

## Suzy Prewitt

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**From:** Hayes Gori <hayes@hayesthelawyer.com>  
**Sent:** Monday, October 11, 2021 5:58 PM  
**To:** Heather Wright  
**Cc:** Kelly Tayara; David Greetham; Permitting Submittal; BARBARA SMITH; Nick Smith; Barry Keenan; Alycia Levengood; Karen Bazar  
**Subject:** Wintergreen Townhomes - updated plans  
**Attachments:** WINTERGREEN - REVISED PLANS - GRADING - UTILITY - PARKING - SITE - 10-8-2021.pdf; Wintergreen Prelim Plat Dwgs 10-7-21.pdf; Wintergreen Landscape Plan rev. 10-10-21.pdf; Wintergreen Tree Retention Plan rev. 10-10-21.pdf; Wintergreen CC&Rs - original - 2014.pdf

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Hello Heather,

Attached are the following documents:

1. Revised plans (grading, utility, parking and site) from our engineer, Adam Wheeler, dated 10-8-2021
2. Revised preliminary plat drawings from our surveyor, Gavin Oak – page 7 of 8 updated 10-7-2021
3. Revised landscaping plan and tree retention plan from our landscape architect, Tim Goss, both dated 10-10-2021
4. Wintergreen CC&Rs, executed and recorded 2014

SR 305 Buffer: We are proposing only the 50-foot buffer. We are including three areas in the buffer: the areas to the north and south of the westernmost rows, and the area in between these rows. These areas will be treed/vegetated, and the trail between the rows will be grasscrete. These three areas will provide buffering for the westernmost rows, and to an extent the rows in the middle as well, from SR 305. With these three areas included, the SR 305 buffer for the entire site exceeds what was called for in the 2014 HE decision. See page 4 of 7 of the attached plans from our engineer (Buffers and Setbacks), which shows that with our proposed buffer, the SR 305 buffer for the entire site is almost 1,000 square feet more than is required under the 2014 HE decision – 42,131 square feet versus 41,185 square feet.

As you can see in our engineer's color site plan, we are proposing a 6 to 10 foot earthen berm. It is our belief that the recommendation of a 10 foot berm was linked to the 35 foot buffer. Since we are proposing a 50 foot buffer, we ask that the City support a berm of not less than 6 feet, or a noise barrier fence at least 8 feet in height. This request is motivated by a desire to preserve as much of the 50 foot buffer as usable space for the residents. A 10 foot berm will take up much of the 50 foot buffer.

Walgreen's and Key Bank: David Smith delivered letters to and spoke with Walgreen's and Key Bank last week to open the conversation on the buffer trail and plantings. They are checking with their corporate offices and will get back to us.

Parking: The parking totals for the entire site are set forth on page 4 of 7 of the attached plans from our engineer (Parking). With the proposed parking plan for our project (96 spaces), there is a total of 264 parking spaces for the entire site. This satisfies the requirements of the 2016 amendment of the Visconsi Master Plan per Planning Commission condition 10.

In addition to the 96 spaces on our two lots, our project will also have the benefit of the following:

- (1) Cross-parking on commercial lots: 42 open spaces during the day (25% of the spaces on each of the commercial lots) (quid pro quo, 25% of the open spaces on our lots (which is 24 spaces) is available for cross-parking). NOTE: Per the attached CC&Rs (Section 2.1(b), on pages 7 & 8 of 126), the cross-parking rights are easements that benefit each of the lots within the site. Thus, the cross-parking rights are not only contractual rights, but also they are recorded interests in land that run with the land in perpetuity.
- (2) VM parking (pending finalization of agreement): 50 spaces on VM's two lots during the evening/night (quid pro quo, 16 of our open spaces will be designated for VM during the day)
- (3) 25% parking reduction due to proximity to ferry

We request that the City exercise its discretion and waive guest parking on our two lots in view of the foregoing, particularly the ample and immediately adjacent cross-parking spaces, and also in view of the fact that this is an affordable housing project, which per the Comp Plan, AHTF report and City consultant recommendations calls for flexibility in order to accomplish the purposes of affordable housing, among which is to serve all income-qualified demographics – specifically, we’re concerned that if we can’t build many 2-bedroom units, we will be excluding families with children, which undercuts public school enrollment, park & recreation participation, *etc.*, the very things that many of the public commenters expressed concern about.

**Project Conditions:** We request that project condition 8.E in the City Staff Report be amended to cite BIMC 18.21.020.H: “*Where the code limits benefits to households whose incomes are at or below a specified income, the purpose is to include all categories of income, as defined in Chapter 18.36 BIMC, below the category specified. For example, if the benefit limit is, “to those households whose incomes are at or below low-income,” households who are extremely low income, very low income and low income may benefit.*” This will allow us, per Planning Condition 1, to offer all 31 of the affordable units to low-income households.

Regarding project condition 12.B in the City Staff Report, the Fire Marshall should determine whether fire sprinklers and a fire alarm system to monitor the fire sprinkler system are required under the International Residential Code, which the City has adopted.

Finally, congratulations on your new position with the City of Poulsbo. Bainbridge’s loss is Poulsbo’s gain. We will miss you, and we wish you the best of luck. We hope that you will be able to both complete your report and attend the HE hearing before your final day (November 1, I believe?), which coincidentally dovetails nicely with our desire to have the HE hearing in October.

Thanks,  
Hayes

**Law Office of Hayes Gori, PLLC**  
271 Wyatt Way NE, Suite 112  
Bainbridge Island, WA 98110  
(206) 842-6462  
Fax: (206) 842-8238  
<http://www.hayesthelawyer.com/>

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