common open space while including design elements that provide a clear pedestrian entry from the public street.

The subject property orients buildings to open space/natural areas while also maintaining a clear pedestrian entry from the public street (for all four units). Guidelines encourage emphasizing pedestrian entry with landscaping, special paving, etc... (2.b). This is accomplished with the proposed design.

The proposed design is also consistent with MFDR Section G., which addresses entry design. As noted, the main entrance to the end cap unit is oriented to the street, with a separate pedestrian walkway. The other three units share a pedestrian corridor which leads directly to the street. The end cap unit also incorporates distinctive architectural features.

The Applicant believes that the design enhances the character of the street for pedestrians with a common pedestrian access, landscaping, and the end cap unit design, which includes a large wrap around porch along the entire street facing frontage, front entry oriented to the street with separate direct sidewalk connection, modulation, a gable end, windows, and other design features. Considering the site constraints and negative livability for units oriented to Northwest, the design features incorporated into the project adequately enhance the character of the street for pedestrians.

12. Per BMC 20.28.050.A.4.a, “The width of the garages and driveways accessing a street or lane shall be proportionally less than the width of the dwelling unit. See Figures 20.28.050(A) and (B).” The Northwest AVE townhomes, all two-unit townhome buildings, and the Mahogany AVE fronting townhomes do not comply with garage/driveway proportionality nor MFDR Section II.I. which says, “Design garages and carports in a way that does not dominate the streetscape or obscure building entries.”

ACTION ITEM: *For all non-compliant units, revise floor plans, elevations, and the site plan materials so the garage and driveway leading to the garage are less than 50% the linear feet of the lane fronting façade. Strategies may include reducing the unit size to reduce parking requirements, or designing a garage that can accommodate 2 tandem parking spaces. Entry design needs to comply with MFDR Section II.G.*

Applicant Response: The Applicant team has reviewed all unit designs and has made revisions to the site plan and units to address compliance with the noted code sections.

The four townhouse units that front on Mahogany and the three townhouse units that front on Arctic are oriented to public streets not an internal street or lane. For the purposes of these 7 units, the internal parking lot does not function as a street or lane, and the requirement for garages to meet BMC 20.28.050.A.4.a is not applicable. These are the “back” of each unit and much like along an alley, the garages are necessarily wider. The 6 townhouse units that are internal to the site and have front entries that face the internal shared driveway have been redesigned so that they are in compliance with BMC 20.28.050.A.4.a The garages for these units have been reduced in width so that they represent less than 50% of the façade for each unit, and the unit porches and entries have been redesigned to be more prominent, with landscaping incorporated.

The four townhouse units on the east side of the project are oriented to a common pedestrian corridor not to a street or lane. For the purposes of these 4 units, the internal driveway does not function as a street or lane, and the requirement for garages to meet BMC 20.28.050.A.4.a is not applicable. These are the “back” of each unit and much like along an alley, the garages are necessarily wider. It should be noted that despite this design, each unit has a secondary back entry facing this lane, with covered porch, defined pedestrian entry and landscaping separation, to break up the run of garage doors (the primary intent of BMC 20.28.050.A.4.a). So, while not required to comply with this code section the design has been updated to address its intent. The duplex townhouse units that are internal to the west side of the site and have front entries that face the internal lane have been redesigned so that they are in compliance with BMC 20.28.05.A.4.a. The garages for these units have been reduced in width so that they represent less than 50% of the façade for each unit. The unit porches and entries have been redesigned to be more prominent, with distinct pedestrian facilities and increased landscaping.

As redesigned all unit entries (those facing a public street, those facing a common pedestrian corridor, and those facing an internal private lane or driveway) are consistent with MFDR Section G. All main entries are now clearly defined, and oriented to a pedestrian walkway. Porches are all emphasized, covered, and incorporate landscape islands.

13. Per BMC 20.28.050.A.4.b, the maximum width of a driveway serving an individual unit that crosses a pedestrian facility associated with a street or lane shall not be more than 12 feet. See

Figure 20.28.050(A). The Northwest AVE townhomes, all two-unit townhome buildings, and the Mahogany AVE fronting townhomes exceed the allowed maximum driveway width.

ACTION ITEM: *Reduce driveway width for all non-compliant units to no more than 12’.*

Applicant Response: As noted above, the units that are oriented to a public street or a common pedestrian corridor do not utilize the internal lane as a fronting street and therefore the standards cited here are not applicable. For these units, the lane functions as an “alley” and necessarily requires wider driveways for garage access. The six townhouses on the Mahogany side of the project that are internal to the site and utilize the lane as a fronting street also have driveways that cross a pedestrian facility. These driveway widths are less than 12’. The two townhouses on the Northwest side of the project that are internal to the site and utilize the lane as a fronting street do not have pedestrian facilities that cross the driveways.

14. Per BMC 20.28.050.A.4.c. “Architectural and landscaping details shall be embellished to minimize the visual presence of the garages and any open driveway parking. See Figures 20.28.050(B) and (C).” Also, per BMC 20.28.050.I.3. “Along streets, lanes and alleys, landscaping shall be provided to separate the parking and driveways between individual dwelling units, or the director may approve an alternative approach that breaks up parking and provides visual interest to parking facilities. See Figure 20.28.050(I).” Also, per MFDR Section I.I-J “Provide landscaping that is in scale with the buildings and spaces, and compliments the function of the space” and “Use landscaping to help define, break up, and screen parking areas.” The landscape plan proposes minimal landscaping around the garages of the Mahogany and Northwest AVE townhomes and no landscaping around the garages of the Arctic AVE and 2-unit townhomes.

ACTION ITEM: *Increase the amount of landscaping in between garages and driveways for all units.*

Applicant Response: The design has been updated to reflect these comments. Please see updated landscape plan sheet DR5. Landscaping beds have been added and increased in size throughout the project on both the east and west side. Each garage door is now separated by a landscape bed that incorporates ground cover, shrubs, and trees. Additional landscape areas have been added around townhouse units and in side and rear yards.

15. Per BMC 20.28.050.G.2. “Lanes and common pedestrian corridors shall be considered streets for frontage, setback and design purposes.”

ACTION ITEM: *Revise the Narrative to include any setback minor modifications for lane fronting units.*

Applicant Response: The project narrative has been updated to reflect all modifications necessary for the revised design. The eight internally oriented units, which abut the lane and consider it a street for setback purposes, will each require a setback modification. This is the only required modification for the project. The modification is detailed in the updated project narrative.

16. ACTION ITEM: *Revise the landscape plan to show one street tree every 40’ for Arctic, Mahogany, and Northwest frontages in accordance with BMC 20.28.050.I.1.*

Applicant Response: The landscape plan has been revised to reflect appropriate street tree counts. This includes 3 street trees along Arctice (102' of frontage), 6 street trees along Mahogany (~ 220' of effective frontage), and 4 street trees along Northwest (142' of frontage).

17. Per BMC 20.28.140, "Private usable space must be directly accessible from the dwelling unit. All ground level usable space shall be delineated from public right-of-way, paths, and lanes through the use of landscaping and/or fencing." The Northwest AVE townhomes can only access their usable space accessed through the garage. There is no connection from habitable living space to the usable space outside.

ACTION ITEM: *Revise the floor plans of the noncompliant units so the front door accesses the habitable space in the dwelling, not the garage, and provides direct access from the dwelling unit habitable space the usable space outside.*

Applicant Response: The unit designs for the four townhouse units along Northwest have been revised so that the private front yards are directly accessible from the unit as opposed to the garage. Unit entries now lead to a foyer and then up the primary stairs to the unit living space. All other private usable space in all other units is designed to be directly accessible.

18. Per BMC 20.28.140.F.5, "Buildings must be modulated along the public street at least every 30 feet. Building modulations must step the building wall back or forward at least four feet, or at least two feet when architectural detailing is used to clearly delineate the individuality of each unit." Also, per MFDR Section I.D.I. "Divide a building into modules by using articulation or modulation at least every 30 feet. Use a common, unifying design theme throughout the building and project but do not repeat the same pattern of architectural elements for more than 4 consecutive modules." Building modulation is not met for the Mahogany fronting townhomes nor the Northwest AVE townhomes.

ACTION ITEM: *Revise the building design to provide modulation every 30' along the Mahogany and Northwest building frontages. Modulation should be 4' deep or 2' deep with corresponding architectural detailing and the modulation should extend vertically to define the individual townhome units. Each individual townhome should be defined and distinct from abutting townhomes through modulation. For the Northwest AVE townhomes, revise gable roof designs to align with each individual townhome.*

Applicant Response: The unit designs have been revised to meet this condition. The end cap unit along Northwest Ave has been revised to have a 2' modulation that carries through the roof to a gable end. This module is highlighted by a change in siding material and three windows and is 16' wide, providing two 11' modules on either side. At the ground level a large covered front porch has been added, with trimmed posts with masonry wrapped bases, along the entire street facing façade. The four units fronting Mahogany have been revised to have both 2' and 4' modulations along the public street. The two end cap units project out 4' from the two interior units. These end cap units are 22' wide. The two interior units, setback 4', also have 2nd story modulation that projects out 2' from the facades. This 2' modulation extends through a gable end for each unit. Each unit has a distinct covered front entry, appropriate modulation at least every 30', and utilizes siding changes and gable ends to create architectural detail. The revised design for these eight townhouses is consistent with applicable BMC 20.28 requirements and MFDR standards.

19. Per BMC 20.28.140.F.6. “Garbage/recycling areas shall be consolidated, unless the local refuse provider approves otherwise, and screened from public view.” Also, per MFDR Section I.H. “Provide adequate screening for trash and recycling facilities associated with multifamily developments.”

ACTION ITEM: *Provide additional information and site details about refuse containment/screening for the east side of the property. If individual totes are proposed to be stored outside, they must be screened with opaque fencing or a wall.*

Applicant Response: The Applicant worked with SSC to evaluate garbage service for this site. SSC recommended that for the east side of the project, individual totes be utilized, which can be stored in unit garages and brought to the lane edge on garbage days. No exterior garbage tote storage is anticipated for units in this portion of the project. The unit garages in the duplex townhouses are 13’ 6.5” wide providing adequate space for tote storage. The unit garages in the four townhouse units near Northwest are wider and much deeper than required for two vehicles and provide adequate storage space for totes.

20. Per BMC 20.28.140.G.1.b infill townhome design shall “Use lines and rhythms to create a human scale streetscape. These may include vertical and horizontal patterns as expressed by bays, belt lines, doors and windows.” The lanes and pedestrian corridors are equivalent to a street for design purposes.

ACTION ITEM: *Revise the north and south facades of the Northwest AVE townhomes, the front facades of the 2-unit townhomes, and the south facades of the Mahogany townhomes to convey vertically oriented modules that define the individual dwelling units and provide design details to support the pedestrian realm as described in this section.*

Applicant Response: The referenced units have all been revised to add visual interest. As designed the four Northwest Ave townhouses will have covered front and back entries, entry and garage doors with glazing, trimmed posts with masonry wrapped bases, landscape islands separating garage doors, vertical modules with siding color change, and gable ends along the roofline of both the north and south facades. The duplex townhouse units have been completely redesigned to orient unit entries to the lane (vs to the side yard). These entries have large covered front porches, entry and garage doors with glazing, posts with wrapped bases, landscaping separating garage doors, and both vertical and horizontal modulation and siding material change. The Mahogany fronting townhouse units have garage doors with glazing, siding material change to define modules, 4’ and 2’ modulation, gable ends over the two central units, and landscape islands separating garage doors. All of the updated designs use lines and rhythms to create human scale (many units are only two stories in height in the first place). Bay windows, material change, glazing in entry and garage doors, covered porches and landscape islands all contribute to the designs.

21. Per BMC 20.28.140.G.2.b, “Provide generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design.” There is grade change along Arctic and Mahogany leading to the townhome yards.

ACTION ITEM: *Revise the landscape plan to address the treatment of this grade change in the ROW and on-site. Short retaining walls with landscape beds are recommended.*

Applicant Response: The project site plan and landscape plan have been revised to address the units that orient to Arctic and Mahogany Ave, as well as Northwest Ave. Landscape plans are preliminary in nature at this stage of design, and additional details are expected to be provided with building permit submittal, however the current design takes into consideration grading and incorporates areas of grass, flowering shrubs, and grasses in front yards. The designs include pedestrian pathways that lead to front steps to elevated front porches. Final grading and the need for retaining walls will be determined at building permit stage, however existing grade along Arctic at the back of public sidewalk is 179' and the proposed finished floor elevation of these townhouses is 182', and existing grade along Mahogany at the back of sidewalk is 181' and the proposed finished floor elevation of these townhouses is 184'. This nominal grade change can be managed in the front yard areas without walls or with short walls less than 2' in height.

22. ACTION ITEM: *Provide information regarding mailbox locations and comply with MFDR Section I.G.*

Applicant Response: A mailbox bank serving the western units is proposed along the right side of the entry to the internal driveway (near the garbage enclosure). USPS can utilize the onsite turnaround to maneuver after delivering mail. Similarly, a mailbox bank serving the eastern units is proposed along the right side of the lane (between the west end cap townhouse and the proposed garage). USPS can utilize the onsite turnaround to maneuver after delivering mail. These locations will be well lit, visible from unit entries, and will be located on small concrete pads, shown on the updated project plans.

23. *Per MFDR Section I.B. "New buildings should reflect some of the architectural character of surrounding buildings when locating in a neighborhood where the existing context is well defined" by using "similar patterns and proportions of windows" and "similar entry configuration." Also, per MFDR Section II.E. "Provide articulation of the building façade by using well-proportioned and spaced windows" and "Use a wall to window ratio that is appropriate for the articulation of the building and window detailing that is similar to that which is customarily seen in residential buildings." Windows do not align on several facades of all the buildings between the 1st and 2nd floor and the entrances for the 2-unit homes are dwarfed by the garages. Also, there are several locations on facades which do not provide windows or lack balanced window placement. Provision appropriate wall to window ratio with aligned windows and defined entrances are characteristic of nearby architectural design.*

ACTION ITEM: *Revise building designs to ensure alignment and balance of windows on the facades, ensure porches/columns align with and do not obscure windows, and reduce the proportionality of the garages on the 2-unit townhomes.*

Applicant Response: The design of the duplex townhouses has been substantially revised to reduce the proportionality of the garages. Previously unit entries were on the side façade of the units and only garage doors were fronting the lane. The revised design moves unit entries to the front of each unit, increases their width to be greater than 50% of each unit façade, incorporates a covered front porch, trimmed posts with masonry wrapped bases, modulation and material change at the 2nd story, gable ends facing the lane, and a landscape island between the two garage doors. These changes substantially improve the unit design oriented to the lane. All windows on all units are located where they are due to the need for code compliant shear walls, appropriateness relative to interior floor plans, and for uniformity and repetition of design. Most of the windows and posts

have been shifted slightly so that the posts do not cover windows, however in some limited instances posts supporting front porches extend in front of windows. Alignment of windows and porch posts is not required by any design standards and has never been required for project design review in the past. It is not possible to align all posts to avoid obscuring windows due to the window placement considerations noted above. The Applicant believes the street facing designs of all units are very nice and that the limited encroachment of posts in front of windows is not a substantial design concern.

24.ACTION ITEM: *Increase the width of all porch columns to comply with MFDR Section D.2.*

Applicant Response: The posts that support covered porches throughout the project have been redesigned. These posts are now proposed to be wrapped in uniform trim, and to have bases that are wrapped in a masonry finish.

25.NOTE: *Per MFDR Section II.F, foundations that are more than 2' exposed will need architectural treatment.*

Applicant Response: This comment is noted. There are limited areas where foundations exceeding 2' in height will be exposed. In those limited areas it is expected that foundations will have siding extend down to at least 2' above grade, and that landscaping will be incorporated around these foundation areas for screening. This requirement can be conditioned in the land use permit decision.

26.ACTION ITEM: *Revise site plan and floor plans to identify the locations of all heat pumps and exterior mechanical equipment. Relocate and screen heat pumps so they are not within or visible from the pedestrian realm. Consider locating heat pumps on porches that are enclosed with railings.*

Applicant Response: The location of heat pumps and exterior mechanical equipment has been added to all building plans. It is not possible to relocate all heat pumps so that they are not visible from the pedestrian realm, as there are pedestrian facilities on the front and rear of most units. However, heat pumps are generally located in rear or side yards, or tucked against/under porches, or behind front porch railings, to screen them from view. For those units at grade level landscaping can be provided around the heat pumps for additional screening.

4193 NORTHWEST AVENUE
TOWNHOUSES
CONSOLIDATED LAND USE
PERMIT
RFI#2 RESPONSE LETTER

On February 2nd 2024, the Applicant received a 2nd Request for Information (RFI) on the proposed townhouse project at 4193 Northwest Avenue (SUB2023-0031, DR2023-0018). This RFI#2 Response Letter provides an in-line response to each of the action items for which staff are requesting additional information. In addition to this Letter, please find attached supplemental information, including updated plans and reports, which support these responses.

RFI Comments and Action Items*:

*please note that City comments from the RFI#2 are identified in *italics*, and Applicant responses are identified in standard text.

1. Critical Areas

a. ACTION ITEM: Revise the mitigation plan needs to account for the additional buffer impact associated with the trail element that will be constructed / maintained by applicant but have a public easement over the top of it. Refer to redlines on extracted sheet.

Applicant Response: The CAR for the project has been updated to incorporate the impacts from the trail into the mitigation plan. The Applicant anticipates a condition of preliminary plat approval requiring a public easement over the top of the trail and associated sidewalk to Mahogany Avenue, at the time of final plat. Please see the updated CAR attached with this RFI response.

b. ACTION ITEM: Revise the legend to show “wetland buffer impacts” instead of categorizing it as “disturbed areas not already hard surfaces.” Refer to redlines on extracted sheet.

Applicant Response: The CAR for the project (and the project plan set) have been updated to address references in the legend, per City redlines. Please see the updated CAR attached with this RFI response.

2. Trail Connection to 4179 Dover Street

a. NOTE: The Parks Department is supportive of a public access easement over the proposed trail connection from Mahogany AVE through the subject site and connecting south to 4179 Dover ST as depicted in the plans. Stairs may be allowed within the public easement on the condition they are constructed in accordance with City adopted trail standards (Design Standards for Park and

Trail Development - City of Bellingham (cob.org). The trail would need to be privately constructed and maintained. The “Public Trail Easement Template” would be revised to reflect these conditions and recorded prior to final plat approval. Considering the private construction/maintenance of the trail and the critical areas, the public easement may be narrower than the standard trail width.

Applicant Response: The Applicant has incorporated this guidance into the project plans and has updated the plan set to reflect the trail location. The trail will follow the east sidewalk from Mahogany along the edge of the development area and then veer east and extend through the outer portion of the buffer of wetland A to the south property line. Due to the topography in the area, the trail section will require a set of stairs as it connects to the property to the south (stairs will be located on the property to the south). The Applicant design team is working with the owner of the property to the south to coordinate the trail design through that property to connect to Dover. A trail easement is shown on the plat sheet (6 of 8) in the updated plan set. This easement will be narrower than is typical due to the critical areas and sidewalk locations. The Applicant understands that maintenance of this easement will be the responsibility of the property owner/future HOA, utilizing a modified public trail easement template. The Applicant anticipates a condition of preliminary plat approval requiring this easement be completed and recorded prior to final plat.

3. Planning

a. ACTION ITEM: Submit a tree survey with quantities of trees removed outside of the wetlands and show their size and species. Based on the information provided to the City and discussions between the applicant and staff, a 1:1 replacement ratio will be required at this point in time.

Applicant Response: The Applicant has completed a tree survey for the property and has identified all significant trees (6” dbh or greater) located within the development area. There are 13 total significant trees located within the development area, all on the west side of the project. This includes 1 conifer tree and 12 deciduous trees. All 13 trees are less than 30” dbh. These trees are reflected on a new tree retention plan sheet attached with this RFI response. Mitigation for the removal of these trees will be provided on-site through planting new street trees and landscape trees. The current landscape plan includes 29 new trees, resulting in a mitigation ratio of greater than 2:1 for removal, exceeding the City required 1:1 mitigation ratio.

b. ACTION ITEM: Flip the floor plan so the end unit fronting Northwest AVE of the 4-pack does not have stairs along the street elevation.

Applicant Response: The Northwest Avenue 4-pack design has been flipped so that the end cap unit fronting Northwest Avenue has stairs along the internal shared wall. This results in additional windows along the street facing façade. This plan change still retains a primary entry door facing Northwest Avenue, with direct connection to the stairs to the 2nd floor of the unit (not entering into the garage). See updated plans attached with this RFI response.

c. ACTION ITEM: Resolve the pedestrian corridor elevation error on the 4 pack and provide man doors and porches fronting the pedestrian corridor along with

privacy fencing.

Applicant Response: The Northwest Avenue 4-pack design has been revised to address this rendering error. Each unit has a front entry door facing the common pedestrian corridor (north), together with a covered front porch. This change is reflected on the plans and renderings. In addition, the civil plans have been updated to reflect low privacy fencing around front yards for each unit. See updated plans attached with this RFI response.

d. ACTION ITEM: Revise the 4-pack roof so modulation corresponds with units.

Applicant Response: The Northwest Avenue 4-pack design has been revised to address this comment. Each unit now has two modules along the lane facing façade, together with a gable end roof feature over one of the modules on each unit. The design now clearly correlates modulation and roof form with individual units. See updated plans attached with this RFI response.

e. ACTION ITEM: Revise the 4-pack with material changes and/or 4' modulation to define units.

Applicant Response: The Northwest Avenue 4-pack design has been revised to address this comment. The building now has physical modulation on each unit (creating 8 distinct modulations along the lane facing façade, as well as gable end roof features over one of the modules on each unit. The modules are not 4' in depth but each module will have a color *and* material change. See updated plans attached with this RFI response.

f. ACTION ITEM: Revise the 4-pack lane elevation to emphasize porches and deemphasize garages.

Applicant Response: The Northwest Avenue 4-pack design has been revised to address this comment. As noted above, each unit has distinct modulation and gable end roof form, with color and material change. In addition, the units have been flipped so that each unit entry is now separate from other unit entries (the prior design had two entries adjacent to each other, resulting in a design with two garage doors next to each other). This change in design breaks up the walls of garage doors and creates opportunity for larger landscape islands adjacent to each entry. In addition, the entry doors on this façade will have different material, the man doors will have glazing, and the garage doors will have glazing. These design elements will emphasize porches and deemphasize garages as much as possible considering this is the “back of house” for this 4-pack of units. See updated plans attached with this RFI response.

g. ACTION ITEM: Add a small window next to the front doors of the two-unit building and a window in the closet on the second story.

Applicant Response: The Northwest Avenue duplex design has been revised to address this comment. A new window has been added next to the front door of each unit, and a large window has been added in the second story closet of each unit. See updated plans attached with this RFI response.

h. ACTION ITEM: Revise the three story 3-pack to add a second window in the

bedroom.

Applicant Response: The Mahogany Avenue triplexes (both west and east triplexes) have been revised to address this comment. A new window has been added into the bedroom of each unit, resulting in 2 large windows on the third story of each unit. See updated plans attached with this RFI response.

i. ACTION ITEM: Revise the three story 3-pack to create material changes that correspond to units.

Applicant Response: The Mahogany Avenue triplexes (both west and east triplexes) have been revised to address this comment. Each unit incorporates two distinct vertical modules, with intermediate roof lines and gable ends. Each module incorporates a change in material and color. Window patterns also help to create distinction between units. See updated plans attached with this RFI response.

j. ACTION ITEM: Revise the three story 3-pack to add windows in the garage doors.

Applicant Response: The Mahogany Avenue triplexes (both west and east triplexes) have been revised to address this comment. Each unit in each building now incorporates glazing in the garage door. See updated plans attached with this RFI response.

k. ACTION ITEM: Show the programming of the common usable space between three story 3-packs to confirm it meets the definition.

Applicant Response: The common usable space located between the two Mahogany Avenue triplex buildings has been programmed with a picnic table and a placeholder for a yard game (cornhole, horseshoe, or similar game). These improvements are noted on the updated plans. This space is not large and the Applicant would like to retain the majority of the area as open lawn for residents to relax in. The proposed programming should be adequate to activate this space and make it a desirable location to relax in. It should be noted that the common space is being proposed through BMC 20.28.140.D.1. which states “*Private usable space may be consolidated and provided as common usable space with minimum dimensions of 10 feet by 10 feet.*”. This code section does not require programming, it only requires minimum dimensional standards, which have been met. The space is not proposing to receive a 2x credit pursuant to BMC 20.32 usable open space requirements. See updated plans attached with this RFI response.

Phasing Discussion:

The Applicant for the project is requesting that the final plat be allowed to be completed in phases, pursuant to BMC 23.16.010.E. This section of BMC 23 for preliminary cluster plats permits recording of a plat in phases, so long as a phasing plan is reviewed and approved concurrently with the public facilities construction agreement for the first phase. Due to the project design containing two distinct development areas (east side, accessing Northwest Avenue, and west side, accessing Mahogany Avenue) it is the desire of the owner to develop each of the two development areas separately, in two phases. This approach to development is consistent with BMC 23.16.010.E;

each development area consists of a contiguous group of lots that will meet all pertinent development standards on its own without reliance on future phases for meeting any City codes. Access, garbage, utility connection, stormwater management, frontage improvements and other relevant project components are each independent for the two proposed phases. The Applicant understands that specific improvements or dedications (for example critical areas mitigation implementation) may be necessary to be completed with the first phase regardless of phase design and anticipates a phasing condition referencing these and other phasing requirements may be attached to the preliminary plat approval.

Ullman, Sara C.

From: Ali Taysi <ali@avtplanning.com>
Sent: Wednesday, April 24, 2024 9:37 AM
To: Ullman, Sara C.
Subject: Fwd: Shintar - Comments from Sara
Attachments: 2024-04-23 22200DR3 Design Review Landscape Plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hi Sara,

Please see attached updated preliminary landscape plan for the Shintar project. Davis was able to address your comments.

On the NW duplex we straightened out the sidewalk from the south unit, and we added landscape beds along the interior edge of each sidewalk (in the peach color). Those will help to soften the entrances and reduce impervious surfaces. We can't really add any more landscaping between the two garage doors due to maneuvering constraints, but we did retain the small bed with the tree.

On the Mahogany triplexes, we moved the 4 required lane trees to the exterior edges, and to the middle "common open space" area. We physically don't have space to add landscaping beds/trees by the front porches since the units are so small/narrow, and we have to have a minimum sized front porch. However, we also significantly reduced the impervious surfaces between the two triplexes, increasing the area of the common open space, and adding a large landscaping island (in peach) with two of the trees. We think this addresses your concerns.

The overall tree mitigation (13 additional trees) can be conditioned, and the minor building design changes you discussed with Bob can also be conditioned. Do you want us to update the full plan set with these civil/landscape changes, or do you want to just condition the permit and we will incorporate these edits at the building permit stage?

Let me know, thanks,

Ali

----- Forwarded message -----

From: Davis Phillips <dphillips@freelandengineering.com>
Date: Tue, Apr 23, 2024 at 2:26 PM
Subject: RE: Shintar - Comments from Sara
To: Ali Taysi <ali@avtplanning.com>

Hi Ali,

See the updated landscape plan attached. Hopefully, this is enough for Sara right now but let me know if she wants a full updated plan set.

Thank you,



Davis Phillips, PE
Freeland and Associates, Inc.
2500 Elm Street, Suite 1
Bellingham, WA 98225
360.650.1408 Office

dphillips@freelandengineering.com
www.freelandengineering.com

From: Ali Taysi <ali@avtplanning.com>
Sent: Monday, April 22, 2024 2:07 PM
To: Davis Phillips <dphillips@freelandengineering.com>
Subject: Shintar - Comments from Sara

Davis,

Sara got on a teams with Bob and I today to go over some final comments she had on the design. A few comments for Bob, and some tree preservation comments, and then a few for you guys.

See attached plan mark up I created. Can you take a look at this and then jump on a quick call or teams with me to go over?

Should be easy enough to address but I want to review with you.

Let me know, thanks,

Ali

--

Ali Taysi
Principal

AVT CONSULTING
1708 F St.
Bellingham, WA 98225
360 527 9445 office
www.avtplanning.com

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Ullman, Sara C.

From: Ali Taysi <ali@avtplanning.com>
Sent: Friday, May 31, 2024 3:27 PM
To: Ullman, Sara C.
Cc: Sundin, Steven C.
Subject: Shintar NW Townhouses Final Edit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hi Sara,

Here is a link to the updated documents for the Shintar NW Townhouses, per our discussion a few days ago. This includes two documents, an updated plan set, to replace the current set, and an updated CAR mitigation plan, to replace the current one.

LINK: <https://www.dropbox.com/scl/fo/g8duqwuwvykvspkk2jzkq/AACO4CgEFPsSba1bQ3tePww?rlkey=hfugej8zxfgoo34zibaq1cm2p&dl=0>

As I mentioned on the phone we had to make some minor edits to the east side development plan. The shared stormwater infrastructure on the property to the south changed during design review to be closer to our site, south of the proposed duplex townhouse. This infrastructure includes a stormwater vault located on the property line between the two projects and a stormwater outfall to the wetland located in the center of the Shintar property. To meet the required setbacks from the stormwater vault and outfall, the duplex townhouse was shifted north and rotated slightly to achieve a 10 feet setback off the detention vault wall. The outfall extends northwest from the vault and in order to catch grade and have fall, the outfall pipe extends a short distance into the buffer (the minimum necessary). This generated some small additional wetland impacts as shown in the updated mitigation plan and on the updated site plan. The shift in the duplex townhouse to the north did not generate any additional buffer impacts, we just made the yard a bit smaller. Usable landscape areas around the duplex townhouse units got a little smaller but still maintain at least 10'x10' usable space and meet overall usable space requirements. The overall design has been maintained to the maximum extent possible while accounting for the changes required by the shared stormwater facilities. No changes to the proposed shared road, detached garage, northwest four pack of townhouses, other utilities, or any of the site plan for the west/Arctic side of the project were made.

Please review this and make any necessary changes to the land use permit decision. I cc'ed Steve as you mentioned he would be doing the critical areas portion of this.

Thank you, and have a nice weekend!

Ali

--

Ali Taysi
Principal

AVT CONSULTING
1708 F St.
Bellingham, WA 98225
360 527 9445 office
www.avtplanning.com