

## I. Introduction

**Applicant:** Bruce Anderson, AIA  
135 Parfitt Way SW  
Bainbridge Island, WA 98110

**Owner:** Mike Burns  
10575 Darden Lane  
Bainbridge Island, WA 98110

**Request:** Construction of 36 apartments in one building, and 6 townhouses with associated parking, pedestrian circulation and landscaping.

**Location:** The project site is the northeast corner of Madison Avenue and Wyatt Way being a portion of Sect. 26, T. 25N, R. 02E. W.M. Tax parcel number is 262502-2-129-2007.

**Zoning Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)

**Comprehensive Plan Designation:** Mixed-Use Town Center, Madison Avenue District (MUTC/MAD)

**Environmental Review:** A SEPA Threshold Determination will be issued together with a decision on the underlying permit.

### **Recommendation:**

#### ***SEPA Conditions***

1. 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 previously received a SEPA Determination.
2. Contractor is required to stop work and immediately notify the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during excavation or construction.

3. 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 18.15.040.
4. Prior to any clearing or grading on the site, construction fencing shall be installed and inspected by the City at the edge of the tree's dripline for trees being preserved as part of the development and at the dripline/critical root zone for trees located on adjacent properties where trees could be impacted by the development.
5. 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 noise levels established by the Washington Administrative Code 173-60 or its successor.
6. 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 the that regulation.

***Project Conditions:***

7. The site shall be developed in substantial conformance with the site plans date stamped received XXX and building elevations shown in plans date stamped XXX.
8. The applicant shall obtain an approved building permit and/or grading permit from the Department of Planning and Community Development, prior to any construction activities on the site.
9. Prior to a building permit issuance, the applicant shall satisfy the concerns listed in Bainbridge Island Fire Department Memo of **March 20, 2017**. Specifically the following comments shall be addressed to the Fire Marshall's satisfaction:
  - a. **The proposed project shall comply with all provisions of the adopted Fire Code.**
  - b. **Residential fire sprinklers will be required in all buildings.**
  - c. **Fire hydrants will be required for the project. Location to be determined by the Fire Marshall.**

- d. **Access from Madison Avenue shall meet fire department standards.**
  - e. **Where the floor level of the highest story is located more than 30' above the lowest level of fire department access, Class 1 standpipes are required.**
  - f. **Aerial fire apparatus access is required along Wyatt Way. Overhead utility and power lines shall not be located over access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire marshal.**
10. All the conditions and recommendations of Engineering Development Review shall be satisfied prior to the issuance of any construction permits (Attachment O & P). Specifically the following conditions shall apply:

*General*

- a. Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the applications(s) for a construction permit (building, grading, ROW, etc.) to COBI for review and approval to construct all necessary infrastructure and utilities serving the site. Certification of occupancy will not be issued for any building until all civil improvements are completed and finalized.
- b. As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final along with electronic copies.

*Roads*

- c. The condition of Wyatt Way NE and Madison Avenue North fronting the project shall be photo documented to the satisfaction of the development engineer prior to issuance of the construction permits. Upon completion of the project damage to the road caused by heavy construction equipment and traffic shall be fixed by the owner.
- d. Park improvements to the Tot-Lot listed in the agreement between the Bainbridge Island Metropolitan Parks and Recreation District (BIMPRD) and the owner for construction of split rail fencing along the northeast side of the road and the two (2) single-vehicle parking stalls, one ADA compliant, inside the curve of the new road shall be completed with civil improvements.
- e. Project egress on Wyatt Way shall be limited to right turns out per the traffic analysis report as needed to accommodate the future roundabout improvements and pedestrian safety island and median/double yellow line striping. **Ingress is not limited.**

### *Stormwater and Utilities*

- f. A Stormwater Pollution Prevention Plan (SWPPP) is required prior to building and civil construction activities. Stormwater quality treatment, erosion and sedimentation control shall be designed in accordance with BIMC 15.20.
- g. A maintenance and operation manual shall be submitted for on-site stormwater facilities along with a Declaration of Covenant for maintenance consistent with BIMC 15.21 upon completion of the civil improvements prior to issuing a certificate of occupancy.
- h. The bioretention facility located in the future City ROW shall be inspected during construction and accepted by the City after the maintenance period of one (1) year has expired. A maintenance assurance device to the City shall be secured upon completion of the work. There is no biofiltration facility proposed now.
- i. Trenching and excavation work performed within the drip line or critical root zone of significant trees to be retained shall be monitored by a certified arborist.
- j. The 12-inch diameter corrugated metal pipe (CMP) storm drain running east to west in Wyatt Way NE is reported by COBI operations and maintenance staff to be clogged with tree roots from the adjacent willow tree and is deteriorating (rusting). Cleaning and/or replacement of the pipe as necessary shall be required as part of the frontage improvements.
- k. The willow tree impacting the City's storm drain on Wyatt Way NE has been assessed as a hazard. The tree will be included in the ROW dedication to the City and become the City's responsibility upon completion of the project. In addition to maintenance to or replacement of the storm drain line directly adjacent to the tree the proposed construction of on-street parallel parking stalls, curb, gutter and sidewalk are directly in front of and around the base of the willow tree. The work will require substantial subgrade preparation and will potentially further damage the tree's root system causing even greater damage to the public and the City's infrastructure. As part of the frontage improvements removal of the willow tree shall be performed. Replacement with a more appropriate street tree will minimize pedestrian and traffic hazards and improve the durability and serviceability of the new street improvements. We strongly disagree with this condition.
- l. All sanitary sewer cleanouts shall be located at the edge of the utility easement.
- m. A binding water and sewer availability letter shall be obtained prior to the submittal of any utility or building permit.

### *Permitting*

- n. A clearing permit will not be issued until the project has demonstrated full compliance with the stormwater requirements of BIMC 15.20.
  - o. The proposed actions(s), phased or concurrent, in their totality will result in more than one (1) acre of earth disturbance on the site as a common plan of development and drain to waters of the State. The project requires a Construction Stormwater General Permit from the State of Washington Department of Ecology. Under the permit the site shall be monitored for discharge of pollutants and sediment at all outfall /sampling locations. No land clearing or construction permits shall be issued prior to obtaining the State permit.
  - p. Transportation impact fees for the development at the time of this memo are approximately \$1,012.13 per apartment dwelling unit and \$1,273.33 per townhouse dwelling and shall be paid prior to issuance of each building permit [BIMC 15.30]. Fees are subject to change.
  - q. 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.
  - r. ROW dedication to the City of 5 feet along Madison Avenue and 15 feet along Wyatt Way NE shall be accepted and recorded prior to issuance of a certificate of occupancy.
13. Parking shall be improved in substantial conformance with the approved site plan. Parking area shall be durable surface approved by the City's Development engineer, all stalls shall be identified by strips or wheel stops and appropriate signage shall be placed at each handicap stall(s). Each parking stall is to meet the dimensional requirements of BIMC Table 18.15.020-3 outside of required driving aisles.
14. At least one space within the parking lot shall be designated as a shared car program or electric vehicle charging station space.
15. No more than 30 percent of the required parking spaces may be designated as compact spaces. All compact spaces shall be properly identified as "compact".
16. Concrete sidewalk shall continue as a contrasting material across driving aisles.
17. A minimum of 9 bicycle spaces are required for this development. The racks or wall hangers need to provide the ability to lock wheel and frame of bicycle.
18. All landscaping shall be installed in substantial conformance with the approved landscaping plan (Sheet L1) date stamp received XXX.

19. All landscaping shall be installed per the approved landscaping plans or a performance assurance device shall be submitted and approved, prior to final inspection of any building. The installation of landscaping shall be verified by the Landscape Professional and the landscaping declaration shall be signed.
20. Prior to temporary occupancy of any building, a landscaping maintenance assurance device for the required landscaping shall be provided to the City for a period of three years. All landscaping shall be maintained for the life of the project.
21. Exterior trash receptacles/recycling facilities shall be fully screened with solid walls and gates. The screening enclosures shall be architecturally consistent with the adjacent structures. All enclosures serving associated building shall be construction and inspected prior to final inspection of associated building.
22. At the time of building permit submittal, detailed lighting plans demonstrating compliance with the lighting standards shall be submitted for review approval by the City.
23. All mechanical equipment shall either be located underground, incorporated into the landscaping or integrated within the building or roof form of the building, with the exception of solar panels that may be placed on roofs.
24. All new structures along Wyatt Way or Madison Avenue are to maintain a minimum setback of 10 feet from the back of the sidewalk.
25. All work occurring within the critical root zone of trees located on adjacent properties shall follow the tree protection strategies contained in attachment K or follow specific standards of a consulting arborist to ensure the health and safety of the trees.