



**Planning Commission
Special Meeting
Thursday, March 16, 2017
7:00 – 9:00 PM
Council Chamber
280 Madison Ave N
Bainbridge Island, WA 98110**

AGENDA

- 7:00 PM** **CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 7:05 PM** **REVIEW PARTIAL DRAFT OF MINUTES**
March 9, 2017
- 7:10 PM** **PUBLIC COMMENT**
Accept public comment on off agenda items
- 7:15 PM** **BAINBRIDGE LANDING (PLN 50520 [SPR/SUB](#))**
SITE PLAN & DESIGN REVIEW/SUBDIVISION
Recommendation
Project Manager: Heather Wright
- 8:55 PM** **NEW/OLD BUSINESS**
- 9:00 PM** **ADJOURN**

*****TIMES ARE ESTIMATES*****

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at
Planning & Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community Development
206-780-3758 or at jrasely@bainbridgewa.gov**

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure
REVIEW AND APPROVAL OF MINUTES - January 12, 2017 and February 9, 2017
PUBLIC COMMENT – Accept public comment on off agenda items
NICKUM OPEN SPACE TAX CLASSIFICATION – Public Hearing
CARLSON OPEN SPACE TAX CLASSIFICATION – Public Hearing
BAINBRIDGE LANDING – Site Plan and Design Review/Subdivision
MADRONA SCHOOL – Site Plan and Design Review/Conditional Use Permit
NEW/OLD BUSINESS
ADJOURN

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure

Chair J. Mack Pearl called the meeting to order at 6:00 PM. Planning Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester and Lisa Macchio. Michael Killion was absent and excused. City present were Planning Director Gary Christensen, Planning Manager Josh Machen, Senior Planners Jennifer Sutton and Heather Wright and Administrative Specialist Lara Lant who monitored recording and prepared minutes.

**BAINBRIDGE LANDING (PLN 50520 SPR/SUB) SITE PLAN AND DESIGN
REVIEW/SUBDIVISION - Recommendation**

Chair J. Mack Pearl stated this had been a difficult project for the Planning Commissioners to get their arms around. It was a large project and this was the first time they had formally seen it. He said it seemed they were expected to approve it without really reviewing it which was not the correct thing to do. Chair Pearl noted they were not going to make a recommendation tonight but listen to the applicant describe the project and listen to public comment. After the Planning Commissioners receive the staff report and conditions they will review it again. They will talk about it in a public hearing, listen to public comment and have a discussion themselves. And if there is a need to make the public hearing open, they will do that.

Planner Heather Wright thanked the Planning Commission Chair for expressing that concern. She said they had a major issues memo they'd like to proceed with. She requested the Planning Commission come back next Thursday, March 16th if possible to make the city's timeline for required application review. Chair Pearl said there was a one-hundred day period before the application goes before the Hearing Examiner and it would be appropriate for the Planning Commission to review the application earlier in the process. He stated it was not fair to the Planning Commissioners to have only one week to review it. They had reservations about the process but would try to review it as requested. Commissioner Lewars said the small amount of project information the Planning Commission was supplied for review, especially in a compressed time, was unlike anything he had seen before.

Planner Wright presented a slide show about Major Issues and Specific Aspects of Bainbridge Landing, as required by the municipal code. These issues and aspects were identified after review by the Planning Director, the project had been reviewed by the Design Review Board and opened to two public comment periods due to modification of the plan. It was scheduled for Hearing. The proposed project was just to the north of Harbor Square on a 4.86 acre site. It would be developed with 140 residential units comprised of 18 townhomes, 7 lofts, and a 115 unit apartment building. Part of the project scope included removal and relocation of the historic house on the property and the applicant has proposed a 1 acre park to be located east of the project site abutting Ferncliff Avenue. This park was being proposed to acquire a floor area ratio bonus. In addition to the site plan review, the applicant was proposing to subdivide the property into 27 lots to include 25 single family homes, 1 multi-family home and a 1 acre park. This was a Tier One project under the HDDP program and will be considered a LEED community. In accordance with Tier One projects, they are required to restrict home size to no greater than 1600 square feet, receive 5 points within the housing diversity category and receive a minimum of 16 points in innovative site design.

Architect Charles Wenzlau gave a slide presentation of the proposal. Olympic Property Group was the project developer, the company that originally owned and founded Port Gamble and the Pope and Talbot Company. They had deep roots in Kitsap County. The site had been in the ownership of the Cave Family since about 1890. The Harbor Square development property was also owned by the same family. In addition to required public meetings, Olympic Property Group had a series of 8 meetings held over the last year, starting before the project was designed and meeting in cycles to keep neighbors informed of what they were doing. This outreach has been successful. The developers want to realize a neighborhood that becomes part of the community. Additional public features include a community space in the northeast corner of the development which will be a significant connection point in the neighborhood. The park has been created by a Cave family member who contributed 1 acre. The historic house that sits in the park will be relocated and preserved just north of the project site. Sustainability goals are characterized as a transit-oriented development where there is opportunity to reduce vehicle usage including extensive bike facilities with bike storage in the main entry lobby. There will be both ownership and rental properties to encourage multi-generational residents. The entire project complies with LEED certification.

The site would be served by two public roads. The north access lane would be a two-way public street through the site. The access lane on the south closest to Harbor Square would be one-way, moving from Ferncliff Ave towards Cave Avenue, to the primary access to parking underneath the apartment building. Chair Pearl asked if this parking would exit onto Cave Avenue. Charles Wenzlau replied that parking associated with the apartment building would exit on the south access lane onto Cave Avenue. This design was done in coordination with the city's Public Works Department and they were following their recommendation. Charles Wenzlau stated they were required to have access on all four sides of the apartment building. The access on the south

side of the apartment building was similar to Harbor Square's design. It had about 30 feet of grade drop from the high corner on Ferncliff Avenue to the low corner at Cave Avenue. The logical place to avoid big ramps was to enter as that parking garage emerged out of grade. The rest of the building was set below grade. The townhouses were set up as fee simple, for sale homes. Olympic Property Group was subdividing the property, so they could sell those as single family homes. The reason for HDDP was so they had the right to subdivide within the mixed-use town center. Pedestrian facilities, including through the park and courtyard would be open to the public. The loading area was located on the north access lane. They planned ahead for residents moving into the apartment building. The trash for the apartment building would be kept inside the parking garage until the day of pickup and then brought up to the access lane. The site was set up so garbage trucks would not be backing out. Residential parking was under the buildings. Almost 30 on-street parking space would meet guest parking needs in the neighborhood. These spaces would be public. Chair Pearl asked if they had considered ferry commuters using those spaces and Charlie Wenzlau replied that that the City of Bainbridge Island would regulate that.

Commissioner Macchio asked what the tallest height of the building structures were and Charlie Wenzlau replied the site was unique to downtown with specific standards set up. The buildings had a wedding cake design starting at 45 feet and stairstepping down to the neighborhood to the north. Charlie Wenzlau said they went to the Design Review Board and their main discussion was focused on exterior materials. The consensus of the Design Review Board was they liked the warm natural colors. Commissioner Gale asked what else in their process needed to be refined. He said the exterior material selection needed to be finalized and they would try to use a variety of materials to break down the scale of the building to differentiate them as much as they could. Commissioner Gale asked if solar panels would be installed on the townhouses. Charles Wenzlau replied yes, the entire project would be pv ready but they wouldn't put panels on the townhouses. They hoped to put photovoltaic on the roof. Commissioner Quitslund asked about the size of the units. Charles Wenzlau replied that the larger ones were 1600 square feet, the units on Gilmore Lane were 1400 square feet and the lofts were under 1000 square feet. The materials would be stained wood, dark cedar and core ten.

Charlie Wenzlau stated Gilmore Lane had migrated over the years and was not where it was originally located. It was an encroachment onto the project. Olympic Property Group was discussing with residents the idea of abandoning the western segment. They would then fully landscape it. Commissioner Pearl asked if this was encroachment or were they claiming adverse possession. Charles Wenzlau replied it was a more a matter of would it stay or would it move. Commision Pearl said if they were claiming the road, it would change their change setbacks.

Commissioner Macchio asked what their ideas were concerning environmentally friendly features outside the building. Charles Wenzlau said covered parking made a huge difference and was big investment to help protect the environment. He also said the soils didn't infiltrated well

and they would be doing water quality treatment on site then a direct discharge to salt water. There would be no on site detention tanks because they were in proximity to Eagle Harbor. Within the building, all fixtures would be low water use and would have sub meters within the buildings to monitor energy use. Commissioner Macchio then asked about densified small units and elements that people like when they're living so closely, such as a community pea patch. Charles Wenzlau said they looked at rooftop gardening and there was potential for a community pea patch in the park. Commissioner Macchio asked if they would take out units to put the garden in their project and not give it to the park? Charles Wenzlau said a garden was best realized on the rooftop or part of the park space. Chair Pearl asked about the structure of the land, how the 1 acre park related to the density of the buildings and the tree count. Charles Wenzlau stated that they don't regulate by density but by floor area ratio (FAR) in the mixed use town centers. The code provided a public amenities bonus where you can receive up to 70 percent of your bonus FAR through a one acre park. They would receive about 80,000 square feet less than what the maximum bonus would be through the FAR bonus provision. Commissioner Pearl asked if the park's function was just for a density bonus because it didn't take care of setbacks or open space requirements. Charles Wenzlau said the park was part of the original site and being dedicated as a park. Chair Pearl asked about the buffers around the park as he didn't see any. Charles Wenzlau replied he wasn't familiar with that rule. Chair Pearl said there was a 25 foot buffer around parkland and Charlie Wenzlau replied the 25 foot buffer came out of transition standards and right of way standards. Charles Wenzlau said they hoped the depth of the park would satisfy the screening requirement. They were preserving many of the trees in the park and the location of the park was based on the wishes of the donator of the property. The developers would be getting a financial benefit of not purchasing FARs from the city. Planner Heather Wright confirmed the park was part of the project. Chair Pearl asked if the park was part of the development then why were they giving it to the Parks to develop. Charles Wenzlau said they would give the Park District a "finished park" and the Park District could furnish it further if they chose. Chair Pearl said if they gave the park away then the development would no longer front the street. Charles Wenzlau said there were too many liability issues to maintain it as a private park. Jon Rose of Olympic Property Group stated the park would be for passive recreation. Chair Pearl asked if construction would happen on park land and Jon Rose said yes. Chair Pearl said he would like the park not touched during construction and Jon Rose said there was a lot of earth being moved for the parking garage and the park site may be used for soil storage. Jon Rose clarified the Gilmore way status: They own it but people who use it have rights of necessity, which is a permanent easement. Commissioner Lewars said this project was an opportunity to create some affordable housing. Charles Wenzlau replied that there was no requirement in the code for affordable housing, under HDDP. Jon Rose said this project would introduce more housing affordability than any other island project. Commissioner Gale asked how many parking spaces there were per apartment units and Jon Rose said there was 1 stall per unit and extra for guests. She also asked about access roads and traffic calming measures. Charles Wenzlau stated that the roads were designed to reduce traffic issues and they would be introducing speed tables to the project. Because the roads were public, they could not

put No Through Access signage to prevent pass through traffic. Commissioner Gale also wanted to confirm that vehicle lights wouldn't impact neighbors at Harbor Square. Charles Wenzlau said they addressed that issue with landscape buffers and no on street parking.

Commissioner Chester asked if Gilmore Lane was in the buffer and Jon Rose replied they were working with the neighbors to shut down a portion of Gilmore Lane. Chair Pearl said they didn't really know where the property line was until this issue was resolved. Planner Heather Wright said for Cave Avenue, this project had a very specific buffer and believed the property lines were correct. Commissioner Chester stated they have a 25 foot buffer from property line and it so happens that Gilmore Lane happens to be in the buffer but that the road has never existed officially...and now it's in the buffer. Charles Wenzlau said where Gilmore Lane should be is full of mature trees. There was no motivation to push back the road. Commissioner Gale asked why they didn't use Gilmore Lane for access and Jon Rose said residents had the Right of Necessity and still couldn't take the road. There was discussion whether to open the meeting to public comment and the decision was made to allow it.

Public Comment:

Mark Epstein, Citizen – He lives at Harbor Square and stated there were positive things about the plan but was concerned about the buffer between the Bainbridge Landing and Harbor Square. He wanted the landscape buffer to be increased as much as possible. It would be a benefit to both benefit to developments.

Dave Ward, Citizen– He lives on Cave Avenue directly across from the proposed development. He complimented Jon Rose on engaging the neighborhood on this project. He did have a concern about how the city executed the traffic study. Cave Ave is a dead end road that ends close to highway 305. Traffic is challenging and there are long delays getting in and out of Cave Avenue as the ferry is loading and offloading. The two problems with the study were they used 2014 data which didn't include the Tawresy development on Cave Avenue– those 8 units were not part of the traffic study. The second problem was the time of afternoon data collection. The afternoon collection time was from 4-6 pm which stopped 5 minutes short of the offloading 5:30 Seattle ferry and an hour short of the 6:20 offloading ferry – the 2 biggest ferry runs. It gave a false traffic picture. He hoped a 5-7 pm collection window would be used in a revised study. Finally, the 140 unit development, which he was not trying to stop, is only one of 3 developments happening on Cave Avenue. If we keep looking at traffic in tiny bites we never see it as a whole. The city has limited options dealing with a failed intersection (see attached letter referencing concurrency requirements of Growth Management Act.) Please consider the traffic study be revised.

Chair Gale asked what he hoped the outcome of the revised traffic study would be. He replied that looking at capacity of transportation was an element that should be considered in approving

the size of developments. He wasn't a traffic engineer but a botanist, but thought anything that could move traffic away from the Cave Avenue intersection was a good thing.

Niel Johannsen, Citizen – He lives on Cave and Gilmore. He's a retired State Park Director. He wanted to say how good it has been working with Jon Rose and Charlie Wenzlau. They've been helpful, they've engaged us. Charlie was right that there weren't a 100 people screaming at this meeting because *they've* had meetings, even in his own living room. It seemed odd that the traffic study didn't consider the 5:30 ferry. He's actually backed cars up trying to get out of Cave Avenue because he couldn't make a left turn. He thinks the traffic study deserves more examination for a development of this size and complexity. He doesn't think the city sent out a notice about this meeting, there might be more people here if they'd receive a notice. He wanted to make a point about Gilmore. It was an old dirt, gravel road. It was not an easement, it would be perhaps a prescriptive easement. The only way to perfect that would be to go to court. They would like to close 326 feet of the west end of Gilmore. His solution would be, instead of having 3 roads across this parcel, to close Gilmore entirely and build a trail. Take that western 326 feet and take the 15 feet OPG needs as a buffer. Not fair to call something a buffer...in front of his house it's a road. He would strongly recommend closing Gilmore, at least the western end. Because access is coming off of Ferncliff, why did they need a little dirt road? It could be revegetated and could have a trail.

Linda Mallon, Citizen – She lives on Hawley Way and has for 33 years. Her home is the first home on Hawley Way and is concerned about the urban interaction of these developments. Hawley Way is under development of new homes, home renovations, adus. Density is on the move there. What's happening to east side of the site, it's of concern to her. There are 2 vacant lots on Hawley Way and the owners are under press to develop their properties. We find people circle around Winslow Way to Hawley to find some traffic relief. We are offset from current fire lane at Harbor Square. Alignment is an issue. She would ask that park would have activities, how are people getting there? What activities would be sanctioned? Where are people parking? How are they getting in and out? What about Portland, they have developments with zero parking. Has this been considered? Deliveries? Moving vans? UPS etc? Urban design, how does this fit in? Help! We need we need to talk about this. We need time. Please take time to consider quality of life for existing residences as well as newly developed property to accommodate new residences.

Charles Schmid, ABC

This is one of the largest urban projects the city has seen. You have to be careful. The more decision made now make things easier in the future. The staff is so busy on things, there were no decision made but mentions that the city is "thinking" or "considering" conditions instead of stating them. These things should have been in a staff report. The issue on parks is confusing to

me. You must be careful. There's nothing in here written about. Donating a park has resulted in doubling density. He would forward on more comments.

Commissioner Macchio thanked everyone who commented.

Director Christensen offered some comments about where we they were in the process. He understood the interest in the scale and scope of this project. There was a lot of community interest. It was helpful to have the applicant provide information. He respected this. He heard some good comments and Q&A and felt more knowledgeable about the project. Earlier they talked about a process in the code that a Director directive be sent to the Planning Commission. The Department has done that. He suggested we allow Planner Heather Wright time to summarize details. If there were any particular details the Commissioners wanted more information on, we would work on that for you. It was a collaborative process in formulating a recommendation. The Hearing Examiner will make the final recommendation. The Design Review Board, Planning Commission and the Planning Department will have recommendations to be considered as well as public testimony and written comment. Ultimately, it was the Hearing Examiner's decision. He asked they allow Planner Heather Wright to speak. He didn't want them to feel rushed to judgement and they wanted to get it right.

Chair Pearl replied he wasn't prepared to comment on anything tonight except he agreed the traffic study should be amended. Director Christensen asked if there were details or questions the Planning Department hadn't identified. Commissioner Gale wanted more information on stormwater details and Design Review Board minutes. She also wanted solid conditions from the Planning Department, not tentative information. Commissioner Chester said they received a thin package of information in the mail and were asked to go online for complete details. He wanted a complete printed package. He wanted city staffs' concerns and recommendations so he could do a good job. Commissioner Gale added it was difficult to get through public comments.

Planner Wright said they spoke of most things with a few exceptions. Did the Commissioners want to ask questions of the have traffic engineers. Commissioner Quitslund said there was not enough time. Chair Pearl had questions about tree removal and other things about the project. Planner Wright requested they continue next Thursday. Chair Pearl checked with the other Commissioners before confirming they would have a quorum. Planner Wright would gather materials and forward before the next meeting.



Department of Planning and Community Development

Staff Report

Date: March 13, 2017
To: Planning Commission
From: Heather Wright, Senior Planner
Gary Christensen, AICP, Director of Planning
Project: Bainbridge Landing
File Number: PLN50520SPR & SUB

Applicant: Bainbridge Community Development, LLC

Location: The 4.87 acre rectangular site is located in downtown Winslow between three public streets; Cave Ave NE to the west, Ferncliff Ave NE to the east and Gilmore Way NE to the north and the Harbor Square mixed use development to the south.

Request: The applicant is requesting to remove and relocate an existing historic home to the north of the project site and to develop the 4.86 acre site with 140 residential units including 18 townhomes, 7 lofts and a 115 unit apartment building (reference doc A). In addition, the applicant is proposing a one acre park at the east side of the project site, abutting Ferncliff. The park will be used to acquire a Floor Area Ratio (FAR) Bonus.

The applicant is proposing to subdivide the property into 27 lots; 25 single family, one multi-family, and a one-acre park (reference doc O). The applicant is requesting a minor variation from the road requirements and standards contained within the "City of Bainbridge Design and Construction Standards and Specifications" for the proposed north road to provide a flush curb with bollards rather than a drop curb and the south access road to provide a 16' rather than 18' wide travel way to calm traffic, reduce pavement and provide landscaping against the Harbor Square development (reference doc B).

The proposed site design incorporates various amenities, including internal, handicapped accessible public walking trails, a courtyard, underground parking, bicycle parking, electric vehicle charging stations, and the aforementioned one acre park.

The applicant intends to utilize the Housing Design Demonstration Projects (HDDP) program to construct a Tier 1, LEED certified project. In accordance with the HDDP program, Tier I projects are required to 1) restrict home size to no greater than 1,600

square feet, 2) receive a minimum of five points in the housing diversity category, 3) receive a minimum of 16 points in innovative site development practices. LEED stands for Leadership in Energy and Environmental Design and is a third-party green building certification program and nationally accepted benchmark for the design, construction, and operation of high-performance green buildings and neighborhoods (reference doc B).

Environmental Review: The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11). Utilizing the optional DNS process provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on August 26, 2016. The 14-day comment period ended on September 9, 2016. A revision to the application warranted a revised notice of application/SEPA comment period of December 30, 2016 with the 14-day comment period ending on January 13, 2017. A Mitigated Determination of Nonsignificance was issued on February 2, 2017 with the appeal period ending on February 16, 2017. No appeals were filed.

Recommendation:

The Final decision on these consolidated projects is made by the **Hearing Examiner**. In the case of a major site plan and design review application, the **planning commission** shall review the application prior to the final decision by the director. The director shall determine the major issues and specific aspects of the project that the planning commission should review, and shall forward this review directive to the planning commission. The **planning commission** shall **review the application** based on **the director's review directive, the DRB recommendation, and the decision criteria**, consider the **application at a public meeting where public comments will be taken**, and **forward its recommendation to the director** in accordance with BIMC [2.16.030](#).C through E. Planning Commission recommendation is not a final decision and is not subject to appeal. The Planning Commission's written recommendation and other documents upon which its recommendation is based shall be transmitted to the Hearing Examiner.

Staff recommends approval of the Bainbridge Landing project as a Tier I LEED Housing Design Demonstration Project through approval of the underlying Site Plan Review and Design and Subdivision and minor deviation request subject to the following conditions:

SEPA CONDITIONS

1. The project contributes surface stormwater to a City-owned municipal storm drain conveyance system that outfalls into the Winslow Ravine just south of Winslow Way East. The City currently has a planned and funded project to upsize the system in 2017 to address a capacity shortfall. Connection to the system by the project is conditioned upon the continued funding and planned or actual construction of the upgrades, unless an alternative option is pursued by the applicant.
2. Water system concurrency and adequate fire flow shall be provided by performing one of the two water system improvements proposed in the Developer Extension Agreement application (off-site water main extension or on-site storage).
3. If the off-site option water system concurrency is pursued, the use may require a special use review permit from the City of Bainbridge Island prior to commencing any work. Replanting of any disturbed areas with approved plants would be required.
4. Prior to construction activities, the applicant shall apply for a Construction Stormwater General Permit (NPDES) through the Washington State Department of Ecology.

5. A Temporary Erosion and Sediment Control Plan shall be approved prior to construction of both plat infrastructure and the individual lot development. The final plat shall contain a note for future property owners of the individual lot development requirement.
6. To ensure the protection of significant trees during construction, specifically the heritage tree on the adjoining Harbor Square property, the applicant shall protect the identified areas of prohibited disturbance of the significant trees to be retained, buffers, areas of existing vegetation to be maintained, and future planting areas larger than 400 square feet. The applicant shall have an arborist on-site or available to monitor the site during grading activities within the critical root zones. In addition, the contractors shall follow the protection methods as outlined in BIMC 18.15.010 during construction and as indicated in the report provided by Fischer Bouma Partnership titled *Site Plan Review Landscape Plan Supplemental Information*.
7. The limits of clearing and grading shall be clearly marked in the field and inspected by the City of Bainbridge Island prior to any clearing or grading on site.
8. To provide local pedestrian connectivity for the more intensive use of Cave Avenue NE presented by the project, a standard 5-foot wide sidewalk shall be constructed or bonded for as part of the plat utility work on the east side of Cave Avenue NE from Winslow Way East to approximately 105 feet to the north. No additional ROW acquisition is required to perform these improvements.
9. To provide local pedestrian connectivity, the applicant shall construct or bond for new sidewalks along Ferncliff and Cave Avenue frontages, as indicated on the site plans.
10. An ADA compliant access path available to the public shall be provided through the project site serving both public accessibility ADA egress through, connecting off the site and for accessible building egress and exit discharge. This is intended from the north access lane through the courtyard to the south access lane.
11. To ensure recreational opportunities are provided on-site and connected to adjoining sites, the project shall provide an on-site pedestrian connection to the adjoining public park on the Harbor Square property.
12. The site contains a historic home that the Historic Preservation Commission has found to be eligible for the local register. The applicant has indicated they intend to relocate the house to the adjoining property. To ensure historic and cultural resource preservation, should the home not be relocated or preserved on-site, the home shall be offered for sale for relocation. To satisfy this condition, the applicant shall provide copies of any attempts to sale prior to receiving approval of a demolition permit for the home.
13. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archeology and Historic Preservation prior to the moving or demolition of the historic home on the property.
14. To ensure historic and cultural resource preservation, historic signage shall be included in the park design to commemorate the Cave family.
15. The contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Department of Archaeology and Historic

Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.

16. All construction activities shall comply with the construction operating hours limitations contained in BIMC Chapter 16.16. Noise produced by this development must comply with the maximum environmental noise levels established by the Washington Administrative Code 173-60 or its successor.
17. All graded materials removed from the subject property shall be hauled to and deposited at City approved locations (Note: local regulations require that a grade/fill permit is obtained for any grading or filling of 50 cubic yards of material or more if the grading or filling occurs on sites that have not been previously approved for such activities. A SEPA Threshold Determination is required for any fill over 100 cubic yards on sites that have not been previously received a SEPA determination).
18. To mitigate the possible impact on adjacent properties from light and glare, all exterior lighting shall be hooded and shielded so that the bulb is not visible from adjacent properties. All landscape lighting shall be downcast and lighting within surface parking lots shall be no higher than 14 feet above grade. All exterior lighting shall comply with BIMC Chapter 15.34.
19. No use in this development shall produce emissions of smoke, dust and/or odors beyond the property boundary that may unreasonably interfere with any other property owners' use and enjoyment of his/her property. In addition, all sources and emission units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed in that regulation.
20. On site mobile fueling from temporary tanks are prohibited unless the applicant provides and is granted approval for a Permit and Best Management Plan that addresses proposed location, duration, containment, training, vandalism and cleanup. (Reference 1. Uniform Fire Code 7904.5.4.2.7 and 2. Department of Ecology, Stormwater Management Manual, August 2001, see Volume IV "Source Control BMPs for Mobile Fueling of Vehicles and Heavy Equipment".) (Chapter 173-304 WAC)
21. To mitigate impacts on air quality during earth moving activities, contractors should conform to Puget Sound Air Pollution Control Agency Regulations which insure that reasonable precautions are taken to avoid dust emissions.
22. To mitigate potential impacts on air quality, cleared vegetation shall be removed from the site, processed by chipper or processed using other methods of disposal that does not require burning.

NON-SEPA CONDITIONS

23. The project shall meet the requests of the fire marshal including: the applicable provisions of the fire code, fire flow, and provide for fire hydrants, fire sprinkler and alarm systems for proposed buildings and underground parking.
24. Prior to applying for a building permit, the applicant shall provide binding commitments for the water and sewer demands for the project.
25. As requested by the Design Review Board (DRB), the applicant shall provide the natural palette

for the exterior of the buildings; unless another material type is proposed and approved by the DRB and the Director.

26. Internal pathways shall provide signage to indicate they are public at each entry point around the perimeter of the site and shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
27. The project shall conform to the HDDP program criteria for housing diversity, innovative site development and innovative building design. Prior to the issuance of a building permit, the application will be reviewed for compliance with the following:
 - a. The dwelling units shall be at or below 1,600 square feet of floor area;
 - b. Innovative site design elements including common open space, covered parking, non-motorized connections, public walkways and electric vehicle charging stations;
 - c. Landscaping and recreational opportunities that substantially conform to the site plans,
 - d. LEED. Building permit applications, construction and final occupancy shall comply with the certification provisions of BIMC 2.16.020.3.f;
 - e. Proof of ongoing certification with the LEED building rating system shall be required during construction and project certification shall be completed prior to final occupancy.
28. Following the completion of each phase, Staff shall be able to access the site for tours no more than once every three months with permission and cooperation of the property owner.
29. Prior to the City issuing a building permit for a building that would need the bonus FAR, the applicant shall have graded and seeded the park and established walking paths. Additionally, the applicant shall secure a bond for play structures and benches.
30. The final plat submittal shall include a sheet that provides the modified setback, landscaping and height requirements of BIMC 18.12.030.C.
31. The applicant shall provide landscaping as indicated on the landscaping plans. As indicated and conditioned, the plans shall meet the 20' partial landscaping screen along Gilmore within the area available for planting, and replant the entire 20' buffer along Gilmore in the event that Gilmore is realigned on the easement. The 20' partial landscaping screen buffer on Ferncliff shall be provided within the park. The applicant shall provide the 20' partial landscape screen in the dedicated portion of the Cave Avenue right-of-way, in addition to the 10' on the subject property.
32. All landscaping shall be installed, or a performance assurance device shall be submitted and approved, prior to final inspection of the final building within the phase being constructed. The installation of landscaping shall be verified by the Landscape Professional or owner and a landscaping declaration shall be signed. This note shall be on the face of the final plat.
33. Landscape buffers shall be maintained with a maintenance assurance device for a period of three years. No vegetation within the buffers shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing, grading or civil plan. This note shall be on the face of the final plat.
34. The designated guest parking spaces shall have adequate 'guest parking' signage.

35. On-street parking spaces shall be provided as required by the building official.
36. Parking space and aisle dimensions shall meet the design standards in BIMC 18.15.020.J. Spaces for compact cars shall not exceed 30% of the amount of spaces.
37. Bicycle storage shall be provided to accommodate at least 23 bicycles.
38. Given the complexity of the proposal, prior to submitting any building permit applications, the applicant shall schedule a pre-submittal meeting outlining the order of development improvements and buildings on the site. The applicant shall include information on the location of parking for construction vehicles, and all construction vehicle parking shall remain on-site.
39. Depending on the option chosen by the applicant to achieve fire flow, the applicant shall secure all necessary land use and building permits prior to commencing work.
40. Lot coverage shall be recorded on the face of the final plat.
41. Mailbox and pedestrian signage locations shall be indicated on the face of the final plat.
42. The applicant shall provide a sheet that identifies the trees identified for retention. The following regulations shall be included on that sheet and provided as part of the final plat submittal:

Unauthorized removal of trees shall result in at least one-and-one-half times (150 percent) of the number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a clearing permit with a replanting plan. Trees will be approved for removal only if they meet the hazard tree requirements.

Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. The city may issue the following; stop work orders, injunction or abatement or any other appropriate action in courts and/or a civil infraction, subject to enforcement and fines.

43. Survey monumentation shall be provided consistent with the Standards, Section 8-03.
44. Civil improvement plans ready for construction shall be submitted with an application for a plat utility permit to COBI for review and approval to construct all necessary infrastructure serving the divided lots and the offsite improvements proposed in the Developer Extension Agreement (DEA) application.
45. No building permits for the newly created lots will be issued until the completion of the civil improvements or performance bonding is established to cover unfinished work to apply for final plat.

46. Performance bonding for plat civil improvements shall be released and re-bonded only as determined by a pre-approved work completion phasing plan to be developed with the plat utility permit application.
47. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final plat.
48. The Developer Extension Agreement shall be executed at the plat utilities permitting application phase for the construction of roads and utilities to be inspected and accepted by the City.
49. Ferncliff Avenue NE fronting the property to the east is classified as a secondary arterial urban roadway per the COBI Comprehensive Plan. Secondary arterial urban roadways require a total of 60 feet of right-of-way (ROW) per the Standards. The current ROW width fronting the property is 40 feet. A ROW dedication to the City of Bainbridge Island of 30 feet from the described centerline along the Ferncliff frontage, shall be indicated on the face of the plat. A note related to the dedication can state that the 30 feet may include areas previously dedicated.
50. Cave Avenue NE fronting the property to the west is classified as a local access roadway per the COBI Comprehensive Plan and is urban in nature due to the zoning density exceeding 4.3 units per acre. Local access urban roadways require a total of 40 feet ROW per the Standards. The current ROW width fronting the property is 30 feet. A ROW dedication to the City of 20 feet from the described centerline shall be indicated on the plat. A note related to the dedication can state that the 20 feet may include areas previously dedicated.
51. The north plat access road shall meet the standards of an urban local access street per standard drawing DWG. 7-050 of the Standards, except as noted. The north plat access road shall provide two (2) 12-foot travel lanes for two-way traffic circulation, on-street parking on the south side adjacent to the apartment building, sidewalks on both sides and a minimum of 40 feet of right-of-way dedication or more as needed to extend from back of sidewalk to back of sidewalk.
52. The south plat access road shall meet the standards of an urban local access street per standard drawing DWG. 7-050 of the Standards, except as noted. The south plat access road shall provide one-way only vehicular traffic circulation with a 16' wide driveable surface comprised of an 11-foot travel lane and a 5-foot bike lane. Sidewalk shall be provided on the north side of the road only. On-street parking shall be provided on the south side of the road.
53. Flush curbs and sidewalk are approved for use on the upslope side of each plat road along the frontages of the townhomes, loft homes, and apartments. Pedestrian safety features shall be incorporated into the edge treatment, including provisions such as bollards.
54. Speed tables shall be incorporated as a traffic calming feature along the north and south plat access roadways.
55. All retaining walls required to construct the plat access roads and on-street parking stalls shall be designed with a minimum of 250 pounds per square foot live loading vehicle surcharge as required by the 2015 International Building Code (IBC). A separate building permit shall be submitted for the walls.

56. The existing Gilmore Way NE access shall have a formal access easement dedicated on the face of the plat that encompasses the entire access way from the northern property line to the southern existing edge of use of Gilmore, or 15 feet, whichever is greater.
57. Consistent with the City of Bainbridge Island's Non-Motorized Transportation Plan (NMTP), as incorporated by reference into the Comprehensive Plan, and the Standards for a secondary arterial urban roadway, shoulder improvements fronting the project along Ferncliff Avenue NE shall be constructed as part of the project, which requires 5- to 7-foot sidewalk with or without landscaping (see WS-2 NMTP standard).
58. Consistent with the Standards for a residential urban roadway, shoulder improvements fronting the project along Cave Avenue NE shall be constructed as part of the project, which requires 5-foot sidewalk.
59. Non-motorized pedestrian connectivity shall be improved along the eastside of Cave Avenue NE from Winslow Way East to approximately 105 feet north by installing a standard 5-foot wide sidewalk.
60. A public pedestrian access easement shall be dedicated between the Cave Avenue NE townhomes and the apartment building over the private alley to grant pedestrians through access. The easement width shall be a minimum of 12 feet, or cover the driveable road surface excluding individual driveway entrances, whichever is greater, and extend the entire length from the north plat access road to the south plat access road.
61. Remote sidewalks that depart from the public road ROW shall have a 10' minimum public pedestrian easement dedication noted on the plat.
62. Water system improvements shall be performed under the DEA to add additional capacity to the system for the purposes of project fire flow requirements. All necessary permits and easements to provide a second water line feed to the system shall be the responsibility of the developer.
63. A Stormwater Pollution Prevention Plan (SWPPP) prepared by a civil engineer licensed in the State of Washington is required prior to construction activities including clearing or grading or civil improvements for all phases of the project that complies with BIMC 15.20.
64. A final stormwater report shall be submitted detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil engineer licensed in the State of Washington.
65. The site has a contributing drainage area that exceeds three (3) acres. A temporary sediment pond (per BMP C241, Volume II, Ch. 4 of the Manual) shall be required for temporary runoff and sediment control. Due to the downstream capacity restriction the sediment pond shall be sized based on a 10-year peak flow from the site.
66. On-site Best Management Practices for soil management and Low Impact Development shall be employed consistent with the Stormwater Management Manual for Western Washington

(SWMMWW) BMP T5.13 for surfaces not converted to hard surfaces after construction.

67. The project contributes surface stormwater to a City-owned municipal storm drain conveyance system that outfalls into the Winslow Ravine just south of Winslow Way East. The City currently has a planned and funded project to upsize the system in 2017 to address a capacity shortfall. Connection to the system by the project is conditioned upon the continued funding and planned or actual construction of the upgrades to maintain concurrency between the development and the infrastructure serving it. In the event of non-concurrency, the development shall be responsible for performing the system upgrades, or, mitigating for stormwater peak flows on-site.
68. Low Impact Development (LID) water quality facilities and best practices shall be employed to the maximum extent feasible to treat stormwater from all pollutant-generating hard surfaces (PGHS) within the future public ROW.
69. Prior to final plat submittal, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
70. All on-site stormwater facilities shall remain privately owned and maintained. The owner(s) shall be responsible for maintenance of the storm drainage facilities for this development following construction. Annual inspection and maintenance reports shall be provided to the City. A Declaration of Covenant for stormwater system operation and maintenance will be required to be recorded before final plat submittal. The approved language for the Declaration of Covenant is found in BIMC Chapter 15.21, Exhibit A.
71. A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way. The ROW permit will be subject to separate conditions and bonding requirements.
72. Application for a final plat shall require binding water and sewer availability letters from the City.
73. Installation of improvements and creation of as-built engineered plans must be completed prior to approval of final plat. In lieu of completion of those improvements and as-builts consistent with the conditions of a preliminary plat approval, the City engineer may accept an assurance device, in an amount and in a form determined by the City, but not to exceed 125 percent of the established cost of completing the infrastructure that secures and provides for the actual construction and installation of the improvements or the performance of the conditions within one year, or such additional time as the city engineer determines is appropriate after final plat approval.
74. The proposed action(s), phased or concurrent, in their totality would result in more than one (1) acre of earth disturbance on the site and drain to waters of the State. A Construction Stormwater General Permit shall be obtained from the Washington State Department of Ecology and the site shall be monitored for discharge of pollutants and sediment to the wetlands and stream for the duration of the project. No land clearing or construction permits shall be issued prior to obtaining the State permit.

Staff Analysis

LAND USE CODE ANALYSIS

I. FINDINGS OF FACT

1. Site Characteristics:

Tax Assessor Information:

A. **Tax Lot Numbers:** 262502-3-008-2001

B. **Owners of Record:** Lowery WM & James J & Wickton Marcia C &

- C. **Lot Size:** 4.87 acres or 211,952 square feet
 - D. **Land Use:** Residential.
- 2. **Terrain:** The site is generally level in the northeast portion and slopes down to 10% to the southwest with site elevations varying from approximately 135' at the northeast corner to 100' at the southwest corner.
- 3. **Soils:** Soil mapping indicates that is the predominant soil type on the site is Kapowsin gravelly ashy loam, 0 to 6% with the exception of the southeast area, which is classified as Kapowsin gravelly ashy loam, 6 to 15% slopes (Soil Survey of Kitsap County Area, Washington; U.S. Department of Agriculture, Soil Conservation Service, 1977).
- 4. **Existing Site Development:** The historic Cave family single family residence (constructed between 1897 & 1900) exists in the northeast corner of the property.
- 5. **Proposed Access:** The proposed development will be accessed from both Ferncliff and Cave Avenue, with shared use of Gilmore Avenue.
- 6. **Public Services and Utilities:** City of Bainbridge Island Water and Sewer.
- 7. **Zoning/Comprehensive Plan Designation:** The subject property is zoned Mixed Use Town Center (MUTC)-Ferry Terminal District (FTD)
- 8. **Surrounding Zoning/Comprehensive Plan Designation:**
 - A. North: R-4.3, Single-family
 - B. South: MUTC, FTD
 - C. East: R-4.3, Single-family
 - D. West: MUTC, FTD
- 9. **Surrounding Uses:**
 - A. North: Gimore Avenue and single-family development
 - B. South: Harbor Square development (mixed use development)
 - C. East: Ferncliff Avenue and single-family development
 - D. West: Cave Avenue and residential (single and multi-family).

II. HISTORY

- 1. A pre-application conference was held on May 10, 2016.
- 2. A public participation meeting was held on June 6, 2016
- 3. The Design Review Board reviewed the project on May 16, 2016
- 4. The application was submitted on July 14, 2016
- 5. The application was deemed complete on August 12, 2016
- 6. A joint notice of application/SEPA comment period (Attachment F) occurred on August 26, 2016.
- 7. The comment period ended on September 9, 2016.
- 8. The project was reviewed by the Design Review Board (DRB) on the following dates; October 17 and November 21, 2016.
- 9. The project was re-noticed to reflect two options to meet fire flow, with the comment period ending on January 13, 2017.

III. PUBLIC/AGENCY COMMENT

1. Public Participation/Comment.

The site design for this application has gone through multiple iterations prior to the formal site plan and design review submittal. A pre-application conference and a public participation meeting were held between the City and the community in June 2016. In addition, the applicant held multiple community meetings independent of any city requirements.

Public comments were also received during the public commenting period (Attachments H). The following section provides a compilation of comments and staff's review of some of the concerns expressed.

A range of concerns were voiced including traffic, design, environment (air emissions, environmental health due to noise and light and glare), abutting trees and the type of units proposed (request for less rental units). The overwhelming concern was in relation to traffic, and particularly the impact on Cave Avenue.

The project is proposing two points of access; a two way public road connecting Gilmore to Cave and a one-way public road from Ferncliff to Cave Avenue. The residents of Cave Avenue have requested that there not be any additional traffic on Cave Avenue and that any through roads go to Ferncliff Avenue. They are particularly concerned about the traffic that is currently stacking at the Cave Avenue/Winslow intersection during peak ferry times.

The city contracted an independent third party traffic consultant (Transportation Solutions, Inc., reference doc P) to perform a traffic impact analysis on the project. Trip generation rates were calculated for the proposed public park, the detached single family homes and the apartment units. The project was calculated to generate a total of 33 new vehicle trips during the AM peak hour and 39 during the PM peak hour.

The report evaluated the south access road under eastbound and westbound one-way flow scenarios to identify any safety or operational differences between on-site flow alternatives. The report concluded that direction of travel on the south access road will have relatively little impact on intersection delay and level of service (LOS).

Additionally, the report provided PM near-term and long-term level of service forecasts. There are no forecasted intersection LOS failures by 2035. New site access intersections are forecasted to operate at LOS B or better through 2035. Project generated trips accessing the site via Cave Avenue will be impacted by westbound queue stacking from the intersection of Winslow Way and SR 305, however no mitigation is recommended due to the low minor approach volume.

The abutting Harbor Square residents have asked for protection of their abutting Heritage tree during construction. They have also requested heavy landscaping between the two sites, with fast growing trees to protect the residents from the lights and glare of the units and vehicles.

Overall, to address concerns voiced, staff has conditioned the project to provide frontage improvements on Cave and Ferncliff Avenues, to protect the heritage tree on the abutting property, and to adhere to noise, light and air pollution requirements (Conditions 6, 8, 9, 18, 19 & 22).

2. Agency Comment.

A. **Fire Marshal:** On July 22, 2016, the fire marshal submitted the following comments (reference doc K): the project shall comply with all applicable provisions of the adopted Fire Code and; 2. Fire flow is required for this project. Fire flow shall be not less than 1500 gpm and shall be demonstrated to the satisfaction of the Fire Marshal. The proposed location of fire hydrants in the project appears acceptable at this time. 3. The proposed buildings and underground parking garage will require fire sprinkler systems and alarm systems and; 4. Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads and; 5. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial apparatus access roads shall be provided. Aerial apparatus access roads shall have an unobstructed width of 16 (sixteen) feet, exclusive of shoulders, and shall be located within a minimum of 15 (fifteen) feet and a maximum of 30 (thirty) feet from the building.

To meet the fire flow requirements for this project, the applicant has proposed two options based on conversations with the City's public works department. These options required a revised notice of application. These options are: 1) to extend an 8" waterline from the Vineyard Lane development under the bridge over the ravine stream across private property to connect to the existing water line in Gowen Place or 2) develop a large water tank on site with a pump and back-up generator.

In response to these options, the fire marshal submitted a second comment letter on December 26, 2016 that stated that: the project shall comply with all applicable provisions of the adopted Fire Code and; Option 1 is the preferred option of the Fire Marshal's Office. Connection to the existing 8" high pressure zone water main will provide adequate fire flow (1500 gpm) for the project. Implementation of this option will improve fire flow in the adjacent community as well. Option 2 is a viable option. The system shall be designed to meet the requirements of NFPA 13 and other related documents.

The project is conditioned to meet the fire code, fire flow, provide hydrants, fire sprinkler and alarm systems (Condition #23). The project is found to provide two separate and approved fire apparatus access roads and to meet the width and location requirements.

B. Kitsap County Health District:

The applicant applied for water and sewer availability on July 14, 2016 to the City of Bainbridge Island. **Prior to applying for a building permit, the applicant shall provide binding commitments for the water and sewer demands for the development (Condition 24).**

C. Historic Preservation Commission:

The Historic Preservation Commission (HPC) was interested in the historic home on the project site. They requested that the applicant provide a report so that the HPC could determine the impact on historic resources. The applicant consulted with Cultural Resource Consultants (CRC) to provide a report. CRC has completed a historic property inventory update and evaluation of significance for the Cave House located at 259 Ferncliff Avenue on Bainbridge Island. The house would be relocated to an adjacent parcel to accommodate the proposed Bainbridge Landing mixed-use development. CRC Historic Architect James McNett conducted archival research, interviews, and a site visit to obtain detailed information about the building prior to its relocation. This information has been added to the historic property inventory record for the building on file in DAHP's online database, WISAARD. Cave House is recommended not eligible for the National Register of Historic Places but is considered locally significant and eligible for the Bainbridge Island Register of Historic Places. Relocation of the house to adjacent property would not affect its local register eligibility. To address the concerns of the Commission and to ensure the Cave history is preserved, the City applied the following SEPA conditions (12-14) to the project: should the home not be relocated or preserved on-site, the home shall be offered for sale for relocation. To satisfy this condition, the applicant shall provide copies of any attempts to sale prior to receiving approval of a demolition permit for the home. A completed Washington State Historic Property Inventory Field Form shall be recorded with the State Department of Archeology and Historic Preservation prior to the moving or demolition of the historic home on the property. Historic signage shall be included in the park design to commemorate the Cave family.

F. Development Engineer:

Comment: On February 17, 2017, the City's Development Engineer provided preliminary approval with 32 recommended conditions (conditions 48-74), based on the following findings of fact and conclusions of law:

1. The site plan and preliminary long subdivision conforms to regulations concerning drainage in BIMC 15.20 and 15.21;
2. The site plan and preliminary long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream based on concurrent system upgrades;
3. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic;
4. The site will rely on public water and sewer services. There is adequate capacity in the sewer system and that service can be made available at the site. A proposed water system extension will provide additional needed system capacity to the site;
5. The preliminary long subdivision conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, “the Standards”, except as noted.

3. Design Review Board.

The Design Review Board (DRB) reviewed the application at three different meetings. The first meeting occurred during the pre-application phase and the remaining two meetings occurred on October 17 and November 21, 2016 (reference doc’s F & G). The DRB review was two-fold: to review the proposal for consistency with the City’s multi-family and commercial/mixed use design guidelines; and to make general site and building design recommendations. Copies of the approved meeting minutes are attached (reference doc G & H).

On October 17, 2015, the Design Review Board motioned to approve the plan with the condition that the architect return to the DRB with exterior materials and placements on the building (reference document G).

On November 21, 2016, the applicant met again with the DRB and brought forth three different material designs including hybrid (wood in multiple places), durable (pre-finished, interlock system and natural (new scheme) sheets and panels, rusted look. The DRB motioned 4-1 that they were in favor of the natural palette color. **The applicant has agreed to follow the DRB recommendation and provide warm, natural colors (Condition #25).**

IV. COMPREHENSIVE PLAN GOALS AND POLICIES

The Comprehensive Plan and the Winslow Master Plan target the “Winslow Master Plan Study Area” to accommodate 50% of future population growth, where urban infrastructure and facilities either exist or can be provided in an efficient manner. The Plan further states that the Winslow Master Plan Study Area is intended to contribute to a vibrant and pedestrian-oriented downtown where people want to live, work and shop. Higher density residential development in the Study Area is further intended to reduce reliance on the automobile and provide a diversity of housing choices.

The subject property is located within the Winslow Master Plan Study Area and is currently served by urban infrastructure and facilities, which will be upgraded as necessary to meet the needs of the project. As proposed, the development will be a pedestrian-oriented, energy efficient, multi-generational neighborhood comprised of 140 residential units, including apartments, townhomes,

lofts and a one-acre park. To reduce reliance on the automobile and encourage pedestrian activity, the project will include electric charging stations, bicycle parking and will provide pedestrian trails through the site, connecting to the neighboring Harbor Square.

1. **Land Use Element**
Historic Preservation

A. **Historic Preservation-Goal 2:** Historic structures or places are an important feature of community design and should be preserved and enhanced. **As discussed previously, the Historic Preservation Commission (HPC) reviewed the application and provided suggested mitigation. The HPC requested that the applicant complete a historic property inventory form and a report on the history and cultural significance of the site. The applicant provided these forms and the report. The project is conditioned to ensure that the historic home is preserved through recording of the report at the Bainbridge Island Historical Museum. The applicant has indicated they plan to relocate the house, in the event that this is unsuccessful, the project is conditioned for the applicant to attempt to relocate the residence. Furthermore, the project is conditioned to provide signage commemorating the Cave family incorporated into the public park.**

2. **Housing Element**

A. **Goal 1:** Promote and maintain a variety of housing choices to meet the needs of present and future Bainbridge Island resident's at all economic segments, and in all geographic areas in a way that is compatible with the character of the Island, and encourages more socioeconomic diversity.

i. **Housing Policy H 1.5:** The City shall encourage innovative residential development types and zoning regulations that increase the variety of housing choices suitable to a range of household sizes and incomes in a way that is compatible with the character of existing neighborhoods. Examples of innovative approaches are cottage housing development, cluster housing development and accessory dwelling units.

B. **Goal 3:** Increase the supply of affordable multi-family housing each year through the year 2012.

i. **Housing Policy 3.1:** The City shall encourage new multi-family housing in a variety of sizes in areas designated for such use in the Land Use Element. All developments are subject to Health District requirements for water and sewage disposal.

This project is utilizing the Housing Design Development Program, which in alignment with the housing policies requires the use of innovative site development practices. The development also provides a variety of unit sizes and unit types, including for-sale and rental and increases the variety of housing choices suitable to a range of household sizes and incomes in a manner that is compatible with the character of the existing neighborhood.

The project will provide 140 new housing units, including flats, apartments (1-3 bedrooms) townhomes, and single-family homes. Single family home sizes will range from 919 square feet to 1,600 square feet of floor area and the apartments will range from 546 to 1508 square feet. While none of the units are mandated to serve income-qualified residents, the smaller unit size may result in housing that is more affordable relative to other housing choices on the island.

Of the 140 units, 122 are proposed for rent (115 apartments and 7 lofts). According to the City's housing needs study, there is a need for rental units on Island. The City's Management Intern, Jared Eyer, completed a Housing Needs Assessment in December 2015. The report found that

over the previous ten years, there was a 12% increase in rental apartment units on Bainbridge Island. However, rental apartments (market rate and rent assisted) make up less than 7% of the total housing units. Additionally, rent assisted apartments make up 3% of the total housing units in the City. These numbers show that the vast majority of new construction of multifamily housing units was condominiums in the previous ten years (2005-2015).

According to previous survey data and the most recent survey conducted on October 27 and 28, 2014, the vacancy rate in established projects was 1% or less. Property managers consistently attested to the low vacancy rates and high demand they have for apartments. These vacancy rates are well below 5%, the percentage generally assumed to indicate a healthy rental market with a balance in supply and demand. This means that the demand for apartments has continually exceeded the supply on Bainbridge Island.

3. Non-motorized Transportation Element

A. Goal 1: Develop a non-motorized transportation system that effectively serves the needs of pedestrian, bicycle, and equestrian users and encourages non-motorized travel and provides a continuous network of attractive sidewalks, footpaths, multi-purpose trails, and bikeways throughout the Island that are also connected to regional systems.

i. Non-motorized Policy 1.3: Locate and design bicycle facilities that effectively accommodate both commuters and recreational users. The system shall include separated bicycle pathways, on-road bicycle lanes, paved shoulders, and shared facilities.

ii. Non-motorized Policy 1.8: Encourage non-motorized travel by recognizing existing informal and private pathways as part of the overall pedestrian and bicycle network. Efforts shall be made to formalize and make these connections public. Realignment of existing trails may be necessary to accommodate both trail access and private development.

To conform to these non-motorized goals and policies, the improvements include sidewalks on Cave and Ferncliff Avenue fronting the project site and an off-site sidewalk connection added to Cave Avenue. Additionally, the proposed development will provide ADA compliant, publicly accessible paths through the development, and a path to connect to the neighboring Harbor Square park (Conditions # 11 & 57-61).

B. Goal 2: Develop non-motorized design standards that provide safe and efficient access, encourage use and mobility, conform to State and Federal requirements, are responsive to the needs and character of the neighborhood and are sensitive to the natural environment.

i. Non-motorized Policy 2.2 The use of color, texture, lighting, signage, and paving to designate non-motorized facilities and roadway crossings shall be incorporated into adopted design standards.

The proposed internal pathways are conditioned to provide signage and texture to conform to this non-motorized policy (Condition # 26).

V. LAND USE CODE ANALYSIS

1. Housing Design Demonstration Projects, BIMC 2.16.020 (Q)

A. Purpose and Goals

The purpose of this subsection Q is to allow the development of housing design demonstration projects that increase the variety of housing choices available to residents across underserved portions of the socio-economic spectrum, and to promote compact, low-impact development where it is most appropriate. Further, its purpose is to encourage high quality and innovation in building design, site development, and “green” building practices.

The goals of this program are to increase the housing supply and the choice of housing styles available in the community; to promote socio-economic diversity by adding to the stock of income-qualified housing; to encourage development of smaller homes, at reasonable prices, in neighborhoods attractive to a mix of income and age levels; and to demonstrate that innovative design and building techniques (conserving water and energy, using sustainably sourced materials, limiting environmental impacts) are compatible with market considerations. **The proposed project meets the purpose and the goals of the HDDP program by providing a variety of housing choices (townhomes, lofts, 1, 2 & 3 bedroom apartments), encourages development of smaller homes by providing single family homes ranging in size from 1,414 to 1,600 square feet and providing innovative building design and green building practices by implementing LEED standards into the development.**

B. Applicability

Only properties located within the Winslow Study Area of the Winslow Master Plan and the Winslow Sanitary Sewer System Service Area can apply for the HDDP ordinance. **The project site is located in the Winslow Study Area of the Winslow Master Plan and the Winslow Sanitary Sewer System Service Area.**

C. Review and Approval Process

Housing Design Demonstration Project applications are reviewed in accordance with BIMC 2.16.020(Q). Applicants proposing a demonstration project meet with City staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The applicant is required to participate in one or more community meetings, and to reflect input received from public meetings and the conceptual meeting in materials submitted for a preapplication conference. Subsequent to the preapplication conference, the applicant receives preliminary notification from the Director as to whether the proposal qualifies for participation in the HDDP program. An applicant may submit a land use application for a housing design demonstration project after completion of conceptual and preapplication review, and notification by the City the proposal qualifies for the HDDP program. All housing design demonstration project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing design demonstration projects. **The applicant followed the process by participating in conceptual proposal review and participating in a public participation meeting and a pre-application conference. The applicant submitted for a HDDP determination through the underlying site plan review and subdivision applications. The projects are consolidated, as allowed under the ordinance. The design was reviewed by the design review board and is before the planning commission at a public meeting before going to the Hearing Examiner for a final decision.**

D. Evaluation Method

Each project will be evaluated for innovation and achievement of the goals of subsection Q of this section using a number of factors. The evaluation factors are divided into three categories; density, green building and innovative site development, and housing diversity. Projects that

qualify as housing design demonstration projects are eligible to use the flexible development standard incentives

The applicant applied as a Tier I LEED project. Tier I projects do not receive a density bonus, must achieve at least 16 points in innovative site development, must construct homes not greater than 1,600 square feet and receive at least 5 points in the Housing Diversity category. The matrix used to evaluate the project and a discussion of the points received is provided below (reference docs B) Staff, the Director and the Development Engineer assessed the points.

a. **BIMC Table 2.16.020.Q-2, Housing Diversity Category: (requires a minimum 5 points)**

The HDDP limit the home size to a maximum of 1,600 square feet and require a minimum of five points in the affordable housing, unit size and unit type categories. In order to score a point in unit size or unit type, the project shall provide at least 10% of the total number of units in that range. **The proposed units do not exceed 1,600 square feet of floor area and the projects received seven points, which exceeds the minimum four points required.**

i. **Affordable housing:** **0 points**
The project is not providing nor is it required to provide any affordable housing units.

ii. **Unit Sizes:** **4 points**
Project includes a variety of unit sizes, *excluding garages*, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range.

Proposed units range in size from 546 square feet for the apartment units to 1,600 square feet for the Cave Avenue townhouses. None of the units exceed 1,600 square feet of floor area (Condition # 28).

Unit Size Range (sq ft)	Number of Units	% of total	Points:
Less than 800	84	60%	1
801-1000	14	10%	1
1001-1200	22	17%	1
1201-1400	0	0%	0
1401-1600	18	13%	1

iii. **Unit Type:** **3 points**

Unit Type	Number of Units	% of total	Points:
Townhouse	25	16%	1

Flats	100	8%	1
Age in Place	15	75%	1

Total Housing Diversity points: 7

b. Innovative Site Development: (requires a minimum of 16 points)

Tier 2 Green projects must receive a minimum of 16 points in innovative site development by obtaining points by improving water quality, decreased stormwater quantity, landscaping, common open space, transportation and biodiversity offsets. **The project provides innovative site development that meets the minimum amount of required points by achieving 22 points.**

- i. Decreasing Storm Water Quantity: 0 points**

The project uses a variety of methods to decrease storm water quantity by a variety of methods, including LID, rainwater collection or reuse methods. Low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater. Invasive species shall not be incorporated into low impact development plantings. Cisterns should be used for irrigation or greywater, and the standard sizing is 1 gallon/0.5 ft² roof area.
- ii. Improving Water Quality: 5 points**

Project should limit storm water runoff from pollution generating surfaces, and treat water quality on site. Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate and site appropriate. Projects should be carefully designed to minimize disruption to existing appropriate vegetation. To support healthy vegetation, the project provides adequate soil volume to sustain root development. **The project receives 5 points due to the percentage of parking (83%) that is covered. Covered parking spaces include: 18 townhome stalls, 7 live work stalls and the 115 under apartment spaces.**
- iii. Common Open Space: 10 points**

Project provides well-designed common open space, with at least 5 percent of the gross land area set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC [17.12.030](#).A.1, A.2, A.3, A.6 and A.7 is encouraged. **The applicant is dedicating 21% of the site as public open space in the form of a park and a courtyard for 10 points.**
- iv. Transportation: 7 points**

Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external non-motorized facilities, furthering the Non-motorized Transportation Plan (NMTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation such as integrative parking and charging facilities for electric cars, or bus shelters. **The project is providing non-motorized connections, including the sidewalks on Cave & Ferncliff Avenues (2 points), as well as public walkways (2 points). Additionally, the site provides 3% of the parking spaces as electric charging stations (3 points) for a total of 7 points.**

Total Innovative Site Development points: 23

- c. **Innovative Building Design.** The project is constructed under a green building certification program that requires third-party verification such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, Passive House Institute US/International, LEED or the BuiltGreen Program of the Master Builders of King and Snohomish Counties. **The project is using the LEED standard, with low, medium and high gold targets.**

E. Approval Criteria-Housing Design Demonstration Project

In addition to the decision criteria required by the underlying planning permit, an application for an innovative housing demonstration project may be approved if the following criteria are met:

- i. The applicant clearly demonstrates evaluation factors listed in subsection Q.4 of this section as shown in the housing design demonstration project scoring system as evaluated by the planning department; **The project has been reviewed by the Department of Planning and Community Development and is conditioned to comply with the housing diversity criteria, use of innovative site development practices and innovative building design practices (Condition # 27).**
- ii. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter; **The applicant is not seeking relief from specific development standards, but rather to create single family residential lots in the mixed use town center – where they are otherwise prohibited.**
- iii. The project does not adversely impact existing public service levels for surrounding properties; **The project is not anticipated to adversely impact public service levels for surrounding properties. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic. The proposal includes the addition of an urban park that will increase the recreation and open space level for the surrounding public.**
- iv. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process; **The proposal complies**

with all applicable provisions of the Municipal Code. Because single-family subdivisions are not allowed in this zoning district, the amount of open space required is provided in the HDDP ordinance.

v. If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; **The project is not phased, however the development of the park may occur independent of the housing as it will be fully developed by the parks district.**

vi. The applicant is meeting required housing diversity standards. **The applicant is meeting these standards by providing a variety of housing unit types and sizes while not exceeding 1,600 square feet per unit.**

F. Development Standard Incentives

The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in BIMC 2.16.020.Q.3 and considered in relation to all required decision criteria. The following development standards may be modified (only those proposed for modification are included):

Open Space. For MUTC projects developed under BIMC Title [17](#), flexible lot subdivision, the prescriptive open space requirements in BIMC [17.12.030.A](#) do not apply. Instead, the project shall integrate at least 50 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway. **The project is required to provide 7,000 square feet of open space for the project (140 units X 50). The project exceeds this minimum standard by providing a 1.03 acre park and a .28 acre public courtyard.**

G. Demonstration Project Site Visit

All demonstration projects completed under this chapter shall allow city staff to conduct occasional site tours. Staff may be able to tour the site no more than once every three month. **Staff shall be able to access the site with permission and cooperation of the property owner (Condition #28).**

2. BIMC 16.20 Critical Areas

The site does not contain any designated critical areas as found in BIMC 16.20.

3. BIMC Title 18 Zoning

A. BIMC 18.06.030, Mixed Use Town Center Zone:

Ferry Terminal Overlay District. The purpose of the ferry terminal overlay district is to provide an attractive setting for ferry and associated transportation-oriented uses and serve as the entry-point into Winslow. This district is also intended as a new pedestrian- and transit-oriented, mixed use neighborhood that complements the character and vitality of the core and serves the neighborhood and commuters. **The proposed single and multi-family dwelling neighborhood is pedestrian and transit oriented due to its proximity to the ferry and the proposed sidewalk improvements through the site and along Cave and Ferncliff Avenues.**

B. **BIMC 18.09.02 Use TABLE**

Single-Family dwellings and multifamily dwellings are permitted in the Ferry Terminal overlay district. In the ferry terminal district, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue. **The proposal is for a single and multifamily dwellings. The project will exceed the 10% requirement by providing both a one acre park, landscaping and a courtyard totaling approximately 35% of the site (Gilmore Partial screen: 12, 640 square feet, Cave Avenue screen: 5,680 square feet, .28 acre courtyard & 1.03 acre park).**

C. **BIMC 18.09.030 Use-specific standards.**

In the Mixed Use Town Center, any new single-family residences proposed after the enactment of Ordinance 2010-09 shall only be allowed through an approved subdivision that qualifies as a housing design demonstration project pursuant to BIMC [2.16.020.Q](#). Properties with frontage along Winslow Way between Madison Avenue and State Route 305, excepting flag lots, must include a retail and/or commercial component. **Solely residential development is not allowed in this area *unless* approved through a subdivision that qualifies as a HDDP. The proposed development is strictly residential, the project qualifies as a HDDP pursuant to BIMC 2.16.020.Q and a residential subdivision is proposed and recommended for approval.**

D. **BIMC 18.12.020-3, Standard Lot Dimensional Standards for Residential Zone Districts**

a. **Maximum Residential FAR. .4**

Maximum with Bonus: 1.1

The size of the site is 4.87 acres or 212,137 square feet. The Base FAR is 84,854.88 square feet. The maximum with a 1.1 bonus is 233,350 square feet.

The definition of floor area excludes portions of parking located underneath a building footprint. While some of the buildings have partial underbuilding parking, with the exception of the apartment building, the applicant excluded all underbuilding parking in the floor area calculation.

The project is proposing 154,229 square feet of floor area. Pursuant to 18.12.030.E. up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. **20% of 4.87 acres is .974 acres. The applicant is proposing over an acre of open space, the greater of 20%.**

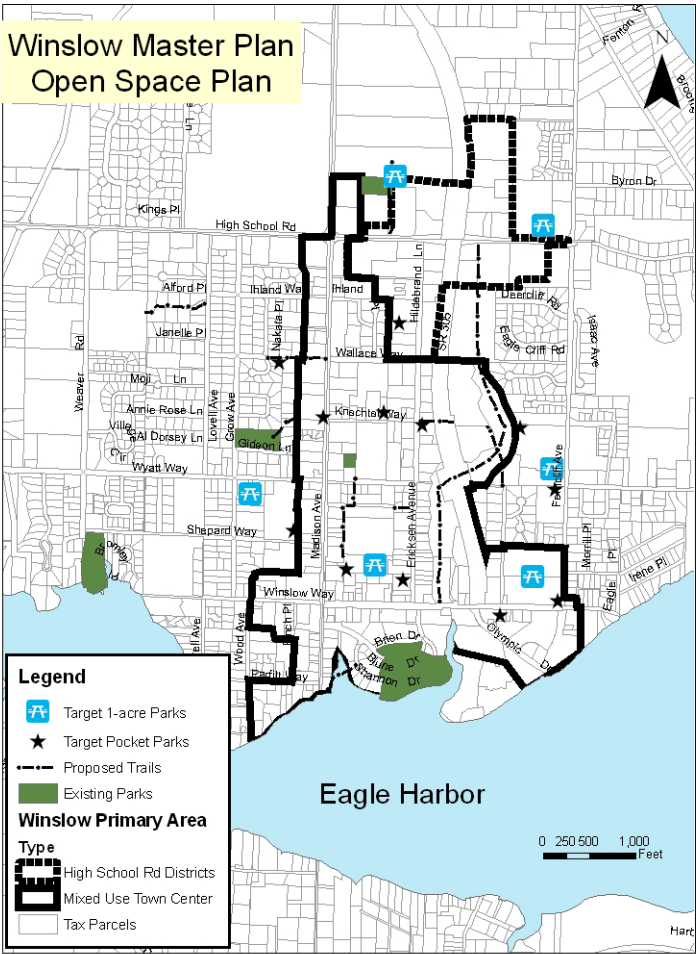
The amount of FAR bonus available with this incentive is $(233,350 - 84,854.88 = 148,495.12 \times .60)$ 89,097 square feet. Of the 154,229 square feet proposed, 84,854 is the base and 69,375 will be acquired through the density bonus.

The requirements for this community open space is that it shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan, it must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space.

The applicant is proposing a one acre park along Ferncliff Avenue frontage. This area would be buildable, with the exception of the 20' landscape buffer. The site was identified in the Winslow Master Plan as a target site for a 1 acre park, and the adjoining Harbor Square Development has a park immediately south of the site that was also created as a FAR density bonus.

The parks is slated to be given to the Parks District for design and maintenance. The Parks District will not begin their public outreach for the design of the park until 2018. The City has corresponded with the Parks District to find out how they envision the use of the park. The District foresees this as neighborhood, walk-in park that will be characteristically passive. They anticipate the development of a playground structure similar to a comparable neighborhood park recently developed in Lynwood Center (Schel Chelb Park).

The applicant anticipates beginning construction on the units that require the bonus prior to the Parks district development of the park. The applicant has indicated their intent is to at a minimum grade and seed the park and establish walking paths in lieu of the Parks Districts development. **The applicant has indicated that they plan to bond for a complete park, and intend for the amount to cover for a play structure and benches.** The project is conditioned to provide these improvements (Condition #29).



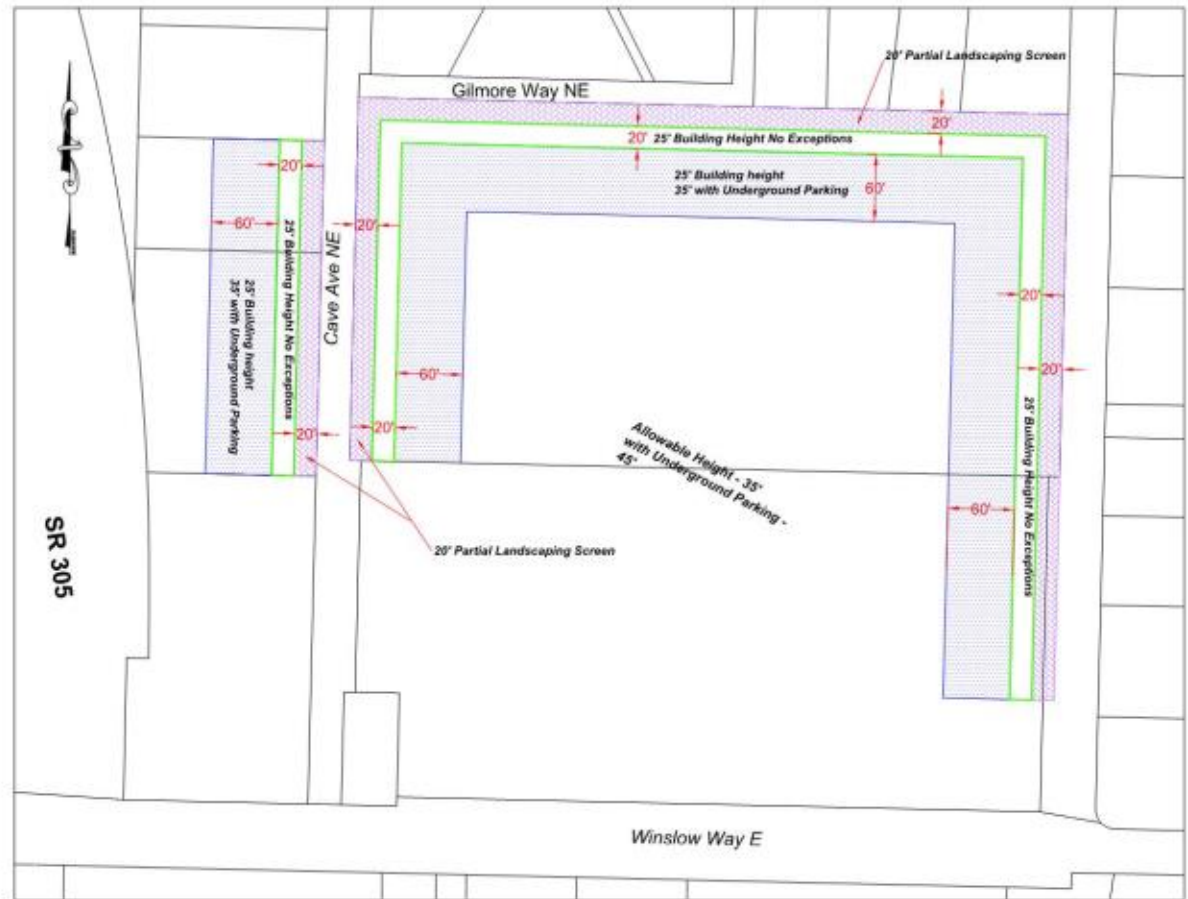
- b. **Minimum Lot Dimensions.** There are not any area, depth or width requirements in this zoning district.
- c. **Maximum Lot Coverage:** The maximum lot coverage by buildings is 75%. **The overall site is proposed to have a lot coverage of only 27%.**
- d. **Minimum Setbacks.** 5' maximum from the sidewalk in the front yard – except as modified in BIMC 18.12.030.C. side and rear setbacks are 0'. When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements. **The setbacks for this property are modified by BIMC 18.12.030.C which require setbacks based on a diagram, dictated by landscaping buffers. The project meets the setbacks as required with a 20' setback along Cave, Ferncliff and Gilmore Avenues.**
- e. **Maximum Building Height.** The maximum building height in this district is also modified in BIMC 18.12.030.C. The project is conditioned and found to meet the overlay setbacks which include: 25' building height, with a range up to 45' with underground parking.

The proposed apartment building is segmented. The calculation of height for a segmented building is the maximum height of any segment. The project appears to be meeting the height requirements and will be reviewed at building permit submittal to ensure the height restrictions are met.

E. BIMC 18.12.030 Additional dimensional provisions.

- a. **Transition Standards in the Ferry Terminal Overlay District.** The landscaping and height restrictions illustrated below shall apply to this transition area. The diagram shows the buffers required prior to the dedication of right-of-way. For Cave Avenue, 10' of the partial landscaping screen is in the 10' of city dedicated right-of-way and 10' is on the subject property. The applicant is meeting the entire partial screen buffer requirements within the 10' on the subject property, while providing a sidewalk within the 10' of dedicated right-of-way. The western portion of the 20' partial landscaping screen abutting Gilmore Way is currently developed with Gilmore Way, as the access encroaches on the subject property. The applicant is meeting the partial landscaping screen requirements

despite this existing, nonconforming encroachment.



- F. **Gilmore Partial screen calculation:** Pursuant to BIMC 18.15., the number of **trees** is determined by calculating the area of the perimeter buffer and dividing by 400 square feet or one tree for every 20 feet of buffer length, whichever is greater.

$632 \text{ linear feet} \times 20' \text{ depth} = 12,640 \text{ area of buffer} / 400 = 31.6 \text{ trees}$

$632 \text{ linear feet} / 20 \text{ (one tree per 20 linear feet)} = 31.6 \text{ trees}$

The amount of trees required is 32 within the Gilmore partial screen buffer.

The number of **shrubs** is determined by calculating the area of the perimeter buffer and dividing by 100 square feet or one shrub for every five feet of buffer length, whichever is greater.

$12,640 / 100 = 126.4 \text{ shrubs}$

$632 / 5 = 126.4$

The amount of shrubs required is 126.4 within the Gilmore partial screen buffer.

Cave Avenue partial screen buffer:

Trees: $284 \text{ linear feet} \times 20' \text{ depth} = 5,680 \text{ square feet} / 400 = 14.2 \text{ trees}$

284 linear feet / 20 (one tree per 20 linear feet) = 14.2 trees

Shrubs: $5,680 / 100 = 56.8$

$284 / 5 = 56.8$

The amount of shrubs required is 56.8 within the Cave Avenue partial screen buffer.

Ferncliff Avenue partial screen buffer: The length of Ferncliff is the same as Cave Avenue and has the same tree and shrub requirements.

The project is conditioned to plant the 20' landscape buffer abutting Gilmore within the area outside of the access way and to replant the entire 20' buffer along Gilmore in the event that Gilmore is realigned on the easement. The project is conditioned to approve a larger buffer on Ferncliff; allowing the park to provide the entire buffer requirements rather than limiting it to the 20' frontage and to require planting in the dedicated portion of the Cave Avenue right-of-way, in addition to the 10' on the subject property (Condition 31).

2. BIMC 18.15 Development Standards and Guidelines

A. BIMC 18.15.010: Landscaping and Screening

a. Landscape Requirements by Zone District

In the ferry terminal overlay districts, the specific intent is to: provide an urban character by incorporating landscape standards; and to provide landscape development to screen uses from single-family residential properties and to soften the appearance of surface parking areas. **The project design is meeting the landscaping intent by meeting the landscaping standards; which provide a screen to the single-family residential properties to the north, west and east of the site. The majority of the parking is underground and the limited surface parking areas are provided within the site and buffered either by buildings or landscaping.**

Projects in the zoning districts require compliance with the following: significant tree & tree stand retention, perimeter landscape, roadside buffer (only adjacent to Hwy 305), parking lot landscaping, total site tree unit requirements, planting requirements and irrigation & maintenance requirements.

b. Total retention, protection and replacement

Retention: Trees and tree stands located in the perimeter areas required to be landscaped pursuant to subsections D and E of this section shall be retained and protected as described in subsection C.4 of this section, unless an applicant can demonstrate during the land use permit review process that the existing trees and vegetation will be compromised after the development is complete, and would likely become hazardous as described in subsection C.1.c of this section. If the applicant can demonstrate that hazard, then new trees and vegetation may be planted pursuant to the planting standards of subsection D.4 of this section. Perimeter landscape widths may be averaged to save significant trees, but shall not be reduced to less than the allowed minimum perimeter dimension.

c. Exceptions. Significant trees and tree stands may be removed if it is determined by a consulting arborist who is certified by the American Society of Consulting Arborists, or a TRACE certified professional as established by the PNW Chapter of the International Society of Arboriculture, and whose services are paid for by the applicant, that the vegetation is:

i. A safety hazard due to potential root, trunk, or primary limb failure, or due to exposure of mature trees that have grown in a closed, forested situation; or

ii. Damaged, diseased, or standing dead trees. **The applicant provided a report from a consulting arborist certified by the American Society of Consulting Arborists to evaluate 18 trees in the buffer areas on the west and north sides of the site. Five of the trees were in poor condition and had poor structure and should be removed as they were determined to not be safe after development activities. The remaining 13 trees were in good condition and able to be retained with tree protection installed to the drip lines (reference doc N & O).**

Replacement: Unauthorized removal of trees shall result in at least one-and-one-half times (150 percent) of the number of tree units removed. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one-gallon size planted four feet on center spacing; ground cover shall be one-gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy. **This shall be noted on the face of the final plat (Condition 42).**

Removal: A property owner may request removal of trees required to be retained pursuant to this chapter by applying for a clearing permit with a replanting plan. Trees will be approved for removal only if they meet the hazard tree requirements. **This shall be noted on the face of the final plat (Condition 42).**

Enforcement and Penalties: Failure to retain, replace or transplant trees will be enforced as follows; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. The city may issue the following; stop work orders, injunction or abatement or any other appropriate action in courts and/or a civil infraction, subject to enforcement and fines. **This shall be noted on the face of the plat (condition 42).**

Protection during construction and development: The Code provides regulations intended to provide the best protection for existing vegetation, trees and tree stands, including protection for trees on adjacent properties, and to preserve the ecological function of the landscaping area by protecting existing soil. **The applicant provided a report from Fischer Bouma Partnership to demonstrate how these methods will be provided to ensure the retention of trees according to the Tree Retention Plan (L02) (Reference Doc N). The project is conditioned to meet these methods and will be reviewed for compliance during the plat utility phase (Condition 6).**

Modification of Requirements: If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification. The director may administratively approve a modification of the significant tree and tree stand requirements of this section if the director finds that the following standards have been met:

- a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands that prevent compliance with this section; and
- b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and
- c. The special circumstances of the subject property are not the result of the actions of the applicant; and

- d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and
 - e. The modification is consistent with the purpose and intent of this chapter; and
 - f. The site design incorporates the retention of other natural vegetation in consolidated locations that promotes the natural vegetated character of the site.
- Six trees with adequate health which are located within buffers are proposed for removal.

The application provided information to the Director to support a modification. The applicant explained that the modification is necessary due to special circumstances relating to the location of the existing trees. Six of the trees are located within new public roadways (5 in the NE corner entry drive and 1 in the SW entry drive), and one is located in the future sidewalk along Ferncliff. Locations for these roads were determined to be optimal to minimize disturbance of other mature trees along Ferncliff and to utilize an existing gravel accessway (Gilmore). Not allowing access in these locations would present an unnecessary hardship to the property owner. The special circumstances - locations for functional and safe ingress/egress as defined in collaboration with City engineers - are not the result of the actions of the applicant. The modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district. The modification is consistent with the purpose and intent of the Landscaping chapter- the intent of the partial screen buffers are being met through the retention of other trees and the planting of new trees (subsection e). Last, the site design incorporates the retention of other natural vegetation, particularly in the 1-acre open space being preserved and ultimately given to the Parks Dept. which will preserve more than a dozen mature trees.

Staff recommends that the Director approve the modification and allow these trees to be removed.

Perimeter Buffering and Screening.

The Winslow Town Center Mixed Use District requires a 20' full screen when abutting single-family residential, however the footnote states that the BIMC 18.12.030.c Table applies to this property.

While not required, the applicant is proposing a buffer to the adjoining Harbor Square Development to meet the requests of the neighbors to buffer the impacts of the development (Condition 31).

Street Frontage Landscaping.

Roadside buffers are only required when the property abuts SR 305.

Parking Lot Landscaping.

Parking lot landscaping standards are specific to the Winslow Mixed Use Town Center Overlay District and the proximity of the buildings and the parking lot to the public rights of way. The project does not propose a parking lot but rather parking within the proposed right-of-way. Therefore, there is no applicable standard under this section.

Performance Assurance.

Performance assurance is required to assure the city that the landscaping required by this section is properly installed, will become established and adequately maintained. The

required landscaping shall be installed prior to the issuance of a temporary certificate of occupancy for the project. A Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with the approved plans. **The project is conditioned to meet this requirement (Condition #32).**

Maintenance Assurance.

The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance. **The project is conditioned to meet this requirement (Condition #33).**

B. BIMC 18.15.020 Parking and Loading

- a. **General Requirements.** Unless approved by the director, only a single access to public right-of-way is allowed for an individual lot. More than one access may be allowed by the director if the director determines, based on drawings or other information submitted by the applicant, that (a) the proposed site access includes measures that mitigate any identified negative impacts or effects that would result from the additional access point(s); and (b) the additional access point(s) will improve on-site or off-site traffic flow or is necessary for, or will help facilitate, compliance with other requirements of this chapter.

The applicant is proposing two access points on the subject lot due to the size of the lot, and the change in topography across the site. Of these, one is two way and the other is one-way. This deviation meets the requests of the City's fire marshal that the project provide two separate and approved fire apparatus access roads.

The roads were reviewed and approved by the City's third party traffic engineer. The report provided analysis on traffic, site access and circulation, sight distance evaluation and crash analysis. Negative impacts were not identified from these two access points; and mitigation was not recommended.

Number of Spaces Required. The Code requires the following amount of spaces: 1 space per primary dwelling unit that is a studio or 1 bedroom unit, and 2 spaces for all other primary dwelling units. The Code allows a reduction up to 50% due to the sites proximity to the ferry, or spaces. The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to BIMC 18.15.020.B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

Building/Unit Type	Number of Units	Parking Required/unit	Parking spaces	Ferry proximity reduction	Total Parking Required
0-1 Bedroom	90	1	90	90*	90
2 or more Bedrooms	50	2	100	50	50

Guest spaces required		.25/per unit	28	none	35
Total:	140				175

Staff finds, based on Code requirements, the proposed 187 spaces meet the parking demands of the development. Of those, the 13 townhouse units are providing 2 spaces per unit (26 spaces), the Cave Avenue townhouses are providing 1 space per unit (5 spaces), the lofts are providing 2 spaces per unit (14 spaces), the underbuilding parking garage is providing 111 spaces for the apartment building and 31 upland spaces are provided (28 guest parking and 3 apartment spaces). The project is conditioned to mark guest parking spaces as 'guest parking' (Condition 34).

Location of Spaces. Parking in the Mixed Use Town Center and High School Road I and II zoning districts shall be located behind, to the side of or under buildings. Parking shall not be located between a building and the front lot line, unless an applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location. **The site has three fronts: north, west and east. There is no parking proposed in these front lot lines. Parking is proposed both underground and on-street. The on-street parking is only intended for guest parking spaces, with the exception of three spaces to serve the apartment building.**

For on-street parking spaces, handicap parking shall be distributed throughout the street and shall be separated from other handicap parking spaces by at least 10 nonhandicap spaces, or as required by the building official (Condition 35).

- b. **Design Standards.** Space depth shall be measured exclusive of access drives, aisles and other physical obstructions. Small car spaces may total no more than 30 percent of the required number. **The parking garage meets the width and length requirements of the code. The underground parking lot is proposed to provide 111 parking spaces; of which 4 are ADA, 36 compact and 71 standard. The amount of compact spaces proposed is 2 more than allowed. The final garage plan shall provide compact spaces that do not exceed the 30% maximum (Condition 36).**

C. BIMC 18.15.030 Mobility and Access

- a. **Circulation and Walkways.** The Municipal Code addresses safety, efficiency and the buffering of parking lots through landscaping. It also provides standards for pedestrian and internal walkways. **The project is conditioned to provide the internal walkways with nonskid hard surfaces, to meet accessibility requirements and to provide a minimum of five feet of unobstructed width (Condition 26).**
- b. **Bicycle Facilities.** Bicycle facilities are required for multifamily developments at a minimum of one bicycle space for every five parking spaces for the multifamily development. **The proposed apartment development requires approximately 23 bicycle parking spaces (114 spaces X .25 = 23 spaces). Bike storage space is proposed within the garage. The project is conditioned to ensure these spaces are provided during the construction of the parking garage (Condition # 37).**

D. BIMC 18.15.040 Lighting.

- a. **General Standards.** All outdoor lighting fixtures installed on private property shall comply with this chapter. The Municipal Code provides for general standards for outdoor lighting to prevent light trespass and pollution. **The project shall provide a lighting plan at building permit submittal and the project shall be reviewed for compliance with the lighting guidelines (Condition 22).**

E. **BIMC 18.18.030 Specific Design Regulations and Guidelines**

Multifamily development in the R-8 and R-14 zones shall comply with those regulations contained in "Design Guidelines for Multifamily". The project was reviewed for consistency with those guidelines at three Design Review Board meetings. The design guidelines are specific to site and building design. Attached are the applicants' response to each guideline (Attachments) and the minutes from each Design Review Board meeting.

The review during the pre-application phase resulted in change to the plans prior to submittal of the official land use applications and included a detailed ground plan and landscaping, loading area, two elevators, on-street guest parking, rubbish within the retaining wall and a subterranean rum under the landscaping. It was stated by the applicant that the park will go through a public process by the BIMPRD for its design.

On October 17, 2015, the Design Review Board motioned to approve the plan with the condition that the architect return to the DRB with exterior materials and placements on the building.

On November 21, 2016, the applicant met again with the DRB and brought forth three different material designs including hybrid wood in multiple places), durable (pre-finished, interlock system and natural (new scheme) sheets and panels, rusted look. The DRB motioned 4-1 that they were in favor of the natural palette color. **The applicant has agreed to follow the DRB recommendation and provide warm, natural colors (Condition 25).**

4. **BIMC 2.16.040 Site Plans and Design Review Decision Criteria.**

- i. The site plan and design is in conformance with the Bainbridge Island Municipal Code, unless a standard has been modified as a Housing Design Demonstration Project pursuant to BIMC 2.16.020. **As conditioned, the proposal complies with all applicable provisions of the Code. Approval as an HDDP project provides bonus density incentives, relief from setbacks, an increase in the maximum height, modifications to parking requirements and modification to roadside buffers. The applicant is not requesting relief from any development standards, but only to subdivide the property to provide for single family homes; a use otherwise prohibited in the ferry terminal district.**
- ii. The location of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe and efficient. **The project was designed to maximize open space with underground parking, and in turn provide safe and efficient pedestrian and bicycle passage through the site with limited vehicle interaction. With the few proposed parking spaces located on-street and below ground, the internal site provides open space comprised of a park, courtyard and landscaping. The site provides pedestrian, bicycle and vehicular circulation that is found to be adequate, safe and efficient. The site will provide two-way vehicular traffic on the proposed north access road, and one-way on the**

southern access road. Sidewalks are proposed through the development and along Cave and Ferncliff Avenue frontages as well as off-site connecting to Cave Avenue.

- iii. The proposal will be served by adequate public facilities including roads, transit, water, fire protection, sewage disposal facilities and storm drainage facilities. **As conditioned, the existing and proposed infrastructure is adequate for the traffic impacts, fire protection, water, sewage disposal and storm drainage needs of the project as discussed under the land use code analysis of this report. The applicant will provide one of two options to achieve needed fire flow. The City is improving their storm drainage needs along Winslow Way to improve the capacity of the storm drainage facilities serving the site. As conditioned, the development has received approval from the Bainbridge Island Fire District and the Development Engineer.**
- iv. The site plan and design is consistent with the design guidelines contained in BIMC 18.18.030.B unless strict adherence to a guideline has been modified as a Housing Design Demonstration Project pursuant to BIMC 18.38. **The proposed residential designs were reviewed against the Commercial and Mixed Use, Mixed Use Town Center and Ferry Terminal design guidelines at three Design Review Board meetings. The project is found to be in compliance with the design guidelines, as recommended by the Design Review Board.**
- v. No harmful or unhealthful conditions are likely to result from the proposed site plan. **No harmful or unhealthful conditions are likely to result from the proposed site plan. Infrastructure improvements are provided to ensure that water and sewer and storm systems continue to operate without causing any harm. The project is also conditioned to comply with SEPA requirements to avoid or mitigate any potentially harmful impacts.**
- vi. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans. **As conditioned, the site plan and design is found to be in conformance with the Comprehensive Plan and other adopted community plans. The project provides a variety of housing within close proximity to downtown and the ferry and provides non-motorized improvements and internal, publicly accessible pathways to encourage residents to utilize non-motorized transportation options for work, recreation and to patronize local businesses. The project also encourages the preservation of historic resources by recording historical documents at the Bainbridge Island Historical Museum and providing signage commemorating the past at the proposed community park.**
- vii. Property which contains a critical area as defined in BIMC 16.20 conforms to all requirements of that chapter. **The subject property does not contain any critical areas.**

5. BIMC 17.04 Subdivisions

The subdivision is for the creation of 27 lots, including a one acre park. All single family short and long lot subdivisions shall be designed consistent with the flexible lot design process and the flexible lot standards (BIMC 18.12.020, 17.12.030 and BIMC 17.12.040). Subdivisions established

for multifamily and nonresidential uses are not subject to open space or cluster flex lot provisions and shall comply with BIMC 17.12.050.

A. Section 18.12.030-3 Dimensional Standards for Mixed Use Town Center

- a. **Floor Area Ratio.** Base residential FAR and Bonus FAR are available as follows: .4 Base, 1.1 Maximum with Bonus. The size of the site is 4.87 acres or 212,137 square feet. The Base FAR is 84,854.88 square feet, and the maximum with bonus is 233,350 square feet. The applicant is planning to utilize the FAR bonus by providing a park.
- b. **Minimum Lot Dimensions.** There are not any minimum dimensions for this district.
- c. **Maximum Lot Coverage.** The maximum lot coverage by buildings is 75%. **Lot coverage means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below predevelopment and finished grade (BIMC 18.12.050). The maximum lot coverage shall not exceed the lot coverage provisions of BIMC Title 18; the maximum lot coverage for the zone is 75 percent.**

The lot area is 4.87 acres or 212,137 square feet. Lot coverage is limited to 75% or 159,103 square feet, with a portion to be assigned at preliminary approval. Overall lot coverage is proposed at 27%. This development standard is not proposed for modification by the HDDP program; the project meets the lot coverage provisions of BIMC Title 18. Lot coverage shall be recorded on the face of the final plat (Condition # 40).
- d. **Minimum Setbacks.** Front setbacks are modified by transition standards in BIMC 18.12.030.C and are applied to this subdivision. Side and rear setbacks are 0'.
- e. **Maximum Building Height.** Maximum building height ranges from 35' to 45' based on the Ferry Terminal Overlay. The project is meeting this standards; and the overlay shall be recorded on the face of the plat.

B. Section 17.12.030 Open Space Flexible Lot Standards

Open space is not required due the subdivision, however the code requires that at least 10% of the site be provided as open space. The project is proposing to exceed this standard by dedicating 21% of the site as public open space in the form of the park, and a courtyard for the residents.

C. Section 17.12.040 General Subdivision Standards

All residential short, long, and large lot subdivisions shall comply with the following standards.

- a. **Compliance with BIMC Titles 16 and 18 and RCW Title 58.** Lot areas, dimensions, and other characteristics shall comply with the requirements of BIMC Title 18 applicable to the zone district where the land is located, including landscaping and/or vegetated buffers. In addition, each subdivision plat shall comply with all applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors. Subdivisions including sensitive areas or their required buffers shall also comply with the provisions of BIMC 17.12.060. **As conditioned, the subdivision is found to comply with BIMC Titles 16 and 18. In addition, the project is**

found to comply with RCW Title 58. The subdivision does not contain any sensitive areas and is also found to comply with BIMC 17.12.060.

b. Home sites. Residential home sites shall be located consistent with the design methodology prescribed in the flexible lot design handbook. **The home sites were designed to be responsive to the desired open space features of pedestrian connectivity, a community park and landscaping. The layout of the site is to accommodate a dense residential development in the area of the City designated to absorb growth.**

c. Water Supply Systems. Locations of individual or community water supply systems and associated wellhead protection areas required by the health district shall comply with all applicable standards established by the health district. **The project will connect to City water. The water systems and proposed improvements have been reviewed and approved by Kitsap County Health District, the City's Operations & Maintenance Department and the City Engineer.**

d. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the health district. **The project will connect to City sewer and water. The Kitsap County Health District, the City's Operations & Maintenance Department and the City Engineer approve the preliminary plat for compliance with sewer availability.**

e. Roads and Pedestrian Access.

The North Access Lane is proposed as 24' wide, two-way, with a minimum 40' ROW. This lane provides the primary access through the site for both pedestrians and vehicles. The North Access Lane will have sidewalks on both sides to serve proposed new buildings on each side of the street. This access lane serves multiple functions including access to; the apartment building main entry, loading and drop off areas, the public park and to the Gilmore Townhouses.

The South Access Lane is proposed as a 16' wide, one-way lane, with a minimum 30' ROW. The direction of travel is preferred to be from east to west. This lane provides access to parking garage below apartment building as well as garbage service pick-up. The one-way limitation to direction of travel will minimize cut through traffic by non-residents. The south access will also have a bike lane. The sidewalk is limited to the north side of the lane since a second sidewalk would not serve any residences and to maximize landscaping along Harbor Square.

- i. Roads and access complying with the "City of Bainbridge Island Design and Construction Standards and Specifications," and all applicable requirements of the BIMC, shall be provided to all proposed lots consistent with the standards contained within this subsection.
- ii. A variation from the road requirements and standards contained within the "City of Bainbridge Island Design and Construction Standards and Specifications" may be approved by the city engineer through the minor variance process described in BIMC Title 2. **The City Engineer has determined that as conditioned, the**

proposed streets and pedestrian ways are adequate to accommodate the anticipated traffic, and conform to the Design and Construction Standards and Specifications, except as noted.

The applicant is proposing to vary from the road condition standards for both the north and the south access roads. The north plat access road shall meet the urban local access street standard of a minimum 40' right-of-way with a cement concrete curb and gutter. The applicant is proposing a 44.5' right-of-way with a flush curb as opposed to the curb and gutter and the addition of bollards. The south access road does not have a specific standard for an urban one-way right-of-way. The City used the suburban one-way road standard for guidance which requires a 12' wide travel way and a 6' wide shoulder. The applicant is requesting a 11' travel land and a 5' bike lane. This reduction was supported by the City's fire marshal. The reduced width is also found to support traffic calming and reduce impervious surfaces. To further traffic calming, the south road and north roads are proposed with speed tables. The City Engineer is recommending approval of these deviations.

- iii. Existing roadway character shall be maintained where practical. This may be accomplished through the reduction of roadway width consistent with subsection E.2 of this section, the minimization of curb cuts, and the preservation of roadside vegetation. To minimize impervious surfaces, public rights-of-way, access easements and roadways shall not be greater than the minimum required to meet standards unless the city engineer agrees that the additional size is justified. **The roadways that are impacted by this development are Ferncliff and Cave Avenue with the addition of sidewalks and curb cuts. Two new public roads will bisect the property running east west; with the northern road proposed as two-way and the southern as one-way. The project is conditioned to dedicate right-of-way, construct sidewalks and provide vegetation within the right-of-way to maintain existing character.**
- iv. Connections to existing off-site roads that abut the subject property shall be required where practicable, except through critical areas and/or their buffers. **Ferncliff and Cave Avenues abut the subject property. Gilmore is an access way that encroaches on the property, and at the point of entrance from Ferncliff, the applicant is proposing to connect and share the drive. The project also proposes a northern, two way road that connects Ferncliff to Cave Avenue and a southern, one-way road that also connects from Ferncliff to Cave Avenue.**
- v. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The location of mailboxes and traffic regulatory signs is only required to be indicated on the plat/plan when other public improvements are required. **The project is conditioned to provide these locations on the final plat (Condition # 42).**
- vi. Transit stops shall be provided as recommended by Kitsap Transit. **Due to the site's proximity to the ferry, transit stops are not recommended.**

- vii. Pedestrian and bicycle circulation and access within a subdivision and onto the site shall be provided through walkways, paths, sidewalks, or trails and shall be consistent with the non-motorized transportation plan. Pursuant to RCW 58.17.110(1) sidewalks shall be provided, where necessary, to assure safe walking conditions for students who walk to and from school. Special emphasis shall be placed on providing pedestrian access to proposed recreational and/or open space areas. **Pedestrian access is proposed through the site connecting to existing pathways and the adjoining public open space in the Harbor Square development. Sidewalks shall be constructed within the Ferncliff and Cave Avenues right-of-ways adjoining the site. A series of publicly accessible internal trails connect the residents to the proposed pavilion and public park.**

f. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots. **This is not a short subdivision and therefore, this condition is not applicable.**

g. Improvements.

- i. Where the buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.
- ii. On any approved large lot, no further lot divisions shall be approved until the required improvements are installed by the applicant and approved by the city.
- iii. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:
 - 1. Streets shall be cleared, grubbed, and rocked or graveled to provide adequate year-round passage.
 - 2. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements. (Ord. 2011-02 § 2 (Exh. A), 2011.)

The project is not proposed to be phased nor is this a large lot subdivision. Improvements will be made as required per the plat utility permit.

F. Section 2.16.126 Decision Criteria for Preliminary Long Subdivision

In accordance with the provisions of BIMC 2.16.125, the hearing examiner's decision shall include findings of fact that the application meets all the requirements of the following subsections:

- a. The preliminary long subdivision may be approved or approved with modification if:

- i. The applicable subdivision development standards of BIMC Titles [17](#) and [18](#) are satisfied. **As conditioned, the preliminary plat complies with all applicable provisions of the flexible lot standards as modified pursuant to BIMC 2.16.020.Q.6.**
- ii. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110. **As conditioned, the project provides for the public health, safety, welfare, use and interest. The completed development will provide 25 single family lots and one multifamily lot to accommodate 122 rental units in the form of an apartment building and flats and 18 townhomes. The existing and proposed infrastructure is adequate for the transportation, fire protection, water and sewage disposal needs, and storm drainage needs of the project as discussed under the land use code analysis in this report. The Kitsap County Health District, Bainbridge Island Fire District, and City Engineer provided conditions of approval that are incorporated into this preliminary approval.**
- iii. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to BIMC [2.16.020.Q](#). **As conditioned, the preliminary plat complies with all applicable provisions of the flexible lot provisions. Even though modification is allowed, the applicant is not proposing to modify the minimum lot dimensions and size, setbacks, open space, residential parking, roadside buffers and building height.**
- iv. Any portion of a long subdivision that contains a critical area, as defined in Chapter [16.20](#) BIMC, conforms to all requirements of that chapter. **The site does not contain critical areas.**
- v. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter [16.12](#) BIMC, conforms to all requirements of that chapter. **This site is not within the shoreline jurisdiction.**
- vi. As conditioned, the proposed preliminary subdivision application meets the decision criteria for City Engineer approval. The subdivision conforms to Surface and Stormwater Management requirements (BIMC 15.20). Adequate provisions have been made for the required conditions for approval in Chapter 58.17.110 RCW including streets and public ways. The subdivision conforms to subdivision requirements (BIMC Title 17) and the standards contained in the “City of Bainbridge Island Design and Construction Standards and Specifications” manual. **As proposed, the City Engineer has reviewed and approved the project subject to conditions to ensure compliance with BIMC 15.20. The subdivision is found to meet the requirements of Chapter 58.17.110 of the RCW and, Title 17.**
- vii. The subdivision conforms to the requirements of this chapter and the standards in the “City of Bainbridge Island Design and Construction Standards and Specifications,” unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title [17](#). **The City Engineer is recommending approval of a minor deviation request to replace the drop curb requirement on the north road with a flush curb and bollards. The City Engineer is also approving a 16’ drive lane width on the southern road. The City Engineer has determined that the variation meets the purposes of BIMC Title 17.**

- viii. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to BIMC [2.16.020.Q](#); Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations. **The proposal complies with all applicable provisions of the code, as modified by the HDDP; and all other applicable provisions of state and federal regulations.**
- ix. The proposal is in accord with the City's Comprehensive Plan. **As conditioned, this proposal is in compliance with the goals and policies of the Comprehensive Plan as discussed in this report. The project provides sustainable residential development within Winslow and is conditioned to comply with applicable design guidelines.**

b. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision. **The proposed subdivision will create lots to accommodate a variety of lot sizes and a mixture of unit types and sizes, while providing public amenities of public pedestrian pathways, bicycle and sidewalk lanes, and open space to accommodate a public park and courtyard.**

CONCLUSIONS

As conditioned, the proposed development is consistent with the Comprehensive Plan and the applicable standards of BIMC Chapter 18.09, *Zoning*; BIMC Chapter 2.16.020, *Housing Design Demonstration Projects*; BIMC Chapter 2.16.040, *Site Plan Review*; and BIMC 17.12.040, *Preliminary Long Subdivision*.

Approval as HDDP as provided in BIMC 2.16.020, shall expire if approvals of the underlying land use permits related to the subdivision expire.

A preliminary subdivision application is valid for a period of seven years from the written notice of final decision, or the decision of an appeal, whichever is later. A complete application for final subdivision shall be filed prior to the expiration date to ensure relief from the HDDP standards.

Reference Documents:

(note all reference material may be accessed via the City's Website Online Permit Portal-Smartgov)

Bainbridge Landing Site Plan Review

(The following reference materials can be found under the "submittals" and "notes" sections under this file number: PLN50520SPR)

- A. Project Application 7/14/2016
- B. MISCELLANEOUS (LEED Design Package, HDDP Approval Criteria Scoring, Request for ROW deviations, Zoning Summary) 7/14/2016 & 7/15/2016
- C. 50520 Harbor Square Critical Root Zones 8/12/2016
- D. Public Comment 8/27/2016, 9/8/2016
- E. Revised Notice of Application 12/30/2016
- F. Design Guideline Checklist 7/14/2016
- G. Design Review Board Official Minutes 11/21/2016
- H. Exterior Materials Design Package, 50520 SPR Exterior Material Design Package 11/15/2016
- I. Public Comments 1/10/2017, 1/14/2017, 1/17/2017, 2/7/2017

- J. Historical Narrative 8/17/2016
- K. REVISION 1, 12/21/2016
- L. Site Plan (Drawing Sets, 50520 SPR ARCH FINAL SET 7/14/2016
- M. Landscape plans (50520 Landscape Drawings, 50520 Supplemental Landscape Info) 7/15/2016.
- N. Tree Retention Plan, 50520 Tree Retention Analysis Date 7/15/2016
- O. Critical Root Zone and tree Plan email and attachments 1/25/2017

Bainbridge Landing Subdivision

(The following reference materials can be found under the “submittals” and “notes” sections under this file number: PLN50520SUB)

- P. Project Application 7/14/2016
- Q. Traffic Study/Analysis Review, Final TIA from consultant 11/22/2016
- R. Public Comment attached 1/10/2017
- S. Comment from Tawresey 1/17/2017
- T. SEPA Decision 02/02/2017

Call to Order (Attendance, Agenda, Ethics)
Open Public Meeting Act Training
Ethics Training
Bainbridge Landing (PLN50520SPR)
Grow Community Amendment 2 Phase III (PLN13551FSPRA2)
Process Discussion
New/Old Business
Adjourn

Call to Order (Attendance, Agenda, Ethics)

Chair Alan Grainger called the meeting to order at 2:00 PM. Design Review Board members also in attendance were Chris Gutsche, Peter Perry, Jeffrey Boon, Joseph Dunstan, Jason Wilkinson and Jim McNett. City Staff present were City Attorney Joe Levan, Planning Director Gary Christensen, Planning Manager Josh Machen and Administrative Specialists Jane Rasely and Lara Lant who monitored recording and prepared minutes.

The agenda was reviewed. Bainbridge Landing was a last minute cancellation. Ms. Rasely stated the project would be on the next agenda. There were not any conflicts brought forward.

Open Public Meeting Act Training

City Attorney Joe Levan introduced himself and gave an overview of the training he would be presenting. Mr. Dunstan asked how this related to federal government meetings. Mr. Levan stated the federal government did not have any regulations regarding open public meetings but that the Open Public Meeting Act was a State law and was required training. He continued by thanking the Design Review Board (DRB) for volunteering their time and stated that as members of a City committee, they were an extension of the City when acting in their DRB capacity. Mr. Levan offered to speak with any of the DRB members individually and encouraged them to contact him with any questions they may have.

Ethics Training

Ethics Committee Chair Joe Deets introduced himself and gave an overview of the "ethics" program at the City. He outlined the four "C's:"

1. Core Values
2. Conflicts of Interest
3. Compensations and Gifts
4. Confidentiality

Mr. Levan also mentioned education was a main function of the Ethics Committee.

Bainbridge Landing (PLN50520SPR)

Developer/Architect canceled their attendance a few hours before the meeting.

Grow Community Amendment 2 Phase III (PLN13551FSPRA2)

Planning Manager Josh Machen briefed the DRB about Grow Community project changes stating planned commercial space was being converted to additional units resulting in parking and the open space plan needing amendment. Project Spokesman Greg Lotakis and John Ellis from Bainbridge Island Holdings were present while architect Greg Hartman and landscape architect Charlie Brucker were present via phone. The discussion centered around the change from 7 townhomes sitting above commercial space to 18 units, eliminating the commercial buildings. Mr. Lotakis stated the new design enhanced the walk down Shepard Way because it provided 13 more feet (depth) of landscaping along the sidewalk. He also mentioned feedback from current residents was that no one wanted the increased traffic that would result from commercial space. Mr. Hartman described the landscaping of the south side of the development. Mr. Grainger stated the Shepard Way elevation was very important and they wanted to see a detailed elevation and landscape plan to assuage their concerns about the large, blank, cement wall. Mr. Wilkinson suggested adding three studio-sized living spaces on the ground floor to replace the retail space instead of additional parking spaces. Mr. Lotakis stated they could not add anymore units. Mr. Grainger said the DRB would expect this project to come back for their review again with a greater level of detail. Mr. Machen replied that it would be up to the applicant whether or not they wanted to come back. Mr. Grainger asked the DRB if any of them wanted to recommend action on the project at this time. Everyone declined the opportunity.

Process Discussion

Mr. Grainger began the conversation with the Grow Community Project just reviewed and the fact that the applicant felt they had preliminary approval on the changes. Planning Director Gary Christensen said he would characterize the situation as a miscommunication. He also mentioned that as part of the Comprehensive Plan update process, the Planning Commission recommended a review of the development process occur in 2017 which was before the City Council at that time. Mr. Christensen went on to describe a current internal development study that would be reviewing department process and identify areas that might benefit from change. Mr. Grainger asked for the consultant to meet with the DRB as a whole to facilitate transparency. It was decided that Mr. Lattimore might be added to a December agenda.

Mr. McNett reviewed the four "Procedural Issues" that he sent out via e-mail. Mr. Dunstan asked for 30 minutes on each DRB agenda be devoted to conversations about process. He felt the time would be helpful for discussing concerns amongst the DRB. Mr. Grainger agreed.

Mr. Charles Schmid spoke about the Japanese American National Monument and the property right next to it that appeared to be in disrepair.

New/Old Business

None.

Adjourn

The meeting was adjourned at 6:12 PM.

Approved by:


Alan Grainger, Chair


Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

**CITY OF BAINBRIDGE ISLAND
DESIGN REVIEW BOARD - REGULAR MEETING
November 7, 2016**

PLEASE PRINT

**Join
ListServ
Yes/No**

Name	Affiliation	Phone/ E-Mail	
Chris Gutsche	DRB		
Dean Temple	Citizen	206-842-3996	
Alan Grainger	DRB		
JOE DUNSTAN	DRB		
PETER PERRY	DRB		
JEFF BOON	DRB		
CHARLES SCHMID	ABC	ceschmid@att.net	
JASON WILKINSON	DRB		
Ron Peltier	City Council		
Joe Duto	COBI Ethics Board	206-855-4892	
Greg - LOTAKIS	ASANI	206-700-7458	
J. MINET	DRB		
JOHN Ellis	Bainbridge Isl. Holdings	206 841 3165	

Call to Order (Attendance, Agenda, Ethics)
Review and Approval of Minutes – October 17, 2016
Wallace Cottages HDDP (PLN50589 ITW)
Grow Community Amendment 2 Phase III (PLN13551F SPRA2)
Bainbridge Landing (PLN50520 SPR)
City Code Change Process
New/Old Business
Adjourn

Call to Order (Attendance, Agenda, Ethics)

Chair Alan Grainger called the meeting to order at 2:07 pm. Design Review Board (DRB) members also in attendance were Peter Perry, Jeff Boon, Joseph Dunstan and Jason Wilkinson. Jim McNett and Chris Gutsche were absent and excused. City of Bainbridge Island Staff present were Planning Manager Josh Machen, Planner Kelly Tayara and Administrative Assistant Lara Lant who monitored recording and prepared minutes.

Review and Approval of Minutes – October 17, 2016

***Motion:** I move to approve the minutes as presented for October 17th, 2016.*

***Grainger/Perry:** The motion carried 5-0.*

Wallace Cottages HDDP (PLN50589 ITW)

Project Manager Kelly Tayara introduced the Wallace Cottages subdivision, noted the applicants would apply for preapplication on December 6th and that the DRB was part of the conceptual process. Dave Smith, Nick Smith and Barry Keenan were present, representing Central Highlands, the applicant. Dave Smith began the presentation by noting other projects Central Highlands has developed on Bainbridge Island, including Ferncliff Village, Stonecress, the Hamlet, Weaver Creek, Colegrove, and Fernbrook. He described the conceptual design of Wallace Cottages, which included open space with rain gardens, pedestrian strips, a pea patch, and community use of the Tot Lot. He also said Central Highlands was working with adjacent property owners to provide vehicular circulation and ingress/egress to the neighborhood. Kelly Tayara asked Dave Smith to speak to what was actually on the plan in front of the DRB, not a future revision. She requested he describe some of the innovative site developments Central Highlands had planned. Alan Grainger suggested using Google Earth as a tool for future presentations.

Alan Grainger noted the road seemed to create dead ends. Dave and Nick Smith said the road provided extra turning radius at the crash gates, enough for fire and garbage trucks to use as turnarounds. They said these road ends would not become parking spaces for residents and that nearby neighbors hoped this access was sufficient so the road wouldn't connect to Nakata Ave.

Chris Gutsche suggested a path connecting “leftover” spaces and Dave Smith agreed that would be a good idea.

Peter Perry asked Citizen Olaf Ribiero about the tree aspect of the design. Olaf Ribiero stated neighborhoods with trees were important. Peter Perry wanted to know why Central Highlands didn’t hire an arborist. Dave Smith reminded everyone there were multiple competing goals, that reduced lot size would allow for more trees to be saved. He stated that mature trees sell houses and their goal was to retain as many as they could. He would consider moving the pea patch so trees would not be impacted. In addition, trees could be saved along the roadway, especially if the city had some flexibility with HDDP rules.

Alan Grainger asked Central Highlands how they would mitigate the carport view the public would see. Peter Perry reminded the presenters the purpose of the DRB included how projects appeared to the public. Nick Smith said they were locating the carports to the sides of homes instead of the front. Alan Grainger and Chris Gutsche said the current design of the carports and garages presented issues of style. Nick Smith noted that the CC&Rs and Homeowner Association restrictions would address some concerns related to overall neighborhood appearance.

Peter Perry brought up raingardens and plantings and pointed out the project was designed with low impact development in mind (for points). Jason Wilkinson suggested a more pedestrian street that wasn’t simply straight be considered. He also suggested raising the altitude of the sidewalk (instead of being flush with the street) would create a more pedestrian space. Joe Dunstan and Alan Grainger suggested changes to structural profiles, showing fronts of homes and creating an attractive lane. Dave Smith noted every house Central Highlands had created had a porch. Joe Dunstan and Alan Grainger said the porches should be closer to the street instead of behind garages. Alan Grainger noted the open space was pushed to the south while the homes were located to the north, where trees *should* be located. Peter Perry asked Kelly Tayara about possible leeway in the HDDP and she replied that some setbacks may be reduced.

Billie Nash, resident of Nakata Ave, commented that if Wallace Way became the way residents entered and left, the quality of the Nakata neighborhood would be impacted. They preferred not to have Wallace Way extended.

Kelly Tayara summarized the DRB’s task: Ensuring well designed open space, community amenities that were appropriate, enhanced sensitivity to pedestrians, and preservation of informal connections. The plan presented today did not allow the DRB to see these characteristics and was different than the plan originally presented at the public participation meeting. Dave Smith said they would continue working on creating undulating roads with undulating rain gardens, showing path connections and reconfiguring some of the carports to the side of the units.

Grow Community Amendment 2 Ph III (PLN13551F SPRA2)

Greg Lotakis, representing the applicant Asani, presented a second look at the site plan review amendment. He summarized the points of discussion at the last DRB meeting: the Shepard Way pedestrian experience, emphasizing Shepard Way storefronts, and use of too much concrete while leaving too little space for plants at the garage. Greg Lotakis described redesigns that addressed DRB concerns including pushing back the garage three feet on each side, adding texture to the concrete, and planting vertical landscapes such as climbing plants and trees (evergreen jasmine, hinoki trees, paperbark maples, dogwoods and sedum) to soften the look. Peter Perry suggested additional plantings and that mature trees should be considered. Greg Lotakis noted that the plantings would fill in and their past projects showed they didn't skimp on plants. Joe Dunstan noted the improvements in the revised plan and suggested using shadow as a design element. Greg Lotakis said they were working with the Historical Museum to add a storyboard of the project to the site.

There would be no change to the design of Building Q. Adding storefront and commercial spaces wouldn't work as well and their original design worked better for the community. They did lower the cedar siding in addition to shifting the buildings back three feet. Jason Wilkinson thanked Greg Lotakis for coming back with the revisions but added there were parts of the design he didn't like. He liked the concept of community use of storefront spaces.

Alan Grainger stated the Hearing Examiner put conditions on the subdivision which were incorporated into the City Council's approval of the project. The applicant was required to include the Hearing Examiner's conditions. What happened if the conditions weren't met by end of the project? Among the conditions:

- Bike path along Shepard was a condition, how would that be handled?
- 10' landscape buffer on Shepard Way should meet requirements of a Full Screen, per Hearing Examiner – Greg Lotakis should confirm that applicant is fulfilling requirement (there may not be enough space for 10'.)
- Was the easement through the Pavillion in place?

Citizen Charles Schmid asked about the entrance to the path on the waterfront trail.

Planning Manager Josh Machen stated paths/sidewalks can exist within a 10' landscape buffer along Shepard Way. Josh Machen asked if the DRB was prepared to make a formal recommendation. Alan Grainger stated that they'd trust him to enforce the Hearing Examiner's conditions of the project.

Motion made by Alan Grainger: We have reviewed Grow Community Phase 3 and we are recommending approval of revised plans submitted today 11-21-16 with one condition: that the applicant ensures full screen requirements per the

*Hearing Examiner's condition 42 are met and that Josh (Machen) confirms whether a 10' wide landscape buffer can be met. Josh (Machen) can give a vocal response at a later meeting. **Peter Perry added to the motion:** to make a time restraint requirement to confirm landscape (hinokis) meet 12 ft in 3 years. **Jason Wilkinson adds to the motion:** a recommendation of introducing storefronts on the ground floor.*

Grainger/Wilkinson: *The motion carried 5-0.*

Bainbridge Landing (PLN50520 SPR)

Charlie Wenzlau, representing Bainbridge Landing, presented external material designs for review. He showed three options:

- Option #1 Hybrid (wood in multiple places, other materials)
- Option #2 Durable (prefinished, interlock system)
- Option #3 Natural (new scheme) sheets and panels, rusted look (most expensive option)

Alan Grainger and Joseph Dunstan preferred earth tones over the light/white colors. Joseph Dunstan thought the colors and scale of the project worked together. Charlie Wenzlau pointed out how shadows projected by windows created dimensionality. Jason Wilkinson commented stain might wear off the materials, bleeding into other structures. Peter Perry stated he didn't like steel buildings and Jason Wilkinson said corten steel was made of recycled material and added dimension. Charlie Wenzlau said Bainbridge Landing was researching materials to see which had best long term value. Neighbor Mark Epstein was happy that DRB members preferred dark colors and unit differentiation by color. Alan Grainger said a natural color palette and texture distribution using sustainable materials that have a wood like appearance would be preferred for the project.

Motion: *Upon reviewing the final color and material selections for this project, we prefer the natural palette for color and don't feel strongly about the materials but we aren't fond of corrugated materials and we have questions about appropriateness of corten for a building of this nature.*

Grainger/Dunstan: *Motion carried 4-1 (Wilkinson against).*

City Code Change Process

Alan Grainger recommended moving this discussion to the next meeting.

New/Old Business

Until further notice, the meeting start time should remain 2 pm.

The meeting was adjourned at 5:05 pm by Alan Grainger.

**Design Review Board
Regularly Scheduled Meeting Minutes
Monday, November 21, 2016**

Approved by:



Alan Grainger Chair



Lara Lant, Administrative Specialist

**CITY OF BAINBRIDGE ISLAND
DESIGN REVIEW BOARD - REGULAR MEETING
November 21, 2016**

PLEASE PRINT

**Join
ListServ
Yes/No**

Name	Affiliation	Phone/ E-Mail	Join ListServ Yes/No
ALAN GRAINGER	DRB		
JOE DUNSTAN	DRB		
DAVID SMITH	WALLACE GOTTAGES CENTRAL HIGHLANDS	SMITHHOUSE LLC 360-440-0814 CONCRETE NO	NO
Nick Smith	Central Highlands	425-877-7627, nick.centralhighlands@gmail.com	
JEFF BOON	DRB		
Daf Ribeiro	MCPA	fungispor@comcast.net	
Billie Nash	WAKATA RESIDENT	bnash@g.com	YES
Bernice Cavalluzzi	Grow Resident	bmcavalluzzi@aol.com	
Olivia Cavalluzzi	Grow Resident	cavaloli000@frogrock.org	
Doug Hatchkiss	Grow Resident	dkhatchkiss@msn.com	
Andre Olano	Wallace Cottages	andrealano@yahoo.com	NO
JOHN ELLIS	BIH LLC	(206) 841 3165	
GREG LOTAKES	BIH/ASANI	(206) 760-7458	NO
GREG HARTMAN	ARCHITECT	— CONFERENCE LINE	
CHARLES SCHMID	ABC	ceschmid@att.net	
Neil Johannsen	Bain. Landing	206 842-7298	
Jon Rose	"	360 509 0631	
JASON WILKINSON	DRB		
Mark Wink	OPG	mwink@cmmc.ca	
MIKE BROWN	SOUND WARE GROUP	MIKE@FPHCONSTRUCTION.COM	YES

Mark Epstein

Harbor Sq. resident

qst4fun@gmail.com

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