

WINTERGREEN TOWNHOME PROJECT (PLN 51836)

BIMC 2.16.040 F - DECISION CRITERIA

1. The site plan and design is consistent with all applicable provisions of the BIMC. The project exceeds requirements for the COBI qualified affordable housing, and is less dense than the bonus FAR allowed. Also, the project exceeds the requirements for setback and buffer along SR 305, and it exceeds the requirements for natural area and community space.

SR 305 Setback and Buffer: Under Chapter 17.12 BIMC, which governs residential subdivisions, Table 17.12.070-1 requires a 25' setback from the westernmost rows of townhomes to SR 305. The project exceeds this requirement by including a 35' setback, which includes a 25' vegetated buffer to satisfy Table 1 on page 62 of the Design for Bainbridge manual. NOTE: Table 1 on page 62 of the D for B manual supersedes BIMC buffer requirements along SR 305, but it does not supersede BIMC building setback requirements along SR 305, which per Table 17.12.070-1 is 25' for our project. Thus, under BIMC and the D for B manual, the westernmost rows of townhomes could be a mere 25' from SR 305 with the entirety of the 25' setback being a vegetated buffer. However, in order to enhance the quality of life for the westernmost rows of townhomes, the project includes a sidewalk and front patios for convenient and pleasant access to the units. The sidewalk and front patios add an additional 10', thus the 35' setback. Given the project's satisfaction of the D for B manual's 25' vegetated buffer requirement, and given Table 17.12.070-1's requirement of a 25' building setback from SR 305, which is not superseded by the D for B manual (and which in any event the project voluntarily exceeds by 10'), there is no legal basis upon which to require a larger buffer or setback. Stated another way, where, as here, there is no conflict between the D for B manual (25' vegetated buffer setback along SR 305) and BIMC (25' building setback along SR 305), and the D for B manual's requirement is satisfied, the D for B manual does not, and cannot be used to, override BIMC provisions beyond the D for B manual's purview to impose more stringent requirements on a project than those set forth in BIMC. (NOTE: This is why Table 1 on page 62 of the D for B manual has a range for the vegetated buffer setback (25 to 50 feet), because it has to take into account all the different building setback requirements in BIMC, some of which are more than 25 feet. In other words, the vegetated buffer setback range of 25 to 50 feet is not applied in a vacuum, but rather in combination with the applicable building setback requirements in BIMC.)

Natural Area and Community Space: The project has almost three times as much natural area as is required. All of the natural area in the project is inside of roadside buffers. This is permissible, as roadside buffers may be included as a portion of the natural area. BIMC 17.12.017.P.6. The minimum width of natural area inside of roadside buffers is five feet. This is so because BIMC 17.12.050.5.e provides that natural area shall have a minimum width of 50 feet outside of roadside and perimeter buffers. (NOTE: Per BIMC 17.12.070.O.2 and Table 17.12.070-1, there are no perimeter buffers for the project.) Accordingly, Table 17.12.070-1 provides that the minimum width of natural area in the

HS I and II zoning districts is five feet. Thus, *inside of roadside buffers*, natural area may be as narrow as five feet.

The project has almost 50% more community space than is required. There is no minimum width of community space.

2. The rows of townhomes are situated to complement and benefit from the natural area and community space. Sixty of the 73 units will directly front or back onto a natural area or a community space. Passive uses will be permitted in the natural area, and the community space will be a gathering area for people in the project, with attractive landscaping, gazebos, sitting areas, and horseshoe pits. The project will also complement and benefit from the existing commercial lots in the Wintergreen Center. With 38 of the 73 units having an enclosed garage, parking lots/spaces are kept to a minimum.

3. The Kitsap Health Dept. will approve the project to use COBI public sewer and water systems pending City staff execution of the sewer and water availability applications for the project, and upon approval will so advise the Planning Director.

4. The streets will be more than adequate to handle the traffic flow from the 73 townhomes, which will be significantly less than what was approved for the commercial use for the 2 lots. There are generous sidewalks and pedestrian pathways to facilitate walking and biking throughout the project, and connectivity with existing roads and non-motorized facilities.

5. a. The project's east lot's COBI approved storm water detention and drainage has been installed. The west lot is subject to the COBI approved plan for storm drainage and detention.

b. The project's storm drainage is consistent with the COBI approved plans with no unacceptable impact on downstream natural or manmade storm systems.

c. The project's connections for pedestrian, bicycle and motorized traffic are more than adequate and align with existing infrastructure and adjacent properties. In terms of safety, due to the relatively isolated location of the project (other than owners and guests of the project, only cars going to Walgreens, Builders Source and Virginia Mason will pass by the project), the fact that there is no through traffic, and the multiple stop signs which serve to reduce speed, the project will be safer than most of the residential projects in the downtown core, many of which front high-traffic thoroughfares such as Madison Avenue, Winslow Way, Ericksen Avenue, and High School Road. (NOTE: In each of the three years before Covid (2017, 2018 and 2019), ridership on the Bainbridge Island – Seattle ferry declined year over year. 2019 ridership was less than the ridership in 2013 when the Wintergreen commercial application was pending. This reduction in ridership is likely to continue post-Covid due to an increase in work-from-home.)

d. The recent TRANSPO traffic study confirms item 4. above.

e. The application for sewer and water availability is pending for the project; however, COBI previously determined there was adequate sewer and water availability for the original commercial use on the 2 lots. There are several approved commercial uses that would have exceeded the water and sewer demands of the townhome project.

f. The project's site plan and design does conform to the "COBI Engineering Design and construction Standards and Specifications".

6. The site plan and design is consistent with applicable design guidelines in BIMC Title 18.

7. No harmful or unhealthful conditions are likely to result from the proposed site plan.

8. The site plan is consistent with the Comprehensive Plan and other applicable adopted community plans. By way of example and not limitation, here are some pertinent goals, policies, and actions items from the Housing Element of the Comprehensive Plan:

*Housing Vision 2036*

*Bainbridge Island in the year 2036 provides a broad diversity of housing. The broadest variety of housing types including rental homes, exists within the compact, walkable, transit-served, mixed-use designated centers. These include small detached homes on small lots, attached and detached accessory dwelling units, cottage housing, common-wall duplexes, triplexes and row houses, and stacked units on the upper floors of mixed-use, mid-rise buildings.*

*GOAL HO-3*

*Promote and maintain a variety of housing types to meet the needs of present and future Bainbridge Island residents at all economic segments in a way that is compatible with the character of the Island and encourages more socio-economic diversity. Partner with community non-profit organizations and local and regional private and public entities in carrying out the following policies.*

*Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.*

*Policy HO 3.5 Support the efforts of community non-profit housing organizations and local and regional public and private entities in developing and managing affordable housing on Bainbridge Island.*

*GOAL HO-6*

*Facilitate the provision of a diverse affordable housing stock in all geographic areas of the community.*

*Policy HO 6.1 Encourage housing created by agencies such as a community land trust.*

*GOAL HO-7*

*Promote and facilitate the provision of rental and for-purchase housing that is affordable to income-qualified households with a variety of income levels.*

*HIGH PRIORITY ACTIONS*

*Policy HO 4.2 Increase the efficiency of the review process and revise development standards for the High School Road and Ferry Terminal districts and other portions of the Winslow Area Master Plan to encourage the transformation of these areas from auto-oriented, low-rise, homogeneous commercial land use districts into walkable, transit-served, mid-rise, mixed-use neighborhood with affordable housing.*

*HO Action #3 Partner with other jurisdictions, the development community, and nonprofit organizations to increase the diversity of housing types and supply of affordable housing.*

9. The project is adjacent to a wetland that has COBI approved buffers as per the prior approved MDNS for the VISCONSI Master Plan.

10. N/A. The project is not within the shoreline district.

11. The applicant is providing private open space for the project which will be owned as common area by the future Wintergreen HOA. However, no application for credits has been submitted at this time.

12. The COBI Fire Department has approved the project as stated in the Pre-application Conference Summary Letter.

13. The site plan and design has been prepared consistent with the purpose and review procedures of this chapter. The applicant has gone through the prescribed pre-application process – DRB conceptual and guidance review, pre-application conference, and public participation meeting hosted by the Planning Commission – and the project has benefitted from the input and guidance received.