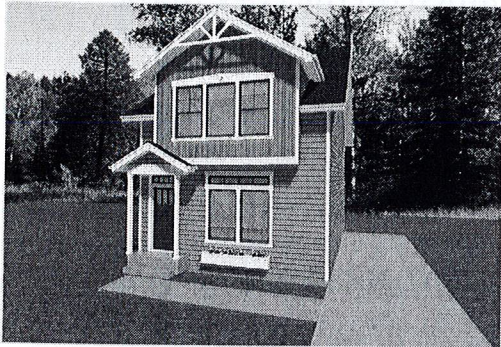


# New 18-home neighborhood planned for Madison Avenue

by Brian Kelly

Tuesday, January 2, 2018 3:46pm | **NEWS**



A design drawing of a single-family home in Madison Place. (Image courtesy of the city of Bainbridge Island)

A Poulsbo developer hopes to build a new 18-home neighborhood on Madison Avenue just north of downtown Winslow.

The new subdivision is called Madison Place, and would be built on a parcel of land that's a little less than an acre in size at 671 Madison Ave. West. According to documents submitted to the city by

Central Highlands, Inc., the Poulsbo developer pursuing the project, the new neighborhood will include 14 detached single-family homes, and four duplex townhomes.

A home/shop built in the 1950s currently sits on the heavily forested property, and would be demolished to make way for the new residences.

City officials have been reviewing plans for the project since last summer, and the city recently wrapped up its environmental review of the project.

The developers estimate that 50 to 70 people will live in the new neighborhood.

"Our project is intended to serve young professional families from both Bainbridge and Seattle with efficient commuting by ferry to Seattle's downtown work centers," the company said in its project description for Madison Place. "The project will also serve 'empty nesters' as many of our home models can and will be handicap accessible to enable 'aging in place.' We are planning to provide access to both the Wallace Cottages park/playground and pea patch to create needed 'home based' activities that are difficult to provide in high density developments."

8225 High School Road

According to the environmental checklist for the project, the developers plan to remove 32 “significant trees” (30 Douglas fir and two madronas).

Other vegetation that does not meet the city’s definition of significant trees will also be removed; that includes additional Douglas fir and madronas, and 40 holly bushes.

The developers note that a 20-foot buffer will be retained on the edge of the property, which includes “about 20 Douglas firs, madronas and holly shrubs,” according to the checklist.

New street trees and landscaping plantings are planned.

The homes will average roughly 1,300 square feet in size, and will be priced at less than \$600,000, “which will be at the ‘entry’ level of new homes on Bainbridge,” according to the developer.

The city is currently accepting comments on the environmental review of the project; the deadline for comments is Friday, Jan. 5.

Central Highlands, Inc., the developer of the Madison Place project, has built and sold more than 350 homes, with over 10 residential communities, in Kitsap County, according to the company’s website.

Other projects include Poulsbo Place II in Poulsbo, Broadmoor Village in Bremerton, and on Bainbridge, the neighborhoods of Fernbrook, Weaver Creek and Stonecress.

July 11, 2018

To: The Hearing Examiner

Re: Wallace Cottages HDDP, City File No PLN50589 SUB

From: Steve Matthews, representing the Nakata Neighborhood

925 Nakata Ave NW

Bainbridge Island, WA 98110

Thank you for the opportunity to speak. As in the April 20th hearing my comments are meant to summarize the sentiments of the broader Nakata Neighborhood, which consists of properties located between the subject property and Grow Avenue and points north, consisting of the streets Nakata Avenue, Clayton Place, Tauric Place, Nakata Place, Wallace Way and Ihland Way. The neighborhood consists of about 40 homes and is accessed via Grow Avenue. In addition, a number of Grow Avenue residents have lent their support and time to our neighborhood's efforts.

The Staff Report prepared by Ms. Tayara has been circulated through our neighborhood. Our review of it finds it well written and providing a concise accounting of the history and approval process of the Wallace Cottages development preliminary plat.

In reference to the transportation element of the report, we agree with the decision history as presented and lend support to development's planned sole ingress/egress route from Madison Avenue with no access to or from Grow Avenue.

Wallace Cottages traffic access to Madison via a new Wallace Way extension Right of Way (ROW) as proposed by the developer, recommended for approval by the city, supported by the Planning Commission and the City Council is supported by the public record and is consistent with the City of Bainbridge Island Design and Construction Standards Sections 1 and 6, Bainbridge Island Municipal Code (BIMC) Title 17 (Chapter 17.12.040 E. - Roads and Pedestrian Access) and Title 17 (Chapter 17.040.20 General Provisions). (See Excerpts below)

The vehicle access proposal is the central component of the Madison Avenue Access Agreement executed among multiple property owners/developers and the city. (see Exhibit 16 in the HEX record).

The only argument that can be made to alter the plan now to direct traffic to the west to Grow Avenue rather than to Madison is to alleviate cumulative traffic impacts on Madison Avenue. This simply is not the case and would create a host of significant adverse effects that far outweigh any conceivable benefit.

The new public comments raise concerns about cumulative traffic impacts of 111 planned housing units associated with 5 development projects along Madison Avenue between Wyatt Way and Ihland Way. Wallace Cottages accounts for less than 20% of that growth (19 homes out of 111), not by itself a major contributor to the cumulative traffic and therefore not a meaningful solution. In fact, as noted on page

8 of the Staff Report in response to the cumulative impact question, the "City Engineer finds that the traffic analyses for the five developments adequately assess cumulative impacts".

As noted throughout the planning process and the record, there are many negative impacts of directing traffic to the west to Grow Avenue such that the City Council adopted Ordinance No 2018-04 to facilitate the developers to reach an agreement to avoid that outcome. If a decision at this point were to change the vehicle access plan, we are also concerned about the potential for litigation, which would be a drain on city staff budget and time resources with no net public benefit, either environmental or social.

The differences between Madison Avenue and Grow Avenue are substantial. Madison Avenue is a well-lit primary arterial improved with two vehicular lanes, bike lanes and sidewalks on both sides of the street and crosswalks. It consists of commercial, institutional and residential development. It, along with Highway 305, is the primary in-town route between the north part of Winslow and the core.

Grow Avenue is similar in that it consists of two lanes and provides access between the north part of Winslow and the core. Beyond this it is quite different, with significant safety concerns. There are no sidewalks or crosswalks, lighting is poor, one side of the road has only a narrow, graveled shoulder and all development is single family residential in character. In addition to its residential character the road acts as a de facto collector street, primarily for students and parents before and after school. Young children wait for school buses and older students walk and cycle. Of note, in 2006 funding was arranged to modernize Grow Avenue, including construction of sidewalks. The effort did not go forward and to date (12 years later now) no new effort has been made to restart the process. As such it is highly likely the street will remain the same for the foreseeable future – that of a relatively high-volume neighborhood street with little accommodation for pedestrians but used extensively by them. It is obvious that adding vehicular traffic from 19 homes would exacerbate current safety concerns.

Further, if Wallace Cottages were to go the west, we'd still have Madison Landing using a new Wallace Way east to Madison which raises the potential of a de-facto traffic cut-through between Madison and Grow (for motorists wishing to avoid back-ups on the primary corridors of Wyatt Way and High School Road), which is inconsistent with the Island Wide Transportation Plan. Such an outcome is fully opposite of what the City Council's intention was when they facilitated the construction of Wallace Way east.

Finally, a primary goal of the Bainbridge Island Comprehensive Plan is to direct growth to Winslow and away from the Island's more rural areas. Many of us who live in Winslow recognize the benefit of living close to friends, services and the ferry terminal.

To achieve growth in Winslow safe and vibrant neighborhoods are essential. Directing traffic from Wallace Cottages to Grow Avenue rather than Madison Avenue makes the Nakata and Grow Avenue neighborhoods less safe and vibrant.

Provided below are referenced excerpts from City Design Guidelines, Code and Island Wide Transportation Plan:

\*City of Bainbridge Island Design and Construction Standards Excerpts

Section 6-03 - Location of Access Points: "Where a property has frontage on more than one roadway, access will generally be limited to the lowest volume roadway where impacts of a new access will be minimized."

Section 1-13 - Deviation from these standards may be granted by the city engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering and practices. The requirements for safety, function, appearance and maintainability must be fully met"

\*BIMC Title 17 Chapter 17.12.040 E. Roads and Pedestrian Access

2. 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

\*BIMC at Title 17 Chapter 17.040.20 General Provisions

F. "Interpretation. This title shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the Bainbridge Island comprehensive plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application. (Ord. 2011-02 § 2 (Exh. A), 2011)"

\* Island-Wide Transportation Plan February 2017 - Section 2-5 Neighborhoods

"... protection of neighborhood areas and promotion of neighborhood transportation facilities is an important concern for Island residents." "Reducing neighborhood cut-through traffic - Focus development of the transportation system within primary travel corridors."

Thank you for your consideration

Steve Matthews

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
REVIEW OF MINUTES – November 9, 2017, November 16, 2017, November 30, 2017  
PUBLIC COMMENT – Accept public comment on off agenda items  
SHORELINE MASTER PROGRAM AMENDMENT  
WALLACE COTTAGES SUBDIVISION - Recommendation  
NEW/OLD BUSINESS  
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 7:02 PM. Commissioners in attendance were Jon Quitslund, William Chester, Michael Killion, Lisa Macchio and Don Doman. Kimberly McCormick Osmond was absent and excused. City Staff present were Planning Director Gary Christensen, Senior City Planner Christy Carr, Development Engineer Peter Corelis, Associate City Planner Kelly Tayara and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

**REVIEW OF MINUTES – November 9, 2017, November 16, 2017, November 30, 2017**

Motion: I move approval of the minutes from meetings of November 9<sup>th</sup>, November 16<sup>th</sup> and November 30<sup>th</sup>, 2017, move that they be approved as distributed.

Quitslund/Chester – Passed Unanimously

**PUBLIC COMMENT – Accept public comment on off agenda items**

None.

**SHORELINE MASTER PROGRAM AMENDMENT**

Senior City Planner Christy Carr gave the Commissioners an update on the progress of the Critical Areas Ordinance with City Council and showed where the project pages for it and the Shoreline Management Program could be found on the City's website.

Study session focused on nonconforming existing structures.

**Public Comment**

**MC Halvorsen, Citizen** – Spoke about “grandfathered” in.

**Ed Rymarz, Citizen** – Spoke about considering environmental impacts, high tides and buffer areas (see submitted comments attached).

**Dick Haugan, Citizen** – Spoke about nonconforming uses and the perception of the public as to what that means (see attached).

**Michael Zigich, Citizen** – Spoke about nonconforming structures and provided a State document (see attached).

**WALLACE COTTAGES SUBDIVISION - Recommendation**

Planning Director Gary Christensen reminded the Planning Commission there would be a public hearing for this project at a later date.

Associate City Planner Kelly Tayara and Development Engineer Peter Corelis addressed the Planning Commissioners' questions from the previous meeting held January 25, 2018.

**Hayes Gori, Attorney for Applicant** – Advocated for moving the process along regardless of what their recommendation would be.

**David Smith, Developer** – Spoke about why the playground/open space was at the north end of the property.

**Chris Van Dyk, Citizen** - Spoke about the neighborhood's dissatisfaction was not with the developer but City Staff.

**Stephen Crampton, Citizen** – Spoke about an under easement versus a surface easement.

**Steve Matthews, Citizen** – Spoke about directing growth within Winslow and focusing on neighborhood safety.

**Vanera Barles, Citizen** - Spoke against the project access from Nakata.

**Todd McKittrick, Developer for Madison Grove and Madison Landing** – Spoke about Duane Lane vacation and developers working together to provide access to Madison Ave N.

**Terri Starkman, Citizen** – Asked everyone in the room to do the right thing.


**NEW/OLD BUSINESS**

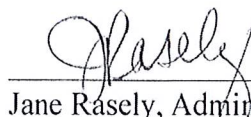
Mr. Christensen asked if the Planning Commission would have a joint meeting with Design Review Board on February 22, 2018 along with Public Works and Planning staff to begin a dialogue to discuss roles and creating different design guidelines and standards. The tentative schedule was presented.

**ADJOURN**

The meeting was adjourned at 11:00 PM.

Approved by:

  
J. Mack Pearl, Chair

  
Jane Rasely, Administrative Specialist

CALL TO ORDER – Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT – Accept public comment on off agenda items  
WALLACE COTTAGES SUBDIVISION PLN50589 SUB  
MORATORIUM WORK PLAN/NEXT STEPS – ORD. 2018-05  
NEW/OLD BUSINESS  
ADJOURN

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

Chair J. Mack Pearl called the meeting to order at 7:09 PM. Planning Commissioners in attendance were Jon Quitslund, William Chester, Michael Killion and Kimberly McCormick Osmond. Commissioners Lisa Macchio and Don Doman were absent. City Staff present were Planning Director Gary Christensen, Associate Planner Kelly Tayara and Permit Specialist Lara Lant who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts disclosed.

**PUBLIC COMMENT – Accept public comment on off agenda items**

**Brian Lindgren, Citizen** - Mr. Lindgren owns a shy-acre lot on Shasta Lane in the R-1 zone. It has no critical areas but is covered in natural vegetation. Under the draft Critical Areas Ordinance (CAO), use of heavy equipment and removal of trees is prohibited. He requested the Planning Commissioners amend the draft. Chair Pearl noted the draft Critical Areas Ordinance was under review by City Council at this time.

**WALLACE COTTAGES SUBDIVISION PLN50589 SUB**

The project was summarized by Commissioner Quitslund and statements were read by Commissioners McCormick Osmond and Chester (see attached.) David Smith, representing Wallace Cottages, asked to address the Planning Commission. Chair Mack Pearl allowed Mr. Smith to speak and he gave a passionate response to the Commission's review of the project. Chair Pearl interrupted Mr. Smith's response and asked the Commission to table further project discussion because of the heated nature of Mr. Smith's response. Director Christensen recommended the Planning Commission conclude deliberations and form a recommendation to send to the Hearing Examiner.

**Motion: I move to deny the Wallace Cottages project as a HDDP because it is not consistent with the Comprehensive Plan and does not meet the goals and purposes of the HDDP, including traffic impacts, public safety impacts on surrounding neighborhoods resulting from the proposed traffic access via Wallace Way to Grow Avenue, tree retention issues and feasibility of open space.**

**Chester/Killion: Passed Unanimously.**

**MORATORIUM WORK PLAN/NEXT STEPS – ORD. 2018-05**

Director Christensen handed out copies of the updated February 15, 2018 Six-Month Temporary Building Moratorium to the Commissioners (attached). The Commissioners and Director Christensen discussed next steps to begin dialogue regarding issues addressed in the Moratorium, including design review standards. Director Christensen ended the conversation by giving the Commissioners a 2018 Planning Commission Project Schedule (attached).


**NEW/OLD BUSINESS**

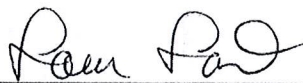
None.

**ADJOURN**

The meeting was adjourned at 9:08 PM.

Approved by:

  
J. Mack Pearl, Chair

  
Lara Lant, Permit Specialist

### **HDDP Quantitative Evaluation:**

1. The landscape plan revised on 2/15/18 from the original dated 1/30/17 conflicts with the Preliminary Plat Drawings. This should be resolved prior to any approval
  - a. The duplexes on the revised landscape plan are moved away from the west property line. Perhaps to avoid a conflict with neighbor to the west?
  - b. Additional potentially impervious surface is shown for the driveway and or parking to the affordable units.
  - c. The south end open space shows 3 parking spaces instead of a hammer head turn around shown on the Preliminary Plat drawings.
  - d. The pea patch seems to be in the retained tree area which would impair or negate its function.
2. The HDDP tier 2 requirements for site and building quantitative evaluation should produce a minimum 25 points for the site and 12 for buildings. While the city has awarded the required number. I find that at least some of the evaluation credits are based on written conditions and are not planned for in drawings. Considering that the density allowed under HDDP tier 2 is double it does not seem unreasonable that the developer should provide complete graphic representation of planned amenities that would be credited in the Quantitative Evaluation to provide a complete representation of the intent and innovation of the project to the City of Bainbridge Island, Planning Commission and Hearing Examiner. Without such documentation, I do not feel the points should be awarded. The items of concern are:
  - a. Private yard turf needs to be shown on the landscape plan. 4 points
  - b. Landscape plan needs to show the location and type of Native or drought tolerant plantings 4 points
  - c. Vehicular Charging stations locations and access 3 points
  - d. Covered consolidated bike parking and access 3 points
3. The points for open space can receive a score 6 or 8 if the space is public. The Developer has indicated that the playground and pea patch could be public as it could be shared with the neighbors to the west. That seems rather questionable considering the size of the gardens and play ground and the conflict of all the uses in that area including housing, tree retention, access, playground, and pea patch. Also, public it would seem, should include everyone wanting to use the facilities which may require additional parking. The area would seem more deserving of a 6-point evaluation.
4. Without the all these points the project to date fails on points at 15 total for innovative site development.

Wallace Cottages HDDP Project  
Neighborhood Impacts and Comprehensive Plan Consistency  
Planning Commission Meeting – February 22, 2018  
Commissioner Kim McCormick Osmond

Access to the Wallace Cottages project is proposed by extending Wallace Way west from the Wallace Cottages site to Grow Avenue. The traffic study estimated 181 trips per day (ADT) would be generated from the 19 houses proposed. The small Nakata neighborhood community exists west of the project, with Taurnic Place intersecting with Wallace Way from the south and Nakata Avenue intersecting with Wallace Way to the north. Because Nakata Avenue intersects with Grow Avenue via Island Way, Wallace Cottages residents could use Nakata Avenue as a “cut through” road to access Grow Avenue.

Access for Wallace Cottages has been an unsettled issue since the project was initially considered by the Design Review Board (DRB) on November 21, 2016. At that time, the project applicant stated that they were working with adjacent property owners to provide vehicular circulation and ingress/egress to the neighborhood. Neighbors expressed concern that extending Wallace Way to Grow Avenue as access for the project would impact the quality of the Nakata and Taurnic Place neighborhoods.

On December 19, 2016, the project was again before the DRB, when it was determined that the project applicant still had to resolve property line, right of way, easement and access issues. Neighbors at that time expressed opposition to extending Wallace Way from Grow Avenue to Madison Avenue. On March 6, 2017, the DRB again considered the project, with neighbors opposing a connection via Wallace Way between Grow Avenue and Madison Avenue, thereby requiring traffic from a high density development to flow through low density neighborhoods onto Grow Avenue, a secondary road. The DRB chair then recommended access to the project from Madison Avenue, without a through connection to Grow Avenue. It was also noted at that meeting that 5 projects were proposed for construction between Madison Avenue and Nakata Avenue, with discussion about reviewing the projects cumulatively to ensure traffic impacts were properly understood and addressed. It was also recommended that the impact of HDDP developments on surrounding neighborhoods be evaluated.

Consistency with the Comprehensive Plan

The Comprehensive Plan goals and policies seek to protect neighborhoods from the impacts of cut-through vehicle traffic. One of the purposes and goals of the HDDP process is “**to promote compact, low-impact development where it is most appropriate.**” While such development is certainly most appropriate within the area served by Winslow’s water and sewer system, it is not necessarily appropriate in all parts of Winslow. Appropriateness must be guided by the policies and goals of the Comprehensive Plan, which includes a Neighborhoods element with the following Goal and Policies:

**GOAL TR-8**

**Consider the special needs of *neighborhood safety, pedestrian and bicycle facilities, transit use and facilities and traffic flow* in the development of transportation improvements that affect *neighborhoods*.**

**Policy TR 8.1**

Protect residential *neighborhoods* from the impacts of cut-through motor vehicle traffic by providing appropriate connecting routes and applying appropriate traffic-calming measures to control vehicle volumes while maintaining emergency vehicle response times.

### Policy TR 8.3

Develop a circulation and access management plan for *neighborhoods* and neighborhood centers so that as properties develop, vehicular and non-motorized connectivity and circulation are maintained.

The January 19, 2018 City Staff Report includes a public comment describing the Nakata Avenue neighborhood as "reminiscent of the 1950s with children playing in the street, be it catch, hopscotch, Frisbee, 4-square and other games, moving out of the way when cars need to go by, often waving to friends' parents as they drive by. The neighborhood design functions perfectly. There are no speed bumps or other traffic-slowing retrofits, or signs asking drivers to slow down because they are not needed. The design of the neighborhood lends itself to driving slowly." The Staff Report indicates this comment "captures the sentiment of the many comments received from the neighborhood."

The Staff Report further documents neighborhood concerns about increasing traffic on Grow Avenue, noting that Grow Avenue does not currently provide for the traffic it has, especially regarding children walking or riding bikes to school, and does not have fog lanes or bike lanes. Grow Avenue connects to High School Road to the north, which provides walking/biking access to Bainbridge High School, Commodore and Ordway Elementary School. Routing traffic to the north on Grow Avenue also sends it directly into the Bainbridge High School school zone, thereby encouraging vehicles seeking access to the north to travel on Ihland Way to Lovell Street to bypass the school zone.

Proposing to route 181 ADTs per day from Wallace Cottages through the established adjoining neighborhood via Wallace Way and Nakata Avenue via Ihland Way and onto Grow Avenue is not consistent with Goal TR-8 or Policy TR 8.1 or TR 8.3. This is particularly apparent in light of the 5 other projects that currently are being proposed for development between Madison Avenue and Nakata Avenue. An access to and from Madison Avenue that serves all 5 projects without cutting through established neighborhoods is consistent with the Comprehensive Plan and also satisfies the HDDP goal of limiting environmental impacts.

### Public Safety Concerns

BIMC subdivision standards require compliance with RCW Title 58 provisions for public health, safety and general and public use and interest. Under RCW 58.17.110, a proposed subdivision shall not be approved unless the City makes written findings that: (a) **Appropriate provisions are made for the public health, safety, and general welfare** and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) **the public use and interest will be served by the platting of such subdivision and dedication** (emphasis added).

As City staff has explained, there is no development standard, code, or unit of measure that the City can use to objectively evaluate changes to a neighborhood's character caused by increased traffic. There is no bright line that delineates acceptable changes from unacceptable changes. While the traffic study may determine whether a LOS has been adversely affected by a proposed project, it cannot conclude whether adverse impacts to a neighborhood resulting from increased traffic, including impacts to public safety, are acceptable and consistent with the Comprehensive Plan.

Given the significant traffic and public safety impacts that are posed by an estimated 181 daily traffic trips through the Nakata neighborhood to Grow Avenue via Wallace Way, Nakata Avenue and Ihland Way, in comparison to the relatively small public benefit of only 2 affordable housing units but an increase in allowable density from 10 to 19 homes, it does not appear that these requirements are satisfied for approval of the Wallace Cottages project as a subdivision utilizing the HDDP process.

#### Recommendations

1. Approve the Wallace Cottages project as a HDDP, provided that vehicle access is from Madison Avenue to the project site and does not connect to Grow Avenue via Wallace Way, Nakata Avenue or Ihland Way.
2. Deny the Wallace Cottages project as a HDDP because it is not consistent with the Comprehensive Plan and does not meet the goals and purposes of the HDDP, including traffic impacts and public safety impacts on surrounding neighborhoods resulting from the proposed traffic access via Wallace Way to Grow Avenue. The Wallace Cottages project should be evaluated cumulatively with the other projects being proposed for construction between Madison Avenue and Nakata Avenue, to ensure traffic and public safety impacts are properly understood and addressed. The impact on surrounding neighborhoods of the Wallace Cottages project and the other proposed projects should be evaluated.

February 22, 2017

**Planning Commission Review**  
*of Wallace Cottages HDDP Preliminary Subdivision (File No.: PLN 50589 SUB)*

**Information from the Project File**

As noted in Minutes from the Design Review Board meeting on Nov. 21, 2016, *Central Highland Homes Inc.*, the firm proposing the Wallace Cottages project, has completed several other developments on Bainbridge Island: Stonecress, the Hamlet, Weaver Creek, Colegrove, Fernbrook, and Phase I of the Ferncliff Village affordable housing project. (The Central Highland Homes website emphasizes the firm's commitment to "green building" and "green land development.")

The four tax lots for Wallace Cottages amount to 2.46 acres, zoned R-4.3, allowing up to ten housing units. Seeking doubled density as allowed by the terms of Tier II of the Housing Design Demonstration Project (HDDP), 19 units are proposed, two of which will be administered by Housing Resources Bainbridge and affordable for income-qualified owners.

Preliminary notification that the project qualified for consideration under the HDDP criteria was provided on April 6, 2017. The preliminary subdivision application was submitted on April 27, 2017, and it was deemed complete on May 30, 2017.

The utility plan dated 4/26/2017 was part of the preliminary plat submittal. It indicates, on page C 1, a two-way access road to units 1 through 17 from Madison Avenue, with a narrower roadway connecting to the affordable units in a duplex structure. Pages C 3 and C 4 show two alternative road plans. Alternative #1 shows two-way access along Wallace Way to the west, connecting with Grow Ave., and a narrow single-lane road and walkway connecting with Madison Avenue. Alternative #2, "pending boundary line adjustment," shows the two-way access eastward to Madison Avenue.

A revised utility plan dated 12/8/2017, responding to COBI comments dated 8.14.2017, forms part of the file presented to the Planning Commission for consideration at their meeting on January 25, 2017. In this plan the Madison Avenue alternative has been abandoned, except for pedestrians and cyclists. The two-way access road (Wallace Way) intersects with Nakata Ave. to the right and Tauric Place to the left, with Wallace continuing westward to Grow Avenue. Eastward to Madison, there is only a paved sidewalk, not a narrow roadway.

A brief Vision Statement describes the project: "The Wallace cottages project is to provide smaller more affordable homes within walking distance of shopping and transportation facilities. Almost 3 times the required open space has been proposed to allow the homeowners a playground, pea patch and open areas to utilize beyond their small lots." However, almost all of the designated open space (0.35 of an acre) is located on lot A (0.58 of an acre), at the northern end of the development.

The Tree Retention Plan calls for retaining 15% of the existing trees, and all of the retained trees are found on lot A, which is also the site of the pea patch, a playground, and the two affordable homes (1051 sq. ft. each, in a duplex structure). Lot A is also subject to a legal dispute with a neighboring lot owner over the western boundary line, which may affect the applicant's ability to meet legal requirements for a setback from the property line.

A second brief statement by the applicant describes “how the proposed development is consistent with the surrounding neighborhood character”: “The project forms a transition from the R-4.3 density present on Nakata, Taurnic, and Wallace neighborhoods to the MUTC Madison Overlay District. The homes to be constructed in the proposed 19 lot plat are to be a modern take on a craftsman style that will be consistent with the craftsman and ranch style homes present in the existing neighborhoods.”

In fact, the neighborhoods to the west and to the north of the Wallace Cottages, served by Fir Acres Drive, Taurnic Place, Wallace Way, Nakata Ave., and Island Way, are characterized by modest homes on relatively large lots where many trees have been preserved. The houses are varied in style and were built at different times by many different hands; some lots remain undeveloped. The Wallace Cottages development is more compatible with the neighboring Courtyards on Madison condominiums, except that the Cottages are designed for families needing two or three bedrooms, and perhaps two cars.

A Geotechnical Report prepared by Terra Associates, dated December 9, 2016, identifies “no geotechnical considerations that would preclude development of the site as currently planned.” The report’s contents are in stark contrast to the four paragraphs of comment # 9 on page 2 of the Memorandum dated August 14, 2017, by the City’s Development Engineer, Peter Corelis. These requirements are reiterated in the Development Engineer’s Memorandum dated December 28, 2017, which details 28 conditions of approval.

### Discussion

The purpose and goal of the HDDP 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**” (emphasis added). BIMC Section 2.16.020(Q)(1).

The Planning Commission is tasked with reviewing and making recommendations on all HDDP applications, including those involving land subdivision. BIMC Section 2.14.020(B)(3); Section 2.16.020(Q)(3)(d). That review is not limited solely to whether the project is consistent with the Comprehensive Plan, but includes all aspects of HDDP requirements. Under the HDDP regulations, the decision to approve or deny a HDDP application is made as part of the underlying land use permit approval – in this case the long subdivision permit approval regulations – and is based on decision criteria of the underlying planning permit (long subdivision requirements) and the approval criteria outlined in Subsection Q.5 of the HDDP. BIMC Section 2.16.020(3)(e).

The approval criteria begin with reference to the project’s score as evaluated by the supervising planner, and then involve a judgment on how the project’s innovative design required relief such as setback reductions and limits on lot coverage. The third criterion is especially important in this case: “The project does not adversely impact existing public service levels for surrounding properties.” The fourth criterion, compliance with other portions of the BIMC, goes to the relevance of long subdivision requirements; the next (“If a project will be phased”) is not applicable, and the last is satisfied by inclusion of the two units to be added to the HRB stock of affordable housing, meeting the minimum requirement for Tier II approval.

### Innovation in Building Design and Site Development

According to the applicant's geotechnical report, it should be easy to clear the site, removing "all vegetation, organic surface soils, and other deleterious material," and then initiating "cut and fill operations . . . to establish desired building grades." Terra Associates advise that the native soils will need to be supplemented with a considerable amount of imported structural fill and, if necessary, a geotextile fabric, to "establish a stable bearing surface." The applicant's SEPA checklist states, however, "The site is a flat 4% slope and the grading plan will attempt to balance, thus there should be neither import or export of dirt." In any case, we do not see innovation in this phase of site development, but rather a conventional approach where the existing surface site conditions are erased to facilitate ease of construction.

It remains to be seen how much of the proposed tree retention plan can be maintained in conjunction with the affordable housing units, the vegetable garden, and the playground. Clearly, something has to give. Even if the project provides "almost 3 times the required open space," it is not a generous amount, and it is somewhat isolated from the market rate properties. The amount of open space left at the south end seems too fragmented by the turn-around (which does not qualify as open space) and the bioretention features.

An entry on the SEPA checklist (p. 10) regarding proposed landscaping describes entry gardens for each home, including street trees. It also states, "about 30% of the existing significant trees are to be retained," but this hardly seems credible.

The 17 market rate properties are arranged to face each other in two straight lines, seven on one side and ten on the other. In their footprints, the house plans range from 1169 sq. ft. to 1578 sq. ft., and the SEPA checklist (p. 15) states that they "will be at entry level new home prices for Bainbridge \$500,000 to \$600,000, affordable for young professionals." They take full advantage of the reduced setback (5 ft.) of buildings from the exterior subdivision boundary. Buildings on the west side of the development benefit from the 'borrowed landscape' provided by trees and other vegetation on the Tauric Place and Fir Acres properties. Five lots on the east side back up to the open space surrounding the Island Health & Rehabilitation Center. The footprints on four other lots are somewhat constrained by a 25 ft. vegetated setback from the adjoining property, where a building backs right up to the property line.

Buyers of the 17 market rate homes will choose between four models; the developer promises "at least 2 homes of each of the models." The homes vary in size between one and two stories, two or three bedrooms, and 1.5 to 2.5 baths. All models provide space for two cars, and this is at odds with the stipulation, in the HDDP criteria for review, that the project "reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit," and also "minimizes the visual dominance of automobiles throughout the project." BIMC 2.16.020(Q)(4)(b)(iv). Credit is due for a commitment to *Built Green* Level 5 standards, but otherwise it is hard to see what is innovative in the building design. Little effort is made to shape or accommodate lifestyles to in-town, low-impact living in the 21<sup>st</sup> century, unless (in two of the models) it is "aging in place" with room for family members or a care-giver.

The numerous and stringent conditions of approval imposed by the COBI Development Engineer speak to concerns with unplanned-for impacts arising from the doubled density. It is noteworthy that these strategic measures were not designed-in from the start.

We have seen developments in which conditions of approval were not satisfied by the completed project – sometimes with dire consequences. The City assumes incalculable risks when a marginally acceptable project is green-lighted.

The Planning Commission is expected to focus on the project as proposed by the applicant, considering it in relation to the site's constraints and its context in the built environment, which in this case is an established and stable neighborhood and one of the main streets of Winslow. It does not seem feasible to condition approval of this project on any number of tweaks to the design, any more than it would be appropriate to respond with a radically different approach to siting compact units and achieving low-impact development.

### Traffic Impacts

Access to the Wallace Cottages project is proposed by extending Wallace Way west from the Wallace Cottages site to Grow Avenue. The traffic study estimated approximately 190 trips per day (ADT) would be generated from the 19 houses proposed. The small Nakata neighborhood community exists west of the project, with Taurnic Place intersecting with Wallace Way from the south and Nakata Avenue intersecting with Wallace Way to the north. Because Nakata Avenue intersects with Grow Avenue via Island Way, Wallace Cottages residents could use Nakata Avenue as a "cut through" road to access Grow Avenue.

Access for Wallace Cottages has been an unsettled issue since the project was initially considered by the Design Review Board (DRB) on November 21, 2016. At that time, the project applicant stated that they were working with adjacent property owners to provide vehicular circulation and ingress/egress to the neighborhood. Neighbors expressed concern that extending Wallace Way to Grow Avenue as access for the project would impact the quality of the Nakata and Taurnic Place neighborhoods.

On December 19, 2016, the project was again before the DRB, when it was determined that the project applicant still had to resolve property line, right of way, easement and access issues. Neighbors at that time expressed opposition to extending Wallace Way from Grow Avenue to Madison Avenue. On March 6, 2017, the DRB again considered the project, with neighbors opposing a connection via Wallace Way between Grow Avenue and Madison Avenue, thereby requiring traffic from a high density development to flow through low density neighborhoods onto Grow Avenue, a secondary road. The DRB chair then recommended access to the project from Madison Avenue, without a through connection to Grow Avenue. It was also noted at that meeting that 5 projects were proposed for construction between Madison Avenue and Nakata Avenue, with discussion about reviewing the projects cumulatively to ensure traffic impacts were properly understood and addressed. It was also recommended that the impact of HDDP developments on surrounding neighborhoods be evaluated.

### Consistency with the Comprehensive Plan

The Comprehensive Plan goals and policies seek to protect neighborhoods from the impacts of cut-through vehicle traffic. One of the purposes and goals of the HDDP process is **"to promote compact, low-impact development where it is most appropriate."** While such development is certainly most appropriate within the area served by Winslow's water and sewer system, it is not necessarily appropriate in all parts of Winslow. Appropriateness must be guided by the policies and goals of the Comprehensive Plan, which includes a Neighborhoods element with the following Goal and Policies:

## GOAL TR-8

Consider the special needs of *neighborhood safety*, pedestrian and bicycle facilities, *transit* use and facilities and traffic flow in the development of transportation improvements that affect *neighborhoods*.

### Policy TR 8.1

Protect residential *neighborhoods* from the impacts of cut-through motor vehicle traffic by providing appropriate connecting routes and applying appropriate traffic-calming measures to control vehicle volumes while maintaining emergency vehicle response times.

### Policy TR 8.3

Develop a circulation and access management plan for *neighborhoods* and neighborhood centers so that as properties develop, vehicular and non-motorized connectivity and circulation are maintained.

The January 19, 2018 City Staff Report includes a public comment describing the Nakata Avenue neighborhood as “reminiscent of the 1950s with children playing in the street, be it catch, hopscotch, Frisbee, 4-square and other games, moving out of the way when cars need to go by, often waving to friends’ parents as they drive by. The neighborhood design functions perfectly. There are no speed bumps or other traffic-slowing retrofits, or signs asking drivers to slow down because they are not needed. The design of the neighborhood lends itself to driving slowly.” The Staff Report further documents neighborhood concerns about increasing traffic on Grow Avenue, noting that Grow does not currently provide for the traffic it has, especially regarding children walking or riding bikes to school (Grow Avenue connects to High School Road to the north, which provides walking/biking access to Bainbridge High School, Commodore and Ordway Elementary School) and does not have fog lanes or bike lanes.

Proposing to route 190 ADTs per day from Wallace Cottages through the established adjoining neighborhood via Wallace Way and Nakata Avenue via Ihland Way and onto Grow Avenue is not consistent with Goal TR-8 or Policy TR 8.1 or TR 8.3. This is particularly apparent in light of the 5 other projects that currently are being proposed for development between Madison Avenue and Nakata Avenue. An access to and from Madison Avenue that serves all 5 projects without cutting through established neighborhoods is consistent with the Comprehensive Plan and also satisfies the HDDP goal of limiting environmental impacts.

### Public Safety Concerns

BIMC subdivision standards require compliance with RCW Title 58 provisions for public health, safety and general and public use and interest. Under RCW 58.17.110, a proposed subdivision shall not be approved unless the City makes written findings that: (a) **Appropriate provisions are made for the public health, safety, and general welfare** and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) **the public use and interest will be served by the platting of such subdivision and dedication** (emphasis added).

Given the significant traffic and public safety impacts that are posed by an estimated 190 daily traffic trips through the Nakata neighborhood to Grow Avenue via Wallace Way, Nakata Avenue and Ihland Way, and the relatively small public benefit of only 2 affordable housing units in comparison to an increase in allowable density from 10 to 19 homes, it does not appear that these requirements are satisfied for approval of the Wallace Cottages project as a subdivision utilizing the HDDP process.

#### Possible Recommendations

1. Approve the Wallace Cottages project as a HDDP, provided that vehicle access is from Madison Avenue to the project site and does not connect to Grow Avenue via Wallace Way, Nakata Avenue or Ihland Way.
2. Deny the Wallace Cottages project as a HDDP because it is not consistent with the Comprehensive Plan and does not meet the goals and purposes of the HDDP, due to traffic impacts and public safety impacts on surrounding neighborhoods resulting from the proposed traffic access via Wallace Way to Grow Avenue.

# Statement for Hearing Examiner

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My name is Sanjay Bhatt and I own a home at the Courtyards on Madison Condominiums. I am here as an affected property owner and also speaking for the Madison Avenue Neighborhood Coalition, an informal group of more than 30 households from four different homeowner associations. I have been designated as a spokesperson for my coalition in the interest of reducing the time required for presentation of our comments.

I and many members of the coalition own properties along Madison Avenue, within 500 feet of the Wallace Cottages development. Many of us, including me, never received notice of the Wallace Cottages application as required under the city's land-use code (BIMC 2.16.020.K.5).

Another nearby neighborhood referred to as the "Nakata" neighborhood received notice and objected early in the public comment period to the extension of Wallace Way from Madison Avenue through to Grow Avenue because it would increase traffic in their neighborhood.

We understand why the Nakata residents do not want more traffic in their neighborhood. In fact, we share that same concern. Unfortunately, we did not receive notice of the application. **We had no seat at the table to express concerns about traffic in our neighborhood, along Madison Avenue.** The City made its decision based on the concerns of the Nakata neighborhood and now our neighborhood will bear the full burden of the increased vehicular traffic from the Wallace Cottages development.

The City ultimately realized their legal error and provided us with the required notice. Unfortunately, however, the City had already issued a Mitigated Determination of Nonsignificance (MDNS) and committed itself to the Wallace Cottages development project without the extension of Wallace Way. Those of us that did not receive prior notice submitted public comments. The City said that our comments did not change their decision and reissued a new MDNS without changing their decision on the extension of Wallace Way. This is in spite of the

fact that the City's own engineer, Peter Corelis, said in 2016 at a public meeting that extension of Wallace Way would be a "system improvement for the greater good."<sup>1</sup>

### **City's Actions Violate Local and State Regulations, Comprehensive Plan**

How is it that the concerns of the Nakata neighborhood can **prevent** the extension of Wallace Way, but our concerns cannot be equally persuasive to **require** the extension of Wallace Way? The Nakata neighborhood had the opportunity to influence the decision early in the process. Our participation right, on the other hand, was largely meaningless, a mere technicality. This is because the City had already committed to not requiring extension of Wallace Way. It is our understanding that this is the exact type of action that the City is prohibited from taking under the SEPA regulations. I am specifically referring to the requirement under WAC 197-11-070(1)(b) that prohibits the City from taking any action that would limit reasonable alternatives until a final determination of nonsignificance is made.

That is exactly what happened with the City's decision to not require extension of Wallace Way before hearing my concerns and the concerns of the other members of our coalition who did not receive the notice required under the city's land-use code (BIMC 2.16.020.K.5).

In response to our concerns, the City has told us that we could have learned of the project in other ways. It is disheartening and unsettling to have the City recognize that it did not comply with a legal notice and then claim that we had other ways of learning about the project.

FACT: When the City held a Public Participation Meeting in November 2016 in the pre-application phase, the 30 owners at Courtyards on Madison did not receive written notice.<sup>2</sup>

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<sup>1</sup> Design Review Board Meeting Minutes, Dec. 19, 2016, page 3, last paragraph.

<sup>2</sup> See author's mapping of city mailing list at <https://batchgeo.com/map/82103bfc0d3c2f357d091f22baa81038>

FACT: When the City issued a Notice of Application in June 2017 and opened the SEPA comment period, the 30 owners at Courtyards on Madison did not receive written notice.<sup>3</sup>

Because we did not get the required notice of application, we also missed the opportunity to have meaningful consideration of our concerns over the City's approval of HDDP status to a project that even the Planning Commission unanimously rejected in February of this year as "not consistent with the Comprehensive Plan."

In the city's Comprehensive Plan, Land-use Policy Element 6.5 states the city shall "process applications for development approval within the timelines established in the City's land development regulations in order to ensure affordability, fairness, *citizen notification* and predictability in the land development process."

This did not happen.

Also under the Land Use Review Procedures of the city's code, the City requires applicants to the HDDP program to take part in a public participation meeting and consider the input received at that meeting. At the 2016 meeting the applicant told those in attendance:

We're on the same side. Our neighborhood will be more valuable if the streets are quieter. I don't want a cut through the neighborhood.<sup>4</sup>

At no time in 2016, 2017 or the first four months of 2018 did the City ever send us the required written notice to us about this project.

It is hard to ignore the discriminatory effect of the City's actions: Condo owners along Madison were left off the mailing list, while single-family residence owners in the Nakata neighborhood were notified from the beginning.

Condo ownership tends to draw people of more modest incomes who cannot afford single-family ownership. My kids play in our fenced front yard watching cars whiz by on Madison Ave. Now there will be even more traffic on this street,

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<sup>3</sup> See author's mapping of mailing list at <https://batchgeo.com/map/e9e56b775a01402d4f11beaad8decd05>

<sup>4</sup> City record: 50589B PRE Public Participation Meeting Notes 110116.pdf

as the cars from Wallace Cottages have nowhere to go but Madison Ave N. The City values the opportunity for the kids of the Nakata neighborhood to enjoy a quiet street environment. Meanwhile, my kids will be exposed to a disproportionate share of the increased traffic from development impacts that we had no opportunity to influence.

### **City's Response Insufficient**

The City says the notice error didn't make a difference: "The facts presented to the Board and Commission remain consistent."

That is a misreading of the record: The record makes it clear that the City was swayed by the concerns of the Nakata neighborhood and changed its position. Ross Tilghman, a traffic engineer in Seattle whom our Coalition hired, wrote the following to me in an email:

The city engineer's recommendation to extend Wallace to Grow was a sound and sensible one, and it's too bad that it wasn't implemented since alternate routes ultimately better disperse traffic, offer people more choice about moving around and increase emergency access.<sup>5</sup>

The City's own consultant back in 2006 as part of the Winslow Tomorrow planning process, stated the following in a report:

As redevelopment and infill projects are submitted for approval within the Winslow district, the City should *require the addition of local public streets and alleys for the purpose of reducing block size and increasing the density of the street network*. In its development review and permitting processes, the City should strive to achieve a network of downtown streets with intersections between 250 feet and 330 feet apart.<sup>6</sup> (emphasis added)

We respectfully ask the Hearing Examiner to send a message to the City that **it must take citizen notification seriously early in the life of an application – with appropriate checks for errors and omissions. We ask the Hearing Examiner to remand the application to the Planning Department with direction to start the process over so that directly affected neighbors who didn't get notice will have**

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<sup>5</sup> E-mail from Ross Tilghman to author, July 2, 2018.

<sup>6</sup> City of Bainbridge Island, DRAFT - Circulation and Access Recommendations – January 2006, p. 38.

**a seat at the table at a meaningful time -- before the critical decisions affecting their neighborhood are made, not after the fact. At bare minimum, we ask that the Hearing Examiner direct the City to reevaluate the issue of paving Wallace Way to Grow Avenue to improve circulation of traffic as initially recommended by the City Engineer and prior City planning documents.**

I'd like to close by saying we are not attorneys or planners: We are residents of the Madison Avenue Neighborhood.

We at the Courtyards on Madison Condominiums were completely left out of the loop on this.

Now it seems we are too late to have meaningful consideration of our concerns, unless we spend thousands of dollars to formally appeal the City's MDNS. **It is most unfortunate that the City can skip a legal requirement and impose the economic burden of challenging that error on its citizens.**

We don't know what to do at this juncture but express how disappointed we are with how this process has played out. We hope that you, the Hearing Examiner, will exercise your authority to remand parts of this application back to the City for further review and consideration.

At the very least, the City's leaders should learn from this and ensure we do not continue to be treated as simply a pass-through to somewhere else.

We are not simply a secondary arterial that happens to have residences on both sides of the street.

We are more than a path for cars from schools and ferries letting out.

We are a neighborhood.

Statement supported by

Pooja Bansil, Courtyards on Madison

Bill and Marsha Novak, Courtyards on Madison

Bill Knight and Jeff Curnes, Courtyards on Madison

Nora Ferm and Stuart Nickum, Courtyards on Madison

Robert Thiele and Nadeen Ruiz, Courtyards on Madison

Christine Kane, Courtyards on Madison

Sheryl and Chuck Todd, Courtyards on Madison

Kirk and Margaret Eichenberger, Courtyards on Madison

Laura Liming, Madison Avenue Townhomes

Jim and Katy Gilmore, Madison Avenue Townhomes

Stephanie Farwell, The Madison Avenue Condominiums

Susannah Arntson, The Madison Avenue Condominiums

Sally Morgan, The Madison Avenue Condominiums

Janice and Ridge Cooper, The Madison Avenue Condominiums

Claudette Dietlin, The Madison Avenue Condominiums

Pete and Sarah Fritz, The Madison Avenue Condominiums

Barbara Hotchkin, Madison Cottages

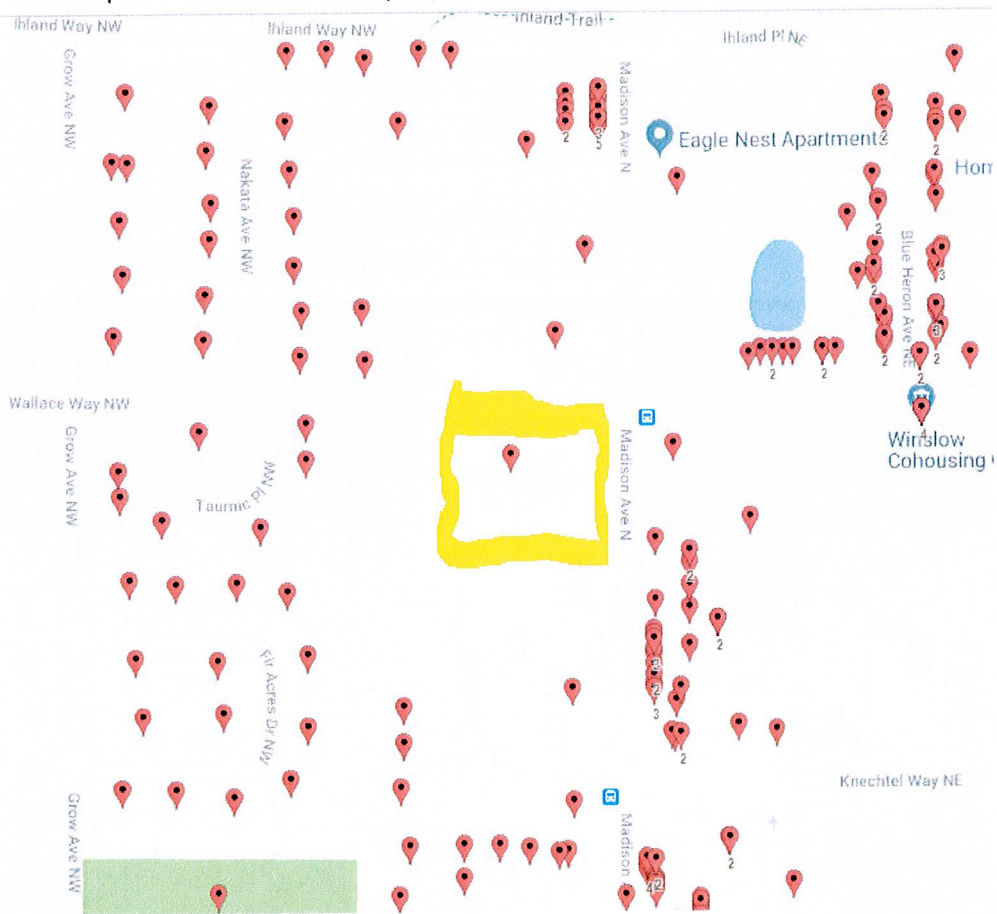
Steve Goll, Madison Cottages

Amy Hughes, Madison Square

Tori Withington

Maps referenced in this document

2016 Mailing for Public Participation Meeting (boxed area is Courtyards on Madison). Single pin refers to parcel number for the plat, but not for any of the owners/residents at the Courtyards.



2017 Mailing for NOA/SEPA comment (boxed area is Courtyards on Madison). Single pin refers to parcel number for the plat, but not for any of the owners/residents at the Courtyards.



Should you need copies of any documents cited in this statement, please contact me at [sbhatt33@gmail.com](mailto:sbhatt33@gmail.com). Thank you.