

Department of Planning and Community Development

Staff Report

Date: March 12, 2018
To: Planning Commission
From: Kelly Tayara, Associate Planner
Project: Wyatt Apartments
File No: PLN 50165B SPR

Request: The Department of Planning and Community Development requests Planning Commission recommendation on application for Site Plan and Design Review permit for Wyatt Apartments, a 42-unit multi-family development comprised of a 36-unit apartment building and six townhomes.

As provided in BIMC 2.16.040, in the case of a major Site Plan and Design Review (SPR) application, the Planning Commission ("Commission") shall review the application prior to the final decision by the Department of Planning and Community Development Director ("Director"). The Director shall determine the major issues and specific aspects of the project that the Commission should review, and shall forward this review directive to the Commission. The Commission shall review the application based on the Director's review directive, the Design Review Board (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. The director will make the final decision based on the decision criteria in BIMC 2.16.040.E, the recommendation of the Planning Commission, the DRB recommendation, and consideration of any public comments received.

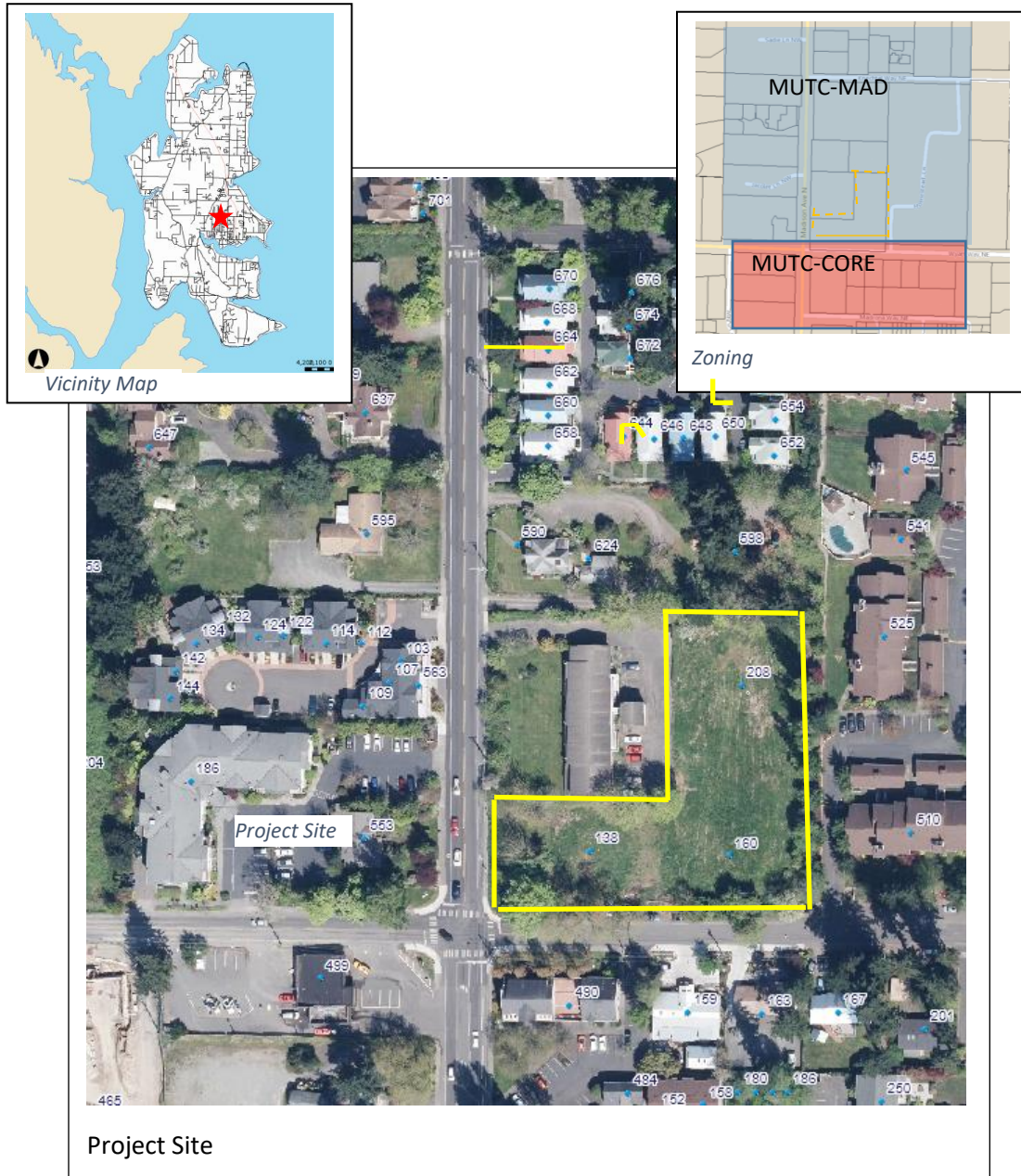
Applicant: Madison Avenue Development Inc.
2930 Westlake Ave N
Seattle, WA 98109

Location: 138 Wyatt Way NE

Part I: General Information and Site Characteristics

1. Tax Assessor Information:

- a. Tax Lot Number: 262502-2-129-2007
- b. Site Address: 138 Wyatt Way NE
- c. Owner of record: Madison Avenue Development Inc.
- d. Lot size: 1.38 acres
- e. Land use: Currently undeveloped / Multi-family residential use proposed



2. Zoning Designation:

The subject property is within the Mixed Use Town Center – Madison Avenue Overlay District (MUTC-MAD). Except for properties to the south which are within the Mixed Use Town Center - Core Overlay District (MUTC-CORE), the surrounding properties are also designated MUTC-MAD.

3. Comprehensive Plan Designation:

The Comprehensive Plan designation for the subject property is MUTC-MAD district and except for properties to the south which are designated MUTC-CORE, the surrounding properties are also designated MUTC-MAD.

4. Existing Development:

The subject property is undeveloped. One property to the north is a park (Madison Avenue Tot Lot) and one contains a multi-family building. The property to the east contains multi-family buildings. Of the properties to the south, across Wyatt Way, one contains a mixed-use commercial and multi-family development, one houses a yoga studio, and one is developed with a funeral home. To the west, across Madison Avenue, one property contains a retirement center and one is developed with an automobile repair shop and carwash facility.

In 2016 the property received Site Plan and Design Review approval for Wyatt Cottages, a 28-unit development, but that project was not pursued (City File No. PLN50165 SPR).

5. Access:

Vehicular access is proposed from Wyatt Way with additional emergency service access via access easement from Madison Avenue.

6. Soils and Terrain:

Site soils are composed of Ragnar Fine Sandy Loam. The site gently slopes down from south to north at approximately six percent.

7. Public Services and Utilities:

- a. Police: City of Bainbridge Island Police Department
- b. Fire: Bainbridge Island Fire District
- c. Water: City of Bainbridge Island
- d. Sewer / Septic: City of Bainbridge Island
- e. Storm drainage: Storm drainage connects to existing systems in Wyatt Way and Madison Avenue. Pervious pavement with under-drain collection system is used for the parking facility.

Part II: Comprehensive Plan Guiding Principles, Goals and Policies

The Comprehensive Plan designation for the site is Mixed Use Town Center-Madison Overlay District (MUTC-MAD). The Winslow Master Plan builds on the guiding principles, goals and policies in the Comprehensive Plan. These guiding principles, goals and policies, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh the project benefits and impacts. The following land use Comprehensive Plan guiding principles, goals and policies apply to the development proposal:

1. Comprehensive Plan Land Use Element

- a. Winslow Town Center Goal LU-7 and Policy LU 7.5: The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The purpose of the Madison Avenue Overlay District is to provide for a mix of residential and small-scale non-residential development.

2. Winslow Master Plan

- a. Overall Land Use Goal WMP 2-1: Strengthen Winslow - the Island's commercial, cultural and commuter hub - as a sustainable, affordable, diverse, livable and economically vital community, by: Encouraging downtown living; Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas; Promoting the efficient use of land; Promoting development that is sustainable and supports community values.
- b. Overall Land Use Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center
 - 1) Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center, variations in development standards and design guidelines may be provided within districts.
 - 2) Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.
- c. Overall Land Use Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center
 - 1) Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.
 - 2) Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.
 - 3) Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.
 - 4) Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.
 - 5) Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

Part III: Public Notice and Agency Review:

1. Environmental Review / Public Notice

A pre-application conference was held on April 17, 2017. A public participation meeting was held on May 22. Application for Site Plan and Design Review was received on June 28; the application was deemed incomplete on July 25 and, after receipt of additional information, deemed complete on August 21. A public meeting was held with the Design Review Board on September 18 and the applicant presented the project to the Planning Commission during a public meeting on March 8, 2018.

The project is subject to State Environmental Policy Act (SEPA) review (WAC 197-11-800). Utilizing the optional DNS process (WAC 197-11-355), the City issued a combined Notice of Application/SEPA comment period on September 1, 2017. The 14-day comment period ended on September 15, 2017. The City, acting as lead agency, will issue a SEPA threshold determination with decision.

2. Public Comment Summary

Four public comments were received, as summarized below:

- A roundabout should replace the four-way stop sign at the intersection of Madison Avenue and Wyatt Way as a mitigation measure for increased traffic congestion.
- The Fire District should review the site and ensure adequate turn radius for fire trucks, and the development should provide a fire prevention system with alarm and monitoring capabilities.
- The applicant should provide a public trail along the east side of the development to connect to the existing trail which emanates on the northeast side of City Hall and terminates at Wyatt Way.
- The proposal is different than the project approved in 2016.
- There are insufficient water aquifer resources available on the Island to support further development.

Staff response: The City is constructing a roundabout, and construction is likely to occur after the project utility work. The Island Wide Transportation Plan identifies a trail on the adjacent property for the length of the east property line. The City has not determined that Island aquifer resources are insufficient to support future development.

3. Agency Comment

Kitsap Transit requested that the development provide an improved bus stop along Madison Avenue to improve the transit access: The existing bus stop is served by Route 90, linking the project site to Poulsbo, and an additional bus stop across Madison Avenue allows passengers access to the Ferry terminal. The agency provided specifications and commented that they are open to any applicant design that accommodates Americans with Disability Act (ADA) requirements.

The Kitsap Public Health District approved the application, and subsequent building permits are subject to Health District approval.

The Bainbridge Island Fire District commented as follows: The project must comply with the Fire Code; residential fire sprinklers and fire hydrants are required; Madison Avenue access must meet District standards; Class I standpipes are required where the floor level of the highest story is located more than 30 feet above the lowest level of District vehicle access; aerial fire apparatus is required along Wyatt Way; overhead utility and power lines shall not be located over the access road or between the aerial fire apparatus road and the building; tree retention on Wyatt Way shall not impede aerial access to the building; landscaping shall provide for clear access and a minimum of 36-inch clearance around all fire appliances including hydrants, connections, post indicator valves and all other fire/life safety equipment.

Part IV: Land Use Code Analysis

*The Municipal Code is presented in normal font, and **staff discussion in bold font.***

1. BIMC Title 18 Zoning

a. BIMC 18.09.020 Use Table

Multi-family use is permitted in the Mixed Use Town Center.

b. BIMC 18.12.020-3 Dimensional Standards Table

Dimensional Standard	Requirement	Proposed / Compliance Evaluation
Floor Area Ratio (FAR)	.4 maximum	Floor area is a calculation based on the area of all floors within the exterior vertical walls of a building. FAR is determined by dividing the floor area by the lot area (prior to dedication of any right-of-way). Base FAR is 22,498 square feet (56,245 x .4).
FAR Bonus Density	.6 maximum	Projects may achieve a maximum level of development above base FAR by using bonus provisions identified in BIMC 18.12.030.E. The proposed development seeks full bonus FAR to 33,552 square feet (56,245 x .6).
Lot Dimensions	N/A	There are no standards for the district.
Lot Coverage	35% maximum	Proposed lot coverage is 25.1% (approximately 14,270 sf) and complies with this requirement.
Front Setback	10 feet minimum 20 feet maximum	The property fronts both Madison Avenue and Wyatt Way. The proposed setback is ten feet and meets this requirement.
Side Setback	0 feet	For properties with more than one front lot line, the remaining lot lines are sides (BIMC 18.12.050). The proposal meets this requirement.
Building Height	25 feet maximum	Height is measured as the vertical distance above "grade" to the midpoint of the roof. Grade is the average elevation of the original ground surface. Grade at elevation 141 for the multi-family building is depicted on Sheet D 3. Based on the information on Sheet D 1, grade for the townhomes is approximately elevation 151. While building height is not depicted in compliance with the Rules of Measurement (BIMC 18.12.050), information submitted on Sheets D 1, D 3 and D 5 is sufficient to determine that the multi-family building height is 24.5 feet and the townhomes are approximately 20 feet in height. Compliance with height requirements is verified during building permit review.

c. BIMC 18.15.010 Landscaping, Screening, and Tree Retention, Protection, Replacement

In the Mixed Use Town Center Madison Overlay districts, the intent is to retain the character of landscape front yards and to provide landscape development to screen uses from single-family residential properties and to soften the appearance of surface parking areas.

Development within this district is subject to landscaping, screening and tree retention requirements identified in BIMC Table 18.15.010-1.

1) Tree Retention, Protection and Replacement

Trees and tree stands located in the perimeter areas required to be landscaped pursuant to BIMC 18.15.010.D, Perimeter Buffering and Screening, and BIMC 18.15.010.E, Street Frontage Landscaping, shall be retained and protected as described in BIMC 18.15.010.C.4.

Because the property is not adjacent to a single-family residential district, perimeter buffers are not required (BIMC Table 18.15.010-3). Unless a property abuts State Route 305, roadside buffers are not required (BIMC Table 18.15.010-4) in the Mixed Use Town Center.

2) Total Site Tree Unit Requirements

The development parcel shall have at least 40 tree units per acre following the proposed development or redevelopment (BIMC 18.15.040.G.4). The applicant may choose to retain trees or to plant new trees to meet this requirement.

Sheet L 4 contains the tree unit calculation. The project requires 56 tree units to meet total tree unit requirements (1.38 x 40). The parking lot tree requirements (paragraph below) are added to this total, so altogether 62 tree units are required. The project retains 5.8 tree units, comprised of a big-leaf maple and several cedar trees. A total of 73 new trees are proposed, which exceeds total site tree unit requirements. For trees to be retained, the applicant is required to provide International Society of Arboriculture valuation of the trees.

3) Parking Lot Landscaping

Requirements for parking lots located behind buildings and not adjacent to rights-of-way:

- One tree for every eight parking stalls
- One hundred percent of the trees may be deciduous
- Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting
- Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years
- A landscaped area at the end of aisles
- Standards:
 - Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
 - Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.

- Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
- Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- Clustering of new plant material within parking lots may be approved or required by the director if the intent of this section is met.
- Refer to the suggested landscape materials matrix in the administrative manual for tree species appropriate for parking lots.

The landscape plans are contained on Sheets L 1 – L 4. For 42 parking spaces, at least six trees are required. The proposed trees are six-to-eight feet in height at time of planting, and the landscape plan contains evergreen shrubbery designed to adequately vegetate landscaping areas.

4) Protection During Construction and Development.

In order to preserve future ecological function, the applicant shall identify areas of prohibited disturbance, generally corresponding to the dripline or critical root zone (as identified by a consulting arborist) of the existing vegetation, trees and /or tree canopy of tree stands to be retained, buffers, areas of existing vegetation to be maintained, future rain gardens, and future planting areas larger than 400 square feet (i.e. landscape islands in parking lots).

A temporary five-foot high chain link fence with tubular steel poles or “T” posts shall delineate the area of prohibited disturbance, identified in the above paragraph, unless the Director approves use of a four-foot high plastic net fence as an alternative. The fencing must be posted with signage denoting the vegetation protection area.

No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by the required construction fencing. If construction and compaction in future planting areas is unavoidable, the landscape plan for the project shall include methods for aerating and/or augmenting compacted soil to prepare for new planting.

The application materials include two arborist’s evaluations. Civil plans provided for construction should provide a level of detail sufficient to allow review of compliance with these requirements. The civil plans should identify areas of prohibited disturbance, fencing locations and any additional provisions necessary to adequately protect those areas of prohibited disturbance which are in proximity to construction activities.

d. BIMC 18.15.020 Parking Spaces Required

The number of parking spaces required is identified in BIMC Table 18.15.020-2. A minimum of one space per primary dwelling unit that is a studio or one-bedroom unit and two spaces for all other primary dwelling units is required. The Director of Planning and Community Development may require guest parking in excess of the required parking spaces up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

Residential parking requirements may be reduced by 50 percent for dwelling units located within a one-half-mile radius and 25 percent for dwelling units located between one-half mile and a one-mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements, and the required number of parking spaces shall not be reduced below one space per parking unit. This provision does not preclude the authority of the Director to require guest parking as described in the table.

Small car spaces may total no more than 30 percent of the required number of parking spaces.

The project provides three two-bedroom, 29 one-bedroom and four studio units within the apartment building and six two-bedroom townhome units. The required parking is 52 units $[(32 \times 1) + (10 \times 2) = 52]$. The property is located less than one-half mile from the ferry terminal, and therefore parking requirements may be reduced by 25 percent, to not less than 39 spaces $(52 \times .75 = 39)$. The proposal provides 42 on-site spaces and four off-site street parking spaces on Madison Avenue. Based on the number of required parking spaces, a maximum of 15 compact car spaces are allowed $(52 \times .3)$, and 14 are proposed, as depicted on Sheet D 2.

e. BIMC 18.15.030 Mobility and Access

1) Circulation and Walkways for Non-residential Development

Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians. Entrances from the right-of-way, ends of parking aisles and the circulation pattern shall be defined by landscaped areas with raised curbs. Pedestrian walkways should be provided around buildings to assure safe access. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and provide at least five feet of unobstructed width. Walkways that cross driving lanes shall be constructed of contrasting materials or maintained painted markings. Walkways must be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or to meet accessibility standards.

The City Development Engineer finds that the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications. Civil plans provided for construction should provide a level of detail sufficient to allow review of compliance with these requirements. The civil plans should identify raised curbs and walkways should be constructed and maintained to meet Municipal Code and ADA requirements.

2) Bicycle facilities

The development must provide one bicycle space for every five vehicle parking spaces, with a minimum of four spaces provided for each parking lot.

Based on the 42 on-site vehicle parking spaces proposed, nine bicycle spaces are required; a proposed 14-bicycle rack is depicted on Sheet D 2.

f. BIMC 18.15.040 Outdoor Lighting

All outdoor lighting must result in no light trespass. Outdoor lighting must be shielded and aimed downward, with no escaping direct light permitted to contribute to light pollution by

shining upward into the sky or onto adjacent properties. Spotlighting on landscaping and foliage is limited to 150 watts incandescent (2,220 lumens output).

The applicant proposes tree and entry downlighting as depicted in lighting plan Sheet D 10.

g. BIMC Chapter 18.18 Design Guidelines

The project is subject to the 'Design Guidelines for Mixed Use Town Center and High School Road Districts' which include 'Guidelines Applicable to All Overlay Districts' (also referred to as 'General Guidelines' and 'Guidelines Applicable to the Madison Avenue Overlay District'.

- i. Site Design. Development should provide facilities near or visible from the sidewalk for outdoor public use (such as seating areas, courtyards, small plazas). Development should include pedestrian walkways, raised and separated from traffic lanes, that offer access from the public sidewalk to the main entrance to the building. Pedestrian walkways should offer connections to adjoining properties. Parking lots should be located behind or to the side of buildings. Within parking lots, pedestrian walkways should allow people to traverse the lot without being forced to use vehicular aisles. Most common open space serving residents should be designed to allow walking throughout the development, to any adjacent commercial or recreational areas, and to surrounding streets. Some place for children to play should be provided. Exterior lighting should not exceed 14 feet in height and should incorporate shields. Trash containers should be shielded from view. Landscaped front setbacks are encouraged along Madison Avenue.
- ii. Building Design. Buildings should utilize elements such as massing, materials, windows, canopies, and pitched or terraced roof forms to create a visually distinct base and cap. Building materials and patterns should be varied to produce variations in texture. Building elevations shall be vertically and horizontally modulated to avoid massive scale. Facades facing public ways shall incorporate setbacks or articulation and shall include features such as columns or recessed entries. Blank walls shall not be visible to public spaces. Building designs should respond to nearby buildings by using shared elements, materials or massing. Principal entrances should be visually prominent and incorporate elements such as setbacks, recesses, and porches. Rooftop mechanical equipment should be concealed by and integrated within the roof form. Visually prominent buildings should be encouraged at Madison Avenue intersections. Buildings should have pitched roof forms, with the pitch being at least 4:12 and no more than 12:12.

The Design Review Board (DRB) met on September 18, 2017 to review the proposal and provided the following recommendations: The project should advance as submitted with recommendations of widening the driveway, including canopies on both south and north elevations, considering contrasting pavement in the entry drive, considering moving the handicapped accessible parking space to the west, planting larger caliper trees and retention of existing willow trees.

In response to the DRB comments, on December 14, the applicant submitted two new plan sheets (D 2 and D 4) which contain a potential reconfiguration of the northerly townhomes with the intent of breaking up the scale of the buildings along with entry cover over common entries along Wyatt Way, modification to the rain screen siding and modified fencing design.

2. BIMC 2.16.040.E Site Plan and Design Review - Decision Criteria

The Commission shall review the application based on the Director's review directive, the Design Review Board (DRB) recommendation, and the decision criteria below:

- a. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district.

Consistency with zoning standards, including dimensional standards, design guidelines, landscaping and parking requirements, is discussed above in Part IV 1. Continued compliance with standards and any project conditions is ensured at time of building permit review.

- b. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan.

The City Development Engineer finds that the site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications. The Island Wide Transportation Plan identifies a "Trails School/Pvt Maintained" along the length of the east property line.

- c. The Kitsap County Health District has determined that the site plan and design meets the following decision criteria: The proposal conforms to current standards regarding domestic water supply and sewage disposal.

The Kitsap Public Health District recommends approval of the proposal.

- d. The City Engineer has determined that the site plan and design meets the following decision criteria: The site plan and design conforms to regulations concerning drainage in BIMC 15.20 and 15.21; The site plan and design 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; The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; The site plan and design conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual" 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 18.

The City Development Engineer completed review of the project materials received on June 28th, 2017 with revisions received on December 14th, 2017. The Development Engineer recommends conditioned approval based on the following findings:

- **The site plan conforms to regulations concerning drainage in BIMC 15.20 and 15.21;**
- **The site plan 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;**
- **The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic;**
- **The site will rely on public water and sewer services. There is adequate capacity in the water and sewer system and those services can be made available at the site;**
- **The site plan conforms to the City of Bainbridge Island Design and Construction Standards and Specifications, "the Standards", except as noted;**

- The site plan and design is in conformance with the applicable portions of the comprehensive plan pertaining to streets, roads, and utilities.

In 2016 the property received Site Plan and Design Review approval for Wyatt Cottages, a 28-unit development, but that project was not pursued (City File No. PLN50165 SPR). During the review process for that permit, a willow tree located along Wyatt Way was the subject of considerable discussion: City staff recommended that the tree be removed, and the Planning Commission recommended that it be retained. The Development Engineer provides the following discussion regarding the willow tree:

The Development Engineer does not recommend retention of the willow tree on the southeast corner of the lot. Replacement with a more appropriate street tree is recommended to minimize pedestrian and traffic hazards and limit potential damage to the proposed street improvements caused by its toppling or future removal. An arborist was commissioned by the City in 2014 to assess the willow. The assessment was triggered by citizen concerns about safety. The arborist recommended that the tree be removed. The arborist assessed a risk rating of 10 (on a scale of 3 to 12), meaning, *"The assessed issues have now become very clear. The probability of failure is now getting serious, or the target rating and/or site context have changed such that mitigation measures should now be on a schedule with a clearly defined timeline for action."*

The applicant provided two additional reports with this application, one prepared in 2015 and another in 2016 by the same author of the 2014 study referenced above. The 2015 report found no signs of insects, decay, fungi or sap flow in the trunk and included recommendations to prune out dead branches, cable the tree to address safety concerns, and boost vigor prior to development. The 2016 report found for a second time the willow to be in poor condition with multiple areas of rot with extensive dieback and poor structure, noted it is a poor candidate for retention, and recommended removal prior to construction activities.

In addition to the arborist reports, the City Public Works Department has reported drainage issues with a culvert adjacent to the tree being clogged by roots and causing flooding issues. No information has been provided by the applicant on the effect of installing new storm drain pipes, an 8-inch water line proposed as part of the development, and curb and road construction on the tree's further health or viability. Tree failure is expected in the near-term and would result in possible damage to City facilities and put financial liability on the citizens to repair what appears to be avoidable damage.

- e. The site plan and design is consistent with applicable design guidelines.

The Design Review Board recommended approval of the project and recommended that the driveway be widened, canopies be included on both the south and north elevations, contrasting pavement be considered in the entry drive, moving the handicapped accessible parking space to the west be considered, planting larger caliper trees and retaining existing willow trees.

- f. No harmful or unhealthful conditions are likely to result from the proposed plan.

This staff report identifies the regulations and provides reviewer comments regarding public health, safety and welfare, and public use and interest. Specifically, the report addresses

transportation, access, including pedestrian and emergency services access, water, sewer, and stormwater facilities.

- g. The site plan and design is in conformance with the Comprehensive Plan and other applicable adopted community plans.

The project provides for residential development within the Mixed Use Town Center which meets the intent of the district.

- h. Any property subject to site plan and design review that contains a critical area or buffer conforms to all requirements of that chapter.

The site is unencumbered by critical areas or their buffers.

- i. Any property subject to site plan and design review that is within shoreline jurisdiction conforms to all requirements of that chapter.

The property is not within shoreline jurisdiction.

- j. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.

The purpose of Site Plan and Design Review to establish a comprehensive site plan and design review process that ensures compliance with the adopted plans, policies, and ordinances of the City. This application for Site Plan and Design Review permit is reviewed consistent with the adopted review process to ensure compliance with current plans, policies and regulations.

Part V. Conclusions

This report includes the standards of review, relevant Municipal Code and Comprehensive Plan provisions and provisions of other permitting agencies. The staff report includes findings based on evidence in the record. The project file contains the official record and basis for findings, including technical information and documentation.

Appropriate notice of application was provided, and comments considered. The application is properly before the Planning Commission for recommendation. Should the Commission recommend approval, staff suggests that the following conditions be considered:

SEPA CONDITION

1. To mitigate transportation and public service impacts, the project shall provide a bus shelter on Madison Avenue. The bus shelter shall meet Americans with Disabilities Act (ADA) requirements, and the shelter design and installation shall be coordinated with Kitsap Transit and City Public Works Department. The shelter shall be installed and achieve final inspection prior to occupancy of any buildings.

PROJECT CONDITIONS

2. The authorization for construction activities automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the Site Plan and Design Review permit.
3. Construction plans shall substantially conform to plans submitted with application as revised by sheets submitted on August 9, 2017 (Sheets D1, D1.1, D1.2, D1.3, D2, D3, D4, D8, D11) as further revised by sheets submitted on December 14, 2014 (Sheets D2, D4).
4. Prior to any construction activities, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, and/or building permits.
5. The project shall comply with the following conditions of the City Survey Program Manager:
 - a. Right-of-Way Dedication
 - 1) Madison – 5.00' dedication for a total of 30.00' from section line between Sections 26 & 27
 - 2) Wyatt – 30.00' dedication north of the East-West centerline of Section 26 (this will include any right-of-way previously dedicated or granted)
 - 3) Additional right-of-way or easements may be required accommodate the Wyatt Way Reconstruction Project
6. The project shall comply with the following conditions of the City Engineer:
 - a. General
 - 1) Civil improvement plans, reports, and computations, prepared by a civil engineer registered in the State of Washington shall be submitted with the application(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. Certificate of occupancy will not be issued for any building until all civil improvements are completed and finalized.
 - 2) As-built civil construction plans stamped by a civil engineer shall be provided by the applicant prior to final.
 - b. Facilities Extension
 - 1) A Developer Extension Agreement (DEA) shall be executed at the site utilities construction permitting application phase for the construction of utilities to be inspected and accepted by the City.
 - 2) A right-of-way (ROW) construction permit will be required prior to any construction activities within the right-of-way in addition to completing the DEA and obtaining other

necessary construction permits. The ROW permit will be subject to separate conditions and bonding requirements.

- 3) Coordination of construction phasing with the adjacent Wyatt Way Improvement Project, including the planned construction of a roundabout at the intersection of Wyatt Way NE and Madison Avenue North, shall be undertaken prior to or at the time of executing the DEA. A moratorium on pavement cuts within the newly constructed roundabout improvements will require coordination of all utility extensions, frontage improvements, and bus shelter construction.
- 4) ROW dedication shall be required consistent with the City's survey program manager's requirements. The public sidewalk along Wyatt Way NE must be located within a City ROW or an easement granted to the City for public pedestrian access. Coordination for ROW dedication shall occur with the Wyatt Way Improvement project.
- 5) ROW improvements along Wyatt Way NE shall conform to the Standards for an urban collector roadway that requires a 10-foot travel lane, and a 3-foot paved shoulder clear of the parallel parking stalls. Parallel parking stall width shall comply with the minimums stated in BIMC 18.15.

c. Access

- 1) Access to the site shall be provided as modeled in the traffic impact analysis with primary ingress and egress from Wyatt Way NE. The emergency fire access at the northwestern corner of the project shall be marked with signage or bollards precluding non-emergency access from the adjacent parcel via Madison Avenue North.

d. Utilities

- 1) 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.
- 2) Abandonment and/or removal of the existing 4-inch asbestos concrete (AC) water main in Wyatt Way NE shall be performed by a contractor certified in asbestos abatement and removal.
- 3) On-site water main extensions shall include a utility easement granted to the City to the meters and/or backflow prevention devices.
- 4) Retention of the willow tree on the southeast corner of the lot is not recommended per the project arborist's report. Replacement with a more appropriate street tree is recommended to minimize pedestrian and traffic hazards and limit potential damage to the proposed street improvements caused by its toppling or future removal.

e. Stormwater

- 1) 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.
- 2) A final stormwater report shall be submitted with the building permit detailing compliance with all applicable minimum requirements as required by BIMC 15.20, prepared by a civil

engineer licensed in the State of Washington.

- 3) Prior to building permit final, the applicant shall submit an operation and maintenance plan for the on-going maintenance of the storm drainage system.
- 4) New and replaced hard surfaces associated with frontage improvements, including on-street parallel parking stall construction shall be subject to on-site and water quality stormwater requirements per BIMC 15.20. Treatment shall be provided for these surfaces.
- 5) 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.

f. Permitting

- 1) Application for a building permit shall require binding water and sewer availability letters from the City.
- 2) 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.

7. The project shall comply with the following conditions of the Fire Marshal:

- a. The project must comply with the Fire Code
- b. Residential fire sprinklers are required in all buildings
- c. Fire hydrants are required
- d. Access from Madison Avenue must meet Fire District standards
- e. Class I standpipes are required where the floor level of the highest story is located more than 30 feet above the lowest level of Fire District vehicle access
- f. Aerial fire apparatus access is required along Wyatt Way
- g. Overhead utility and power lines shall not be located over the access road or between the aerial fire apparatus road and the building
- h. Tree retention on Wyatt Way, at the east end of the project, shall not impede aerial access to the building, as required
- i. Landscaping plans shall provide for a minimum of 36" clearance around all fire department appliances including fire hydrants, fire department connections, post indicator valves and other fire and life safety equipment. Clear access shall also be provided to such appliances and equipment.

8. The project may achieve a maximum level of development above the base Floor Area Ratio (FAR) in BIMC Table 18.12.020-3 by using one, or a combination of, the FAR bonus provisions identified in BIMC 18.12.030.E. FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total residential FAR exceed the maximum FAR as provided for in BIMC Table 18.12.020-3.
9. Bicycle facilities shall allow secure locking of both the frame and wheels of a bicycle.
10. All trees that are required to be retained through this approval shall be depicted on the site plan, civil plan and landscape plan submitted for building permit.
11. Building permit application shall include the International Society of Arboriculture valuation for trees which are required to be retained through this approval.
12. The project is subject to tree retention replacement, enforcement and penalty regulations in BIMC 18.15.010.C.
13. The civil plan submitted with building permit shall identify the dripline or critical root zone (as identified by a consulting arborist) of trees and /or tree canopy of tree stands required to be retained, future rain gardens, and future planting areas larger than 400 square feet (i.e. landscape islands in parking lots).
 - a. These areas shall be identified as no-disturbance or for soil amendment, as applicable.
 - b. Temporary chain link fencing a minimum five feet in height with tubular steel poles or "T" posts shall delineate the area of prohibited disturbance.
 - c. Prior to permit issuance for any construction activity, fencing shall be erected and posted with signs to protect no-disturbance areas. Protective fencing and signage shall remain until construction is complete, and removal of any portion of the fencing is subject to approval of the Department of Planning and Community Development.
 - d. Fencing materials and signage shall be approved by the Planning Division prior to installation.
14. All plantings shall be installed or installation financially assured in accordance with BIMC 18.15.010.H. prior to occupancy of any of the new buildings. After installation approval by the Department, maintenance assurity shall be required in accordance with BIMC 18.15.010.H.
15. Internal walkways shall be surfaced with nonskid hard surfaces, meet handicapped-accessibility requirements and be designed to provide a minimum of five feet of unobstructed width.
16. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. The walkway adjacent to the pick-up / drop-off lane shall be curbed and raised six inches above adjacent vehicular surface grade, except where required to meet accessibility standards.
17. Raised curbs shall be used to define driveways from the public right-of-way, landscape areas within the parking lot, the ends of parking aisles, and the vehicular circulation pattern.
18. Outdoor trash / recycle receptacles shall be enclosed with a solid structure / gated and screened from view with evergreen vegetation.