

## CITY OF LYNDEN


 TECHNICAL REVIEW COMMITTEE  
 Development Project Report

Date Issued:	September 17, 2019
Project Name:	PRD Amendment #19-01, RB Development / Heritage Park
Applicant:	Pacific Surveying and Engineering, Inc.
Property Owner:	Aaron Drive Properties
Site Address:	801 Aaron Drive, Lynden
Parcel Number:	400316-049520
Zoning Designation:	PRD
Application Type:	Planned Residential Development - Amendment
Parcel Size:	3.17 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed subdivision meets the requirements found within the development contract and the required findings listed within Section 17.09.040 and 19.29 of the Lynden Municipal Code.
Date application determined complete:	July 31, 2019
Date of Publication:	August 14, 2019
SEPA Determination:	N/A
Project Description:	The applicant is requesting to amend the RB Development / Heritage Park PRD to allow a building expansion that includes an age-restricted senior housing facility including 50 additional units in a 5-story apartment building. The proposed building is approximately 23,375 square feet excluding the exposed stair, elevator shaft and roof top deck.

### **Background**

The RB Development PRD was originally approved in 1994. It encompassed 28.7 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Line Road.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian Healthcare Center rather than apartments, fencing, street construction, setback revisions, height limit revisions, and changes to the Conditions Covenants and Restrictions (CC&R's).

### **Application Summary**

The pending amendment to the RB Development PRD seeks to establish a new front setback for the Parkview Apartments parcel, revise an existing storage requirement, and reestablish a previously approved height limitation of 45 feet.

Staff has determined that the application is technically complete but additional information is requested below so that the amendment requests and corresponding justifications are more clearly defined. In accordance with Chapter 17.15 LMC, the proposed action was reviewed for concurrency and should the conditions listed within this report be met, a finding of concurrency will be made in accordance with Section 17.15.060(C)(3).

Additionally, the application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and generated the requested revisions and advisory comments found in the report.

Staff acknowledges that the RD Development PRD Amendment has addressed the following requirements according to the Lynden Municipal Code:

1. *Intent:* Planned Residential Development's (PRD's) provide opportunities to develop land with physical constraints while preserving the natural characteristics of the site and encourage infill within areas of the City which are characterized by existing development. The intent of the proposed amendment of the RB Development PRD appears consistent with the original RB Development PRD in that it does not exceed the original approved number of units and provides a service which appears consistent with adjacent uses. However, staff has concerns related to the points listed below. These are discussed in more detail later in the report.
  - a. The scale of the project. The number of new units proposed at this location is likely to have impacts to on-street parking and parking lots intended for Bender Park users.
  - b. The proposed building's physical relation to the streetscape. Specifically, having a 45 foot tall structure within 15 feet of the property line.
  - c. The proposed building's impacts to the existing site. This includes impacts to the existing residents and the site. Including, but not limited to

parking availability, garbage service, traffic interior to the site, and the literal shadow cast on the site and its recreational area.

2. Housing Types: The market study provided by the applicant states that occupancy in the existing Parkview Complex has been 100% for the last 5 years. And, that countywide the vacancy rate is less than 1% for standard housing, low-income subsidized housing, and for age-restricted senior housing. These numbers appeared to hold true of the 200 one bedroom and studio units studied within Lynden.
3. Onsite Parking Requirements: The applicant has indicated that they will meet parking standards as outlined per code. Chapter 19.51 of the LMC requires that 2 stalls per unit be provided for the first 25 units, 1.5 stalls for units over 25, and 1 stall for each of the age restricted units. The total stall count is 130. Be advised, minimum standard parking stalls dimensions are 9' wide by 21' deep and compact spaces are 8.5' wide by 18' deep. Two feet of the length (vehicle overhang) may extend into landscape or sidewalk areas but at no time may sidewalk width be compromised to less than 5 feet clear. Wheel stops may be required to prevent sidewalk encroachment.
4. Site Specific Amendments - Storage Requirement: The original Development Agreement for the RB Development PRD required that 32 square feet of storage space be provided for each apartment unit. This is not a requirement of the LMC. The applicant is requesting that the storage space requirement not placed on the proposed units. Code typically does not place specific outside storage requirements on proposed development.

### **Specific Project Comments from the Technical Review Committee:**

#### **Planning and Development**

5. Parkview Ownership: Please provide information related to the composition of Aaron Drive Properties LLC and the signing authority of the applicant for that LLC.
6. Application Materials: Please provide a digital copy of the original application package with accurate page numbers. Currently all of the pages of the application are labeled as "Page 2".
7. Response Required: Staff will provide the applicant with a digital copy of this report. Please provide responses to each of the staff comments. Note that the applicants response may generate additional requests for information.
8. PRD Document: As discussed at a recent meeting with the agents for the applicant, staff recommends the applicant provide a complete revised PRD document which maintains relevant sections of the original document and adds

sections relevant to how the PRD was actually constructed as well as the proposed development standards specific to the Parkview Apartments.

9. CC & R's: Per LMC 19.29.130 the PRD shall have a homeowners association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Note that covenants for the PRD may impose more restrictive conditions on the property but not less restrictive than City of Lynden development code. Be advised, enforcement of neighborhood covenant documents is the responsibility of the developer and/or neighborhood association.

Prior to final approval of the proposed PRD amendment, covenants, conditions, and restrictions (CC&R's) – both the existing document and any proposed amendment to the document – must be provided. Per LMC 19.29, amendments to the PRD's CC&R's require City Council review.

Initial staff review of the CC&R's indicate that at a minimum Sections 2.3, 2.4, 10.4, 12.12 and the signatures page will need to be updated. Alternatively, the applicant may choose to explore the option of providing copies of each division's CC&R's as applicable.

Be advised, the process by which the CC&R's will be updated and the stakeholders for the PRD's revised CC&R's should be carefully considered as this may require a significant effort on the applicant's part.

10. Development Maps / Exhibits: Staff understands that the amendments to the RB Development PRD are proposed to affect only tax parcel 400317-446116. The original PRD included this parcel, or a version of this parcel, as B1 - one of four parts of "Area B". Area B was originally intended to be developed as apartments however, various amendments to the PRD resulted in a revised build-out of these areas.

Please provide updated development maps / exhibits which document the original development plan and predicted unit counts for Areas A-F of the PRD. Additionally, also illustrate how the PRD was actually built out to date. Include revised lot lines, lot areas, housing types or property uses, and unit counts (or bed count for the skilled nursing facility).

11. Site Specific Standards Criteria – Perimeter Setback: The City's municipal code provides minimum standards for Planned Residential Developments. However, Planning Commission recommendation and City Council approval can be sought in areas where the applicant seeks to depart from the minimum standards (LMC 19.29.060(10)).

The proposed PRD amendment seeks an alternate standard to the required perimeter setback of 25 feet. On the Parkview Apartments application this perimeter setback has been identified as the 'front setback' (the south property

line). The application proposes the perimeter setback be reduced to 15 feet rather than 25 feet as required by code. Please provide a written response to each of these criteria and/or reference relevant sections of the application to support the request.

- a. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;
- b. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;
- c. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;
- d. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection (a) herein;
- e. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.

12. *Building Height:* Per LMC 19.29.060(2) the maximum height of structures within a PRD, where the underlying zoning is multi-family, is 45 feet. The original 1994 RB Development PRD development agreement reflected this height limitation of 45 feet. However, a subsequent amendment, which reduced internal setbacks, was approved with the condition that apartment building heights be kept to 2 stories. The pending proposal, that the height limitation of 45 feet be reestablished, generates concerns when considered in the context of the existing site. Please respond in writing to concerns and questions related to the proposed height amendment, specifically:

- The height of the project and its physical relation to the streetscape create a relatively imposing structure so close to Aaron Drive and especially the pedestrians using these public sidewalks. How will this be mitigated?
- Discuss how the existing apartment buildings will relate to the proposed structure. For example, what is the architecture of the north elevation? Will the existing apartment units have access to the new structure? Will tenants be displaced temporarily or permanently due to the proposed addition?
- Indicate how the property owner will manage parking to ensure that vehicles related to Parkview will not negatively impact surrounding properties. Staff has concerns that overflow residential parking could

negatively impact the parking lot of Bender Park, on street parking opportunities, and other off-site parking lots.

13. Loading Area: Staff cannot support the proximity of the building to the street and its associated parking unless accommodations are made for loading and drop-off. If the PRD amendment is approved, a pull-off for a designated loading area at the entrance to the building to be used by delivery vehicles, resident drop-off / pick-up, and emergency response vehicles will be required as part of the building design. Coordination with the Public Works Department for the design and layout will be required. Public sidewalks may be altered but an access, a minimum of 5 feet wide and fully ADA accessible, must be maintained along Aaron Drive. This may require a public access easement on the Parkview Apartments parcel.
14. Amenities and Open Space: Open space standards have been discussed generally in the application. Please provide information regarding potential improvements and amenities to the existing green space which will serve the senior tenants of the proposed building.
15. Lot Coverage: The PRD was initially approved with an open space requirement (pervious areas) of 40% or greater. This was not to include the parcel dedicated to the City of Lynden. A subsequent amendment appears to reduce the required open space requirement to 30% while decreasing the maximum building height to 2 stories. Provide the revised lot coverage (impervious area) of the Parkview parcel which include the proposed building and parking lot additions.
16. PRD Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all PRD's will be required to provide supporting data. Please provide on the face of the development maps a table which breaks down the total area of the PRD into the categories shown below. Note that in some instances the area may be zero and that "other infrastructure" could refer to area used for sewer pump station, stormwater ponds, etc.

	PRD Area (in square feet)
Gross PRD area	
Reserve tracts (open space dedications)	
Critical areas including buffers	
Public Right of ways (ROWs)	

Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

## Public Works

17. Public Improvements: All public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process. A plan review deposit of \$2000 or 2% of civil construction costs is required prior to any civil plan review. Any work within public right of way or involving exiting public facilities shall have a bond in place at 150% of construction costs. A maintenance bond of 10% of the certified construction costs is required for all public facilities.
  
18. Transportation Study: The traffic study provided with the application speaks to the number of added trips but does not discuss level of service (LOS). Address the effects of this proposal on the LOS on Aaron Drive and the intersection of Aaron and Bender Road. No accesses to East Badger Road (SR-546) are allowed.
  
19. Stormwater
  - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
  
  - b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
  
  - c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
  
  - d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.

- e. All private storm systems shall be inspected yearly per approved Operation and Maintenance plans. Inspection shall be submitted to the City for review and acceptance.
- f. The storm drainage report will need to include all existing and proposed properties that utilize common drainage facilities.
- g. Site indicated to be within ¼ mile of Fishtrap Creek and will require additional stormwater requirements.

20. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. A 20-foot utility easement is required for all public utilities.
- c. Water meters and fire lines shall have appropriate backflow prevention installed that meets the Department of Health and City of Lynden standards.
- d. A booster pump station may be needed depending on fire system requirements.
- e. Fire hydrants are to be placed a maximum of 300 feet apart (clear distance).
- f. The proposed building will impact existing hydrant placement(s).
- g. The proposed project will impact water service to existing building.

21. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. Existing sewer pump station and force-main that the site discharges to may not adversely impact the existing system. This must be reviewed and confirmed.
- c. The proposed sewer connection shall be tied into existing manhole.
- d. The proposed trash compactor shall be covered. Drainage from the covered compactor area shall discharge to sewer after first going through an approved oil-water separator.

**Fire and Life Safety**



1. Impact Fees: Fire impact fees will be due at the time of building permit. The current fee is \$389 per unit.
2. Access: Revise site layout to provide a designated loading (“no parking”) area at the entrance to the building to be used by emergency response vehicles. Coordinate with the Public Works Department for the design and applicable standards.
3. Elevator Requirements: Be advised, per the International Building Code the elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher of 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position as well as the accompanying EMTs. Generally, this means an elevator that is 4 feet deep by 8 feet wide.
4. Fire Load: Be advised, the installation of an FDC within 50 feet of a hydrant is required. Total fire load will be assessed at the during the permit review process. Applicant must ensure coverage throughout the site. These requirements may result in the installation of an additional hydrant. Early analysis of the fire load is recommended.
5. Fire Suppression: Be advised, a fire suppression system will be required throughout the proposed building.
6. Structural Review Required: Be advised that the weight load for the top of building must be able to support emergency responders and equipment if necessary. Load ratings for all roof top equipment will be required at the time of building permit.

## **Parks and Recreation**

7. Park Impact Fees: Park impact fees will be due at the time of building permit. The current rate is \$546 per senior residential unit.

## **Advisory Requirements**

8. Design Review Board: Be advised, approval of the City’s Design Review Board is required prior to issuance of the building permit. The DRB review focuses on specifics of building architecture, exterior lighting, the screening of service areas and roof-top equipment, site circulation, and the landscape plan.
9. Architectural Standards Committee: Section 5 of the current CC&R’s indicate that approval from the developments Architectural Standards Committee is required. Applicant will be required to provide proof of Committee approval prior to review by the City’s Design Review Board.

10. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
11. Transportation Impact Fee: Be advised, transportation impact fees will be due at the time of building permit. The current rate is \$570 per Senior Housing Unit.
12. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
13. Maintenance Bonding Requirements: A post construction maintenance bond for public infrastructure in the amount of 10% of the construction costs will be required prior to final plat approval. Bond to be in place for 2 years from the date of project completion.
14. Landscape Bonding: Be advised, performance and maintenance bonding will be required for the plat. This relates to street trees and any required mitigation planting. Bonds are due prior to final plat approval. Performance bond shall be at 100% of installation costs and be in place through establishment period approval. Upon acceptance of establishment the maintenance bond shall be in place for 2 years at 10% of costs.
15. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
16. Document Recording: Petitioner shall record the final amended PRD Development Agreement with Whatcom County following City Council approval and provide a copy, with the auditor's file number, to Planning Staff.
17. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street. Without blocking view triangles, there shall be a maximum spacing of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
18. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code.