



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8301

CONSOLIDATED PERMIT PLANNED DEVELOPMENT, COMMERCIAL DESIGN REVIEW, and STATE ENVIRONMENTAL POLICY ACT (SEPA) REVIEW PDP2024-0006, DR2024-0010, SEP2024-0014 870 W BAKERVIEW RD

A. SUMMARY OF DECISION

Proposal: Development of a new 5-story, approximately 125-unit hotel with associated surface parking for 127 parking spaces, garbage facilities, landscaping and other accessory improvements. Vehicular access to the site will be provided from an extension of Darby Drive, which will be private.

Applicant: Ali Taysi/AVT Consulting, LLC, 1708 F St. Bellingham WA 98225.

Owner: Bakerview Northwest LLC, 1846 Wildhaven Crst., Bellingham WA 98226.

Decision: Approval of the Consolidated Development Permit, with conditions.

Date of Decision: December 19, 2024

EXHIBIT A: Land use applications and narrative

EXHIBIT B: Site/landscaping plans and architectural elevations/floor plans

EXHIBIT C: Preliminary Stormwater Management Report prepared by Pacific Surveying and Engineering Inc. dated 3/27/23

EXHIBIT D: Critical Areas Assessment prepared by NW Ecological Services dated 9/23 updated 3/24

EXHIBIT E: Request for Information dated 7/10/24

EXHIBIT F: Response to Request for Information dated 9/27/24

B. PROPERTY DESCRIPTION

Bakerview Add to Bellingham Lot 6 Blk 42-Exc Min-Coal-Oil-Gas RTS as Res in Vol 280-D-135-Subj to Reservations Contained in Same Deed. Parcel ID# 380212-041030.

C. PERMIT PLANS

This approval includes the following attached plans (**Exhibit B**), subject to any modifications and conditions contained in Section E. of this permit:

D. FINDINGS OF FACT AND CONCLUSIONS

1. Background

- a. The site is comprised of one lot legally created prior to the adoption of the City's Subdivision Ordinance. The subject property is 2.35 acres in size and undeveloped with structures.
- b. The City issued a Planned Development Permit (PDC2004-00025) for development of a 2-story, 13,320 sf medical office building on the project site which expired.
- c. The prior Planned Development Permit required dedication and development of a 60' right of way for Darby Dr. Staff has preliminarily indicated the applicant may propose development of a private street for vehicular, bicycle and pedestrian mobility accompanied with a private easement for City review through the Public Facility Construction Agreement.
- d. A required Pre-Application Conference was held on August 15, 2023.
- e. The required Pre-Application Neighborhood meeting was held on January 9, 2024 with the applicant, applicant's representative and City staff in attendance. There were no specific concerns raised by members of the public.
- f. The applicant was granted Transportation Concurrency on May 8, 2024 under permit CON2024-0012. Transportation Impact Fees will be required at the time of building permit issuance.
- g. The development applications required for land use enablement include Commercial Design Review Approval (DR), Planned Development Permit (PDP), and SEPA review. These permit applications will be consolidated under BMC 21.10.060.
- h. In March of 2015, NW Ecological Services LLC conducted a Critical Areas Review of the subject property and determined there was a regulated wetland on the northern portion of the subject property. Following additional consultation with staff and the qualified professional, the wetland on the northern portion of the property appears to have been artificially created as a result of the demolition of the previous single family residence.
- i. Based on the updated information provided by a qualified professional in **Exhibit D**, no wetlands were identified onsite but two wetlands were identified offsite within 150' of the subject property. According to **Exhibit D**, the buffer for Wetland A1 does not extend onto the subject property and Wetland E located off-site is hydrologically isolated and meets the criteria of BMC 16.55.270.B.1 and is exempt from buffer provisions.

2. Applicable Zoning and Development Regulations

- a. The subject property is in Area 19 of the Cordata Neighborhood and zoned Commercial with a Planned use qualifier.
- b. The development is consistent with the underlying zoning and the Cordata Neighborhood Plan for Area 19.
- c. The proposal requires SEPA review as it proposes more than 5,000 sf of floor area and/or 20 parking stalls for a commercial use.
- d. BMC 20.25.090 specifies Commercial Design Review development standards applicable to the project.
- e. The applicant has requested a departure from the Commercial Design Review standards as prescribed under BMC 20.25.090.A. The departure is from building entrance standards.

- f. The subject property is surrounded by a combination of multifamily residential and commercial development. There are multiple developed hotels within the near vicinity (1063 W Bakerview Rd., 1055 W Bakerview Rd., 805 Northwest Ave., and 4040-4050 Northwest Ave.) all with similar architectural designs as the proposal.
- g. The proposed development requires 63 off-street parking spaces under BMC 20.12.010. The proposal includes 127 on-site parking spaces and two loading berths.
- h. Applications for Commercial Design Review Approval (DR), Planned Development Permit (PDP), and Critical Area Permit (CAP), along with a SEPA Checklist, were received on May 16, 2024 (**Exhibit A**).
- i. Following review of the materials submitted by a qualified professional identified in **Exhibit D**, staff determined the proposed development does not impact critical areas or associated buffers on site and therefore a Critical Area Permit is not required.
- j. The applications were deemed complete on May 20, 2024.
- k. Staff issued a Request for Information (RFI) dated 7/10/24 for compliance with the Commercial Design Review requirements, tree preservation measures, and revisions to the Transportation Impact Assessment (**Exhibit E**).
- l. The applicant responded to the RFI on 9/27/24, which was determined adequate by staff (**Exhibit F**).
- m. A Notice of Application and Optional Determination of Non-Significance (DNS) was issued on November 4, 2024 and mailed to all property owners within 500 feet of the subject site.
- n. Two public comments regarding the proposal were received before the close of the public comment period on November 18, 2024.
- o. One comment received was from the Lummi Nation Culture Department requesting an Inadvertent Discovery Plan of Archaeological Resources.
- p. The second comment received was in regard to the loss of trees and traffic congestion and bicycle safety associated with the intersection of Aldrich and Northwest.
- q. *Staff Response: A condition of approval has been added requiring an Inadvertent Discovery Plan. The applicant has incorporated reasonable tree preservation into the project in light of the zoning for the property and proposed landscaping and tree replanting plan to mitigate for the impacts. The applicant was required to provide a transportation impact analysis that was reviewed and approved by the Public Works Engineering Division. The applicant will be required to pay transportation impact fees to contribute to City-wide transportation improvements. The vehicle trips generated with the proposed development will not warrant infrastructure improvements to the intersection of Aldrich and Northwest as determined by a qualified engineer. The proposal will include pedestrian and bicycle improvements within the private road connecting from the subject property to Darby Drive to the east and west abutting properties.*
- r. Public Works reviewed the proposal and determined vehicular access from W. Bakerview Rd. is prohibited due to the existing nonconforming driveway spacing along an arterial street in accordance with Ordinance 1998-03-008, which encourages internal circulation between commercial sites through the use of joint access parking lots. Therefore the proposed development is required to provide vehicular access to the site from Darby Dr. and provide the missing section of the street between the eastern and western properties. City staff have determined Darby Dr. on the subject property can be private provided an access easement is

provided for public access and pedestrian and vehicular circulation is provided in accordance with Public Works approval.

- s. This area of the City is experiencing some of the highest intensity growth and the additional hotel units will provide temporary housing accommodations in close proximity to the Bellingham International Airport, Whatcom Community College, Bellis Fair Mall, regional shopping centers, and planned recreational trails and parks.
- t. On December 19, 2024 the City issued a SEPA Determination of Non-significance (DNS) for the proposal.

3. Commercial Design Review – BMC 20.25

- a. Commercial design review consistent with BMC 20.25 is required for the proposed hotel and departures may be requested per BMC 20.25.090 A; the applicant has requested one departure.
- b. Pursuant to BMC 20.25.090.B.1.a, the primary building entrance shall be located at the street level facing a public street. Based on the information provided by the applicant, the design departure proposed is in response to difficult physical circumstances related to the existing development pattern in the area and the location/surroundings. The City will not permit direct vehicular access to W Bakerview Rd. which is an arterial street. The only access to the site is from Darby Drive to the north. A hotel, by nature attracts most of the traffic from guests approaching by car. It would be inappropriate and confusing to place the primary entry to the hotel near W Bakerview, with no vehicular access to this location. Guests would have to drive around to Darby Drive, enter the site from the rear, and then navigate around the building to the front before seeing the entry. This would also make it difficult to construct a functional covered entry (Porte Cochere) due to limitations on maneuvering space. The design of the south end of the building along W Bakerview Rd. reinforces pedestrian activity with sidewalk connectivity, significant glazing providing views into active use spaces and incorporates an outdoor patio and landscaping. The design enhances the character of the street, improves the pedestrian experience along the frontage, has no significant impact on the natural features and will not have any substantial detrimental effect on nearby properties, the City or neighborhood.
- c. The Table of Zoning for the Cordata Neighborhood Area 19 contains specific Design Standards. The Design Standards applicable to the subject project include: pedestrian connections to adjacent developments; natural features incorporated into the site plan including retention of significant vegetation; planting trees capable of reaching significant height and canopy; surface parking lots broken up by landscaping; buildings with pitched roofs and dormers; repetition with variety rather than monotonous and continuous flat facades; break façade plane at regular intervals; and appropriate buffering between residential and commercial.
- d. The proposal incorporates pedestrian connections throughout the site and to adjacent properties. To the extent feasible the proposal preserves existing trees specifically adjacent to wetland buffers and between neighboring residential uses to the north. The proposal includes removal of 90 trees (only 3 of which have a diameter of 30" or greater) and planting 96 trees in a combination of landscaping and tree planting within the undeveloped reserve along the northern portion of the property. The land use applications were submitted on 5/21/24, which was prior to the adoption of the Landmark Tree Protection Ordinance on 7/16/24. The

proposal includes extensive landscaping around the building, throughout the surface parking lot and along property boundaries. Based on the information provided by the applicant, the building is designed in a contemporary style that is typical of hotels of this size/scale and is consistent with the brand expectations. The building design incorporates roof parapet modulation to avoid continuous and flat facades. Vertical facades are broken up with modulation, material and color change. A stone veneer and metal panel finish at the ground floor help to anchor the building on the site and create a strong base and the main hotel entry is highlighted by a large Porte Cochere canopy. The proposal provides a buffer between the residentially zoned property to the north with existing and planted trees and locates the building along the western portion of the site to minimize impacts on the residential property east of the subject property.

- e. Based on the information provided by the applicant, the design has incorporated details to create a strong interface between the public street and the building and site. There is a primary pedestrian walkway extending from W Bakerview Rd. along the east side of the building directly to the main entry of the hotel. The gym and indoor pool area are located at the south end of the building with significant glazing creating a commercial orientation towards the abutting public street. Additionally an outdoor patio area adjacent to the pool is proposed immediately along the street to reinforce the commercial pedestrian use with the public right of way generating activity along the street edge and enlivening the space. Landscaping will be provided along this frontage to improve the appearance of the building from the street.
- f. The proposed surface parking lot is located predominantly behind the building with a small section located east of the building. The entire parking lot will include landscaping, with trees in islands and perimeter landscaping between the site and the neighboring residential property to the east.
- g. The project includes modulation along facades, changes in material and color, to break up blank walls. The street facing façade includes vertically oriented windows on each floor, a stone veneer ground floor to differentiate the base of the building, with 67% glazing between 2' and 7'.
- h. Commercial development is found to the west of the subject property. Multifamily development is located north and east of subject property. The property located across W. Bakerview Road south of the subject property is undeveloped.
- i. The subject property is bordered by W. Bakerview Rd. an arterial street to the south and will create a connection to Darby Drive through the eastern and western properties.
- j. There is an existing public sewer easement on the subject property through the eastern portion of the subject property for an active sewer main.
- k. The signage and exterior lighting must be conditioned to maintain consistency throughout the development of the Bakerview corridor and minimize aesthetic impacts to the surrounding properties.
- l. The proposed building and parking lot improvements are consistent with the Commercial development standards under BMC 20.33 and with the Commercial Design Review standards.
- m. The site plan provides adequate parking, setbacks, and is architecturally consistent with the existing commercial development within the W Bakerview Rd. corridor (**Exhibit B**).
- n. If properly conditioned the project will be in compliance with the Planned Development and Design Review chapters, as well as the BMC and approval should be granted.

E. DECISION AND CONDITIONS OF APPROVAL

Based upon the Findings of Fact and Conclusions, the Director of Planning and Community Development or Designee approves the Planned Development Permit (PDP2024-0006) and Commercial Design Review (DR2024-0010) subject to the following conditions:

1. GENERAL

All development and use of the property described in Section B of this permit shall be consistent with the permit plans listed in Section C, and as modified by the conditions listed below. All building and construction permits shall be consistent with the provisions of this permit, unless modified consistent with the Amendment provisions described within Section E.

2. PERMITTED USES

Permitted uses shall be consistent with BMC 20.33.030 or as amended.

3. SETBACKS

Structural and landscaping setbacks for the site shall be as shown on **Exhibit B** and as described in BMC 20.33.040 or as amended.

4. HEIGHT

The proposed buildings shall be consistent with the proposed building height as shown in **Exhibit B** or as determined by the planning director.

5. STREETS AND ACCESS

Darby Dr shall be extended through the site as shown on **Exhibit B**. Vehicular access from W. Bakerview Rd. shall be prohibited. No improvements to W. Bakerview Road are required with the Consolidated Development Permit.

If Darby Dr is not dedicated, the applicant will be required to submit a public access easement for City review and approval which shall be recorded with the Whatcom County Auditor prior to issuance of a Building Permit.

6. UTILITIES

The subject property abuts a sewer and water main in W Bakerview Rd. Additionally, a sewer main runs through the subject property on the eastern side of the property and a water main is located within a utility easement on the western property.

A Public Facilities Construction Agreement is required for the extension of a public water main and associated water hydrant on the subject property before or concurrently with Building Permit applications and the design of the proposed public infrastructure will be reviewed and approved through that process. Please note the water main must be public with a 20' easement to serve a required on-site fire hydrant.

7. CLEARING AND GRADING

A clearing, grading, and erosion control plan shall be submitted with the building permit application for review and approval by the Planning and Public Works Departments. Clearing and grading limits, and equipment storage and access areas, and erosion control measures shall be on the plan and marked in the field and inspected by City staff prior to any site work. No clearing or grading shall be allowed without issuance of a building permit.

The applicant shall be required to have the following Inadvertent Discovery Plan on site and followed should archaeological resources or human remains be encountered:

Inadvertent Discovery of Archaeological Resources:

Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivet, Local Government Archaeologist 360-628-2755) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-961-7752; Tamela Smart, Deputy THPO 360-927-2944) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

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

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

8. STORMWATER MANAGEMENT

A Stormwater Site Plan (SSP) shall be presented for review in accordance with BMC 15.42. The final SSP design and completed construction must be approved and accepted by the Public Works and Planning Departments.

Any open treatment and detention system, including swales, rain gardens, and rock vaults, shall be designed to fit within the natural surroundings to the maximum extent practicable and be accessible for maintenance. Landscaping for these systems shall be designed by a licensed landscape architect and/or wetland biologist. The plan shall include plant species and irrigation system if drought tolerant plants are not used.

9. PARKING

Parking shall satisfy all parking regulations as outlined in Bellingham Municipal Code 20.12 and 20.33.040 including landscaping strips throughout the site to avoid the appearance of large paved parking areas.

10. LANDSCAPING

A landscaping plan in compliance with Bellingham Municipal Code 20.12 and 20.33.040 shall be submitted at the time of building permit application and generally as shown in **Exhibit B**.

11. SIGNAGE

Signage shall be limited to the name and address and shall comply with BMC 20.12.040, respective to the appropriate developments, with the following modifications:

- a. Pole signs and flashing/blinking electronic message center signs are not allowed.
- b. Wall-mounted signs are limited to seven percent of the primary building facade with maximum four-foot-high letters; and to three percent of the secondary building facade with maximum two-foot-high letters. (Logos are included in these percentages.)
- c. Parapet walls may not be erected for the sole purpose of extending sign heights and when they are not in character with the rest of the building or complex.

12. LIGHTING

Lighting shall be provided as necessary to facilitate safety, security while minimizing off site glare and night sky light pollution. A Master Lighting Plan (MLP) shall be provided at time of building permit application to accomplish these objectives. This MLP will include:

- a. A photometric site plan, drawn to scale, showing all building and parking areas, fixture and pole height, and include all proposed exterior lighting fixtures and footcandle spread.
- b. Design specifications for all proposed exterior lighting fixtures shall include photometric data, cutoff devices, bulb wattage/type, and other descriptive information.
- c. If outside parking lot lighting is provided it shall be no more than 1.5 foot candle per IES minimum lighting standards at the property line.
- d. Lighting shall be designed to minimize glare and spillover onto adjacent properties.
- e. The exterior lighting levels on the northeast surface parking lot should be reduced to minimize lighting impacts on the wetland and fish and wildlife habitat critical areas on the eastern abutting property.

13. DESIGN REVIEW - Building and Site Design

The project shall generally be built according to the plans listed in Section C of this permit, as shown on **Exhibit B**.

- a. Exterior materials shall be those indicated on the attached set of plans. Deviations from these materials shall be reviewed and approved by the PCDD.
- b. Use of the proposed building materials and the level of detail and trim on the attached plans are required, including the use of contrasting colors, materials and reliefs.
- c. The applicant shall be required to install bicycle parking in the vicinity of the primary entrance.

14. IMPACT FEES

All applicable impact fees approved by ordinance shall be paid prior to issuance of a building permit.

15. GARBAGE COLLECTION

Any outside trash and recycling facilities shall be consistent with the location and materials identified in **Exhibit B**. The final location of these facilities shall be approved by Sanitary Services Company provided they do not conflict with any performance standards in the Bellingham Municipal Code. Trash and recycling facilities shall be screened on at least three sides.

16. OCCUPANCY

Prior to issuance of a Final Certificate of Occupancy, all terms and conditions of this agreement shall be met. The applicable department may require bonding if the Developer, prior to completion of the terms of this contract, requests Temporary Occupancy Permits.

17. INTERNATIONAL FIRE CODE

The development shall demonstrate compliance with all applicable fire flow and fire code standards as adopted by the City for review and/or as approved by the Fire Marshall.

A private fire apparatus access road is required to be constructed to serve this site. Fire apparatus access roads shall meet the requirements in BMC 17.20 Chapter 5 and a turnaround provided. The fire apparatus access road shall be installed under an approved FIR-Fire Apparatus Access Road permit obtained from the Bellingham Fire Department.

The address for the new structure is 825 Darby Dr. Address numbers shall be incorporated into the design of the building and shall be located so they are visible from W Bakerview Rd. and Darby Dr. Any address that is posted facing a road other than Darby Dr., shall include the street name. Street address numbers shall comply with BMC 17.30.040, unit numbers and wayfinding signs can follow Marriott's requirements.

F. AMENDMENT

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

G. EXPIRATION OF VESTED STATUS

In accordance with BMC 21.10.260.C.3, the Planned Development Permit and Design Review Permit shall expire five years from its effective date unless a complete building permit application, with the other required concurrent submittals, is submitted and determined to be complete before that date.

H. APPEAL

Pursuant to BMC 21.10.110 (J) this Consolidated Permit may be appealed within 14-days from the date of this decision to the City's Hearing Examiner. Procedures for appeal to the Hearing Examiner are contained within BMC 21.10.250.

Drafted by:

A handwritten signature in black ink, appearing to read 'Ryan Nelson', is positioned above a horizontal line.

Ryan Nelson, Planner II
Planning and Community Development Department

Approved by:

A handwritten signature in blue ink, appearing to read 'K. Nabbefeld', is positioned above a horizontal line.

Kurt Nabbefeld, Development Services Manager
Planning and Community Development Department