

July 7, 2014

**OFFICE OF THE HEARING EXAMINER
CITY OF BAINBRIDGE ISLAND, WASHINGTON**

REPORT AND DECISION

Project: Grow Community Phase II
*Preliminary Subdivision, Conditional Use Permit and Site
Plan Review Amendment Applications; conjoined with a
Lot Aggregation Application*

File numbers: SUB13551B, CUP13551 and SPRA13551C

Applicant: Bainbridge Community Development LLC
710 John Nelson Lane
Bainbridge Island, WA 98110

represented by Ryan Vancil, Attorney
266 Ericksen Avenue NE
Bainbridge Island, WA 98110

Location of Subject Property: At the southeast corner of Grow Avenue and Wyatt Way,
bisected by John Adams Way, with a southern boundary
along Shepard Drive.

**Zoning and Comprehensive Plan
Designations:** R-14, 3100 square feet per unit

Environmental Review: A SEPA Mitigated Determination of Non-significance was
issued May 27, 2014. No appeals were filed.

Request: The eight acre project received approval as a phased, Tier
II Built Green 5 Housing Design Demonstration Project
(HDDP) through an underlying site plan & design review

(SPR) land use permit on March 9, 2012 for the development of 131 residential units, a potential school and community center. The original approval divided the site into three phases. The first phase consisted of three acres at the corner of Grow Avenue and Wyatt Way and is currently under construction. Following the SPR approval, the first phase received approval as a HDDP subdivision (Grow Community I) on August 24, 2012.

The proposals subject to Hearing Examiner approval are to amend the originally approved site plan permit (SPR13551) for the remaining approximately five acres to incorporate proposed revisions reflected in the current site plan and design review application (SPRA13551C); to subdivide the property (SUB13551B); and receive conditional use approval for a community center and an early childhood center (CUP13551). A concurrently reviewed subdivision amendment (SUBA13551) will make slight adjustments to the open space and parking tracts of the Grow Community I subdivision to align with the proposed Grow Community II subdivision and is subject to City council approval based on a Hearing Examiner recommendation. In conjunction, an administrative application for a lot aggregation has been submitted to combine the seven tax parcels that make up the five acre portion of the project (proposed Grow Community II). A boundary line adjustment (BLA13551C) supports the subdivision amendment.

The five acre portion of Grow Community II is proposed for two phases, providing 88 residential units comprised of flats, townhomes and single-family units, a community center, and an early child development or wellness center. This five acre portion of the site was originally approved for 87 units, a school and community center. The revised site plan changes the project configuration, including the location of units; reduces the above-ground parking spaces; reorients the main trail; relocates the community center; eliminates the school and proposes a mixed-use building to house an early development and/or a wellness center; and incorporates various amenities.

FINDINGS OF FACT

Site and Proposal Characteristics

1. Site Characteristics:
Tax Assessor Information:
 - A. Tax Lot Numbers: 272502-4-186-2002, 272502-4-187-2001, 272502-4-188-2000, 272502-4-189-2009, 272502-4-190-2006, 272502-4-191-2005, 272502-4-192-2994
 - B. Owners of Record: Bainbridge Community Development LLC
 - C. Lot Size: 5.43 acres or 236, 907 square feet pre right of way dedication, 5.26 acres (after right-of-way dedication) or 226,512 square feet
 - D. Land Use: Residential.
2. Terrain: The property slopes gently to the southeast, with no steep slopes on the site.
3. Soils: Soil mapping indicates that Kapowsin gravelly loam is the predominant soil type on the site (Soil Survey of Kitsap County Area, Washington; U.S. Department of Agriculture, Soil Conservation Service, 1977).
4. Existing Site Development: John Adams Lane (formerly Government Way) contained multifamily uses; its 16 detached homes are now slated for demolition.
5. Proposed Access: The proposed development will be accessed from Wyatt Way and Shepard Drive NW. John Adams Lane will be closed and redeveloped.
6. Public Services and Utilities: City of Bainbridge Island Water and Sewer.
7. Zoning/Comprehensive Plan Designation: The subject property is zoned R-14, 3,100 square feet per unit.
8. Surrounding Zoning/Comprehensive Plan Designation:
 - A. North: R-4.3
 - B. South: R-14
 - C. East: MUTC/CORE
 - D. West: R-14
9. Surrounding Uses:
 - A. North: Single family residences, an undeveloped property and a retirement facility.
 - B. South: Multi-family condominiums.
 - C. East: Car wash, restaurants, movie theater and other commercial businesses (commonly referred to as the Pavilion development) and a day care center.
 - D. West: Phase I of Grow Community, developed with 21 for-sale units, and 20 rental units under construction.

Procedural background

10. A pre-application conference was held on August 5, 2013, after a public participation meeting on July 29, 2013 (Exhibit 12, Attachment D). The Design Review Board (DRB) first considered the project on August 19, 2013 (Exhibit 12, Attachment E). Applications were submitted on October 23, 2014, and deemed complete on November 21, 2014. The project was further discussed by the Design Review Board on the following dates: December 2, 2014 (Exhibit 12, Attachment G) and December 16, 2013. A revision to the site plan review plan set was submitted on February 13, 2014. The project was re-noticed to reflect the revisions on March 14, 2014, with the comment period ending on March 28, 2014. Supplemental information for the Design Review Board was submitted on April 28, 2014. The revised project was reviewed by the Design Review Board on March 31, 2014, and May 5, 2014. A

revision to the plan set was submitted on May 9, 2014, and a revision to sheet 1 on May 14, 2014. The Planning Commission held a public meeting on the project on May 22, 2014 and made a recommendation of approval to the Hearing Examiner.

11. The public hearing on the consolidated Grow Community Phase II proposals was held June 19, 2014, at the end of which the record was held open for the receipt of specified documents. These documents were forwarded to the Hearing Examiner on June 25, 2014. On June 27, 2014, the Examiner sent the following email message to the applicant and City staff:

I have determined that the proposed alteration of the Grow I final plat cannot be consolidated with the other applications. Its approval is solely governed by state law; there are no applicable BIMC provisions. Thus it cannot be an "approval listed in BIMC 2.16.010" subject to consolidation as required by BIMC 2.16.170. So a separate recommendation to the City Council for the plat alteration will need to be issued. We can base that recommendation on the existing record if the applicant and City so stipulate. A stipulation thus needs to be filed stating, in essence, that the City and applicant agree to de-consolidate the alteration from the rest of the package but that the record created at the 6-19-14 hearing is adopted as the record for the alteration application. The recommendation can be issued after I have received a copy of the stipulation and determined that it is adequate.

12. The project is subject to State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11). Utilizing the optional DNS process provided in WAC 197-11-355, the City issued a combined Notice of Application/SEPA comment period on December 12, 2013. The later revision to the application warranted issuance of a new notice of application/SEPA comment period on March 14, 2014, with the 14-day comment period ending on March 28, 2014. A Mitigated Determination of Nonsignificance (MDNS) was promulgated on May 27, 2014, with the appeal period ending on June 10, 2014 (Exhibit 14). No appeals were filed.

13. The applicant is proposing to develop the site in two phases (2A and 2B). The staff report provided the following phasing matrix:

Phase 2A:

Demolition:	16 homes, commonly known as Naval housing.
New Buildings:	49 units, comprised of accessible flats (37), 2-story townhomes (8), 1-level single family homes (4)
Parking:	81 spaces
Street Improvements:	Extension of the 5'-wide bike lane, curb, gutter and sidewalk along Wyatt Way to the end of the project site.
Storm Drainage:	Collection and treatment of water from roadways using multiple Stormfilter Cartridge systems. Conveyance of water from landscape areas, building roofs and Stormfilter system to the City drainage system.
Water Main Improvements:	The water main constructed in Phase 1 through the parking area will be extended to connect to the water main placed in Wyatt Way as part of Phase 1.

Sewer	New section of 8" sewer main connected in Phase I will be extended to serve the buildings in Phase 2.
Internal Trail Improvements:	Internal trails shown in Phase I and II (3 acre portion of site).

Phase 2B:

Demolition:	None
New Buildings:	39 units, comprised of accessible flats (18), 2-story townhomes (17), 1-level single family homes (4)
Parking:	71 spaces
Street Improvements:	Shepard Improvements sidewalk, curb and gutter and an added 10' of dedicated right-of-way.
Storm Drainage:	Collection and treatment of water from roadways using multiple Stormfilter Cartridge systems. Conveyance of water from landscape areas, building roofs and Stormfilter system to the City drainage system.
Water Main Improvements:	Water main improvements to be completed with Phase 2A.
Internal Trail Improvements:	A publicly accessible pathway to connect Shepard Way through to Wyatt Way, in addition to the internal trails depicted in Phase III (5 acre portion of site).

14. Agency comments were received from the Fire Marshal, who stated that the fire apparatus access road needs to be marked "FIRE LANE-NO PARKING". The project is properly conditioned to meet this request (Condition # 22). The Health District provided a 'no comment' letter on November 12, 2013, in response to the pre-application meeting. The applicant met with the Historic Preservation Commission (HPC) after applying for permits to demolish the 16 naval homes along John Adams Way. The applicant has recorded historic property inventory (HPI) forms, as previously conditioned. The applicant also invited the HPC to a Historic Honoring Ceremony on Thursday, March 20, 2014 to commemorate the history of the Grow family, the Japanese community and the military use of the land.

15. An earlier SEPA condition required that an assessment of the property be prepared by a qualified professional historian. An historical report by Jon and Toby Quitslund has been provided to the Bainbridge Island Historic Museum, and Washington State Historic Property Inventory Field Forms have been submitted. The project still must incorporate historic elements into the community building and provide photographs or video of the Historic Honoring Ceremony (Condition # 7).

Comprehensive Plan

16. The site plan, subdivision and conditional use approvals all require findings of project compliance with the policies of the City's Comprehensive Plan. The Comprehensive Plan and the Winslow Master Plan (WMP) target the "Winslow Master Plan Study Area" to accommodate 50% of future population growth, based on the premise that urban infrastructure and facilities either currently exist or can be provided in an efficient manner. The Winslow Master Plan Study Area is intended to contribute to a vibrant and pedestrian-oriented downtown where people want to live, work and shop. Higher density residential development in the Study Area is further intended to reduce reliance on the

automobile and provide a diversity of housing choices.

17. The subject property is located within a neighborhood of the Winslow Master Plan Study Area that is currently served by urban infrastructure and facilities which will be upgraded as necessary to meet the needs of the project. As proposed, the development concept is for a pedestrian-oriented, energy efficient, multi-generational neighborhood comprised of 88 residential units, a community building and a daycare or wellness facility. To reduce reliance on the automobile and encourage pedestrian activity, the project will include a car sharing program and offer pedestrian trails through the site connecting to Madison Avenue.

18. The following discussion focuses exclusively on Comprehensive Plan policies. Although the Study Area is mapped in the Winslow Master Plan update, the WMP policies themselves continue to deal mainly with the central Winslow overlay districts. Extending these policies to specifically encompass the issues presented in the outer reaches of the Study Area is a planning task yet to be addressed. Until then the periphery of the Study Area remains suspended in a kind of planning limbo. The Grow site itself is contiguous to the Madison Avenue commercial district lying to its east, so it can be appropriately viewed as a transitional area between commercial and residential uses. The Grow development will no doubt influence future planning decisions west of Grow Avenue and north of Wyatt Way, but those issues have yet to be fully formulated.

19. ***Land Use Element***

Winslow Residential Districts--Goal 7: The Urban Multifamily District is intended to provide for moderate to high-density residential development that may include some office and governmental uses, and are permitted as conditional uses.

The proposed project will provide moderate-to-high density residential development at a ratio of one unit per 2,660 square feet, as authorized by the site's R-14 zoning and consistent with Policy W 7.2.

Policy W 7.1: Residential development within the Urban Multifamily District shall be served by public facilities and services normally associated with urban area development.

The project is serviced by city water and sewer and is in close proximity to schools and a fire station.

Policy W 7.3: Provide landscape buffers between any multifamily and existing single family homes.

The project abuts multi-family development along both Wyatt Way and Shepard Way. The project has been reviewed for compliance with the buffering requirements of the Municipal Code and has been conditioned accordingly.

Policy W 7.4: To ensure compatibility of multi-family development with adjacent uses and retain the scale of development in Winslow, land use regulations shall include design standards for:

- *Building height, bulk, massing and articulation to promote a pedestrian scale and to ensure adequate light, air and view corridor between lots;*

- *Parking requirements, including location of parking to the rear or side yards;*
- *Landscaping, including parking lots;*
- *Lighting standards that prevent unnecessary glare on neighboring residential properties;*
- *Location and screening of service areas such as dumpsters;*
- *Open space;*
- *Pedestrian linkages between multi-family buildings and the street edge and adjacent residential or commercial properties.*

In terms of overall project layout, this policy requiring neighborhood compatibility is of the greatest consequence. Issues of height and bulk have been raised by neighbors to the south. The current proposal to place most parking underground addresses the intent of the policy to make vehicle presence unobtrusive, as well as facilitating an increase of open space on the site. The adequacy of the proposed pedestrian linkages has been an ongoing controversy. The Design Review Board and staff reviewed the project over the course of seven meetings in an effort to ensure compliance with the City's adopted design guidelines for multi-family development.

20. *Historic Preservation*

Historic Preservation-Goal 2: Historic structures or places are an important feature of community design and should be preserved and enhanced.

As discussed previously, the Historic Preservation Committee (HPC) reviewed the application and met with the applicant on two occasions to devise procedures to meet the intent of this goal.

21. *Housing Element*

Goal 1: Promote and maintain a variety of housing choices to meet the needs of present and future Bainbridge Island residents at all economic segments, and in all geographic areas in a way that is compatible with the character of the Island, and encourages more socioeconomic diversity.

Policy H 1.5: The City shall encourage innovative residential development types and zoning regulations that increase the variety of housing choices suitable to a range of household sizes and incomes in a way that is compatible with the character of existing neighborhoods. Examples of innovate (sic) approaches are cottage housing development, cluster housing development and accessory dwelling units.

The Comprehensive Plan's Housing Element states a laudable commitment to maintaining a diverse and affordable housing stock, an ambition that (here as elsewhere) often tends to be honored more in the breach than in the observance. Within the context of the Island's overall demographic, the Grow project falls toward the affordable end of the spectrum. The new units, however, will likely be less affordable than the old military housing to be demolished. But this rather basic older housing was neither intended nor built for long term use – indeed, it probably managed to serve longer than its original construction quality actually warranted.

Goal 3: Increase the supply of affordable multi-family housing each year through the year 2012.

Housing Policy 3.1: The City shall encourage new multi-family housing in a variety of sizes in areas designated for such use in the Land Use Element. All developments are subject to Health District requirements for water and sewage disposal.

This project is utilizing the Housing Design Development Program, which supports the Comprehensive Plan housing policies in requiring the use of innovative site development practices. The development will also provides a variety of unit sizes and unit types and thus increase the housing choices available to a range of household sizes and incomes in a manner compatible with the character of the existing neighborhood. The project will provide 88 new housing units, including flats, townhomes, and single-family homes. Home sizes will range from 1,160 square feet to 1,600 square feet of floor area. While none of the units are mandated to serve income-qualified residents, the smaller unit size should result in housing that is affordable relative to the majority of residential choices on the island.

22. *Non-motorized Transportation Element*

The Comprehensive Plan's Non-motorized Transportation Element presents a wide-ranging and thorough framework for implementing a policy designed to make Bainbridge Island a friendly environment for pedestrians, bicyclists and persons with disabilities. These policies apply to both private and public development. Further, as an HDDP project the Grow Community will obtain flexible treatment vis-a-vis City code density and dimensional requirements as a reward for providing low impact development and resource conservation features. In the HDDP "innovative site development" category staff recommended awarding the Grow project 14 points for common open space and 6 points for transportation amenities based at least in part on the capacity of its internal trail system to comply with and promote Non-motorized Transportation Element Goals and Policies, the more essential of which are quoted below

Goal 1: Develop a non-motorized transportation system that effectively serves the needs of pedestrian, bicycle, and equestrian users and encourages non-motorized travel and provides a continuous network of attractive sidewalks, footpaths, multi-purpose trails, and bikeways throughout the Island that are also connected to regional systems.

Policy NM 1.1: Provide safe and appropriately scaled, continuous non-motorized access that connects neighborhoods with Neighborhood Service Centers, Winslow, the ferry terminal, schools, parks and recreation areas, shoreline road-ends, transit connections, and regional destinations.

Policy NM 1.2: Provide pedestrian facilities of sufficient width to accommodate expected pedestrian use, including safe roadway crossings and, wherever feasible and appropriate, access provisions will accommodate people with the widest range of mobility.

Policy NM 1.3: Locate and design bicycle facilities that effectively accommodate both commuters and recreational users. The system shall include separated bicycle pathways, on-road bicycle lanes, paved shoulders, and shared facilities.

Policy NM 1.4: Develop a system of trails for non-motorized use that connects

Neighborhood Service Centers, the ferry terminal, schools, parks road ends, shoreline trails and greenways of Bainbridge Island, including existing equestrian use trails.

Policy NM 1.7: Require residential subdivision and commercial projects that meet the development thresholds set in the Municipal Code, to provide non-motorized connections through the development where appropriate and along public streets fronting the development. These non-motorized improvements are to be consistent with the location and design as identified in the Plan and to meet standards requirements as set by the City Engineer.

Discussion: The City needs to ensure that non-motorized connections to and through new commercial and housing developments are included as part of the development of a site plan. These include connections and short cuts that will increase the mobility of the non-motorized users, support a continuous system, and provide connections to neighboring developments and the non-motorized network.

Policy NM 1.8: Encourage non-motorized travel by recognizing existing informal and private pathways as part of the overall pedestrian and bicycle network. Efforts shall be made to formalize and make these connections public. Realignment of existing trails may be necessary to accommodate both trail access and private development.

Goal 2: Develop non-motorized design standards that provide safe and efficient access, encourage use and mobility, conform to State and Federal requirements, are responsive to the needs and character of the neighborhood and are sensitive to the natural environment.

Policy NM 2.2 The use of color, texture, lighting, signage, and paving to designate non-motorized facilities and roadway crossings shall be incorporated into adopted design standards.

As the discussion in the staff report indicates, to conform to applicable non-motorized goals and policies the improvements proposed for Grow Avenue needed to include a bicycle lane and a pedestrian trail. Specifically, improvements slated for Wyatt Way include a 10-foot dedication of right-of-way, a sidewalk and a bicycle lane, and for Shepard Way a portion of right-of-way dedication and a sidewalk. The City has encouraged the proposed development to provide ADA-compliant, publicly accessible trails through the development to create a continuous connection from the corner of Wyatt Way and Grow Avenue in the northwest to Madison Avenue near the site's southeast corner. Also, staff proposes conditioning the internal pathways to provide signage and texture to conform to this non-motorized policy (Conditions # 24 and 30).

Staff's failure to address Policies NM 1.4 and 1.7 is an important omission. Policy NM 1.4 emphasizes the systemic need of the pathway design requirements to connect City amenities of importance, surely a critical consideration when thinking about projects in or near the urban core. Chapter 4 of the Non-motorized Transportation Element specifies for the City's pedestrian system that "[w]ithin Winslow, sidewalks and informal trails are used to create a network of connections to popular destinations." In particular, the discussion note appended to Policy NM 1.7 clearly identifies making "non-motorized connections to and through new commercial and housing developments" as an essential component of site plan review. The purposes to be served are to create "connections and short cuts that will increase

the mobility of the non-motorized users, support a continuous system, and provide connections to neighboring developments and the non-motorized network.” This is a Plan Policy that the Grow project plainly needs to meet, especially in the context of applying to receive HDDP credit for its pathway system.

Zoning Code

23. On August 12, 2009, the City Council passed Ordinance 2009-06 establishing the Housing Design Demonstration Project (HDDP) Program. The HDDP program creates a process for the development of a limited number of projects designed with the objectives of increasing the variety of housing choices available to residents of all economic segments and encouraging sustainable development through the use of development standard incentives. Only properties located within the Winslow Study Area of the Winslow Master Plan can apply for approval under the HDDP ordinance.

24. BIMC 2.16.020.Q seeks to foster innovative building design in housing projects by increasing the supply and choices of housing styles available. Smaller and more varied home sizes for different income levels are promoted, as well as high quality design. Conservation-oriented design methods and principles are encouraged, including employment of low impact development techniques, use of green building materials, water and energy conservation, and mitigations that offset impacts to biodiversity. Relief from strict application of zoning code requirements is authorized when it supports the development of innovative housing choices, as well as incentives to encourage green building and low impact development.

25. Staff review has concluded that the proposed project meets the purpose and the goals of the HDDP program by providing a variety of housing choices to all economic segments and providing innovative building design and green building practices by implementing Built Green standards into the development, including the use of solar panels. Consistent with the requirements of BIMC 2.16.020.Q, the applicant met with City staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The applicant followed the process by participating in conceptual proposal review, a public participation meeting and a pre-application conference. The applicant requested a HDDP approval through the underlying site plan review and subdivision applications. The project must demonstrate construction compliance with the requirements of the HDDP at the time of building permit submittal (Condition # 25).

26. The HDDP utilizes a tiered, quantitative method to evaluate sustainable building goals, which are scored in two areas, Housing Diversity and Innovative Site Development. The project must also provide Innovative Building Design Practices. The Grow proposal sought approval as a Tier II Built Green 5 project. The matrix used to evaluate the project and a discussion of the points received is provided in Exhibit 12, Attachment M. Planning staff, the Design Review Board, the department Director and the Development Engineer participated in assessing the proposal's points under the HDDP.

27. The staff report at pages 22 through 24 contains a thorough and detailed discussion of the HDDP categories reviewed for the Grow proposal and the points awarded, at pages 30 through 33 the code development standards sought to be modified, and at pages 33 through 41 the proposal's compliance with the full panoply of relevant development criteria. In the absence of controversy over the application of these technical standards, there is no need to repeat the staff discussion here, and the portions of the staff report cited above are adopted herein by reference. In general, the project seeks to

reduce lot dimensions, sizes, setbacks, roadside buffers and parking requirements and to increase the permitted site density.

Specific Issues

Site Design and the Diagonal Pathway

28. The currently proposed Phase II design represents a radical departure from the overall site plan initially approved for the Grow Community in 2012 during Phase I review. The original design envisioned two similar pods of free-standing single family and townhome units located at the L-shaped site's northwest and southeast extremities connected by a central common area featuring a community building and open space amenities. A private school facility was to be sited north of the common area fronting onto Wyatt Way. Apartment buildings and parking areas were mostly proposed for the site perimeters. A diagonal path meandered from the northwest corner through the common area exiting to the Pavilion complex and Madison Avenue just north of the southeast property corner.

29. The flowing and meandering character of the original site design has now been replaced with a Phase II design that is more rigidly geometric and almost perfectly symmetrical. The institutional impression created by the new Phase II plan is reminiscent of the design for a government agency or corporate campus, with uniform buildings on the perimeters and a formal open space layout in the center. The school proposed at the north end is to be replaced by two large apartment buildings, creating a wall of apartment facilities along Wyatt Way. A daycare center or wellness facility is proposed to supplant the townhomes at the site's south end, potentially introducing commercial traffic onto the Shepard Drive dead-end street. The element of organic unity that characterized the original design will largely disappear. Phases I and II will now have the look and feel of separate developments, with some forced continuity retained through the pathway connections, community center and garden amenities.

30. Free-standing individual housing units have been forsaken in Phase II, supplanted by apartment buildings. A further major change is that the apartment buildings will all be served by underground garages with elevators connecting them to the dwelling units. These alterations place a premium on accessibility and privacy, clearly driven by a desire to appeal to the senior housing market. The concurrent benefit is that underground parking will increase the quantity of site open space and reduce the visual blight of parking lots. The downside will be a reduction in social interaction and community ambience as residents can simply go from their cars to their units without ever venturing outside.

31. These proposed site plan alterations have generated an element of controversy, mostly played out before the City's Design Review Board. At the outset it should be noted that no one seems to be much offended by the pending total urbanization of the site's Wyatt Way frontage. Wyatt Way provides a primary access to the southern end of the Island and is thus inching inexorably toward major arterial status. While properties on its north side still carry a vestigial single family zoning, a universal assumption seems to be that greater density and intensity of development in this area lies just around the corner. So no property owners north of Wyatt are complaining about the impacts of Grow Community development; rather they appear to be patiently awaiting their own opportunity to cash in.

32. The most curious aspect of the earlier public deliberations concerning the present proposal involved the new residents of Grow Phase I in their role as critics of the proposed Grow Phase II site

plan alterations. Comments submitted to the City on January 3, 2014, by “The Residents of Grow Community” and supplemented by a separate letter from the original project architect Jonathan Davis (now a Phase I homeowner) rued that the developer’s commitment to community-building did not seem to include a meaningful dialogue with the initial project buyers and occupants. Specific criticisms of the revised design included increased traffic resulting from a proposed Phase II vehicle access from Grow Avenue through the Phase I parking lot, the absence of centrality and functionality in the design for the Community Center building, the loss of interaction caused by the underground garage system and a more enclosed open space layout, potential allergens from proposed alder landscaping and, most critically, a compromised diagonal path design.

33. Some of these kinks appear to have been ironed out through the DRB process as ultimately reflected in the April 25, 2014 plan revisions, although in the absence of a complete file of historical site plan submittals one cannot track the actual progression through its various iterations. As late as April 4, 2014, Jonathan Davis was opining that “[w]hile some improvements to the plan have been made most of the original comments still stand” (Exhibit 13). Interestingly, none of the twenty Grow Phase I residents who signed the January 3, 2014, letter showed up at the June 19, 2014, public hearing to testify. Does this mean they are all now as happy as clams? Maybe. The record sheds no light on this tantalizing mystery.

34. Meanwhile, the DRB and planning staff appear to have been diligent in pursuing their review duties. Starting with its August 19, 2013, meeting, the Design Review Board was clearly focused on the inadequate resolution of the diagonal path issues, noting that it “was a major point of the review of the last site plan design, and still does not seem to be addressed in this site plan design.” Although progress toward a better resolution was no doubt made in the ensuing eight months, the DRB draft minutes for its May 5, 2014, meeting were notable for their tone of continuing frustration and dissatisfaction:

DRB: Still bothered by the cross-site access. Seems the team is not going the last 5%. The path exists to an unstable set of steps, and that’s your destination. Good to keep that but need to add the other access, at the legal right-of-way. Your drawing is almost saying you’re ignoring it.

35. Under evident pressure to not further delay the process, the DRB voted to recommend project approval, subject to a site plan modification to “[i]nclude access to Madison Ave using the legal connection, in the shortest manner possible.” The Planning Commission also reviewed the Phase II proposal at its May 22, 2014, meeting, but its involvement appears to have been more *pro forma*. The only critical comments noted in the minutes were concerns expressed by Commissioner Gale “that she doesn’t see it as building community internally or with Phase I.” The Planning Commission voted unanimously to recommend approval of the proposal.

36. Making the diagonal cross-site path connect satisfactorily at or near its terminus at the project’s southeast corner to Madison Avenue surely presents challenges. The Shepard Drive public right-of-way does not extend east of the Grow property corner. Rather, an informal path linkage has long existed that accesses Madison Avenue from Shepard through a private parking lot adjacent to a diner. The parking lot owner continues to tolerate this connection but has not expressed a willingness to formalize it within a public easement. An available five-foot wide public easement further north exits to Madison Avenue south of the Pavilion building. The access situation is complicated by gradient differentials between the adjacent commercial properties and the Grow site near its southeast corner.

37. The site plan approved at Phase I showed the diagonal path as continuing to connect to the informal access at the Shepard Drive dead-end but also with a direct link constructed to the Pavilion easement through a park area. The new design crowds the southeast corner by moving the east side apartment complex further south, shifts the diagonal path inland further west and replaces the park with a parking lot. The applicant's currently proposed pathway connection to the Pavilion easement would require pedestrians to walk down almost to Shepard Drive, then backtrack north through the parking lot. The informal connection through the diner lot would largely remain as before.

38. The proposed conditions in the staff report have been modified below to support the DRB position that a safe and adequate publicly-accessible direct path linkage to the Pavilion easement needs both to be provided and adequately documented. This is undoubtedly the correct posture. The convenient site connectivity offered by the diagonal pathway has always been a central feature of the project and a principal rationale for the HDDP approval. The obstacles to creating an effective connection to Madison Avenue have been obvious from the outset. Since Phase I approval was predicated on the applicant's representation that it could successfully solve this access problem, the City needs to be firm in its insistence that this fundamental developer commitment be honored – especially so since some of the present issues appear to have been actually exacerbated by the applicant's own revised design concept. The conditions have been modified to require further DRB review leading to a determination that a satisfactory and feasible design has been submitted, with an option preserved to return the application to the Hearing Examiner for further proceedings if this condition cannot be met (Condition #49).

Parking Spaces

39. A key feature of the HDDP approval is a reduction of onsite parking requirements premised on an anticipated lower level of vehicle use. For Grow the total number of residential units for both phases will be 133, resulting in a HDDP parking calculation of 208 spaces, further reduced to 156 for proximity to the ferry. In addition, ten spaces each will be required for both the community building and a proposed early childhood development center, plus another 34 spaces of guest parking.

40. The determination of the proper number of guest parking spaces has been an adventure in itself, with various authorities offering up different perspectives. The City's Code leaves the amount of guest parking spaces as a determination to be made by the Planning Director, provided that the amount should not exceed 0.5 guest spaces per dwelling unit. A standard national reference, the Institute of Traffic Engineers manual, estimates guest parking demand at a higher 1.2 to 1.25 spaces per unit, but it is understood that ITE manual values represent a typical development in a more urban setting. While the previously approved site plan and design review projected about 0.25 guest parking spaces per unit for the entire development, a Phase I condition of approval required performance of a localized guest parking demand study in an attempt to corroborate this assumption.

41. In response to this requirement the applicant performed a guest parking study (Exhibit 12, Attachment P) based on the first phase of Grow housing occupancy with counts conducted on both a weekday and a weekend every two hours between 8 am and 10 pm. This very limited study documented a relatively low level of guest parking demand at about 0.1 spaces per dwelling unit. Meanwhile, new HDDP regulations have adopted an 0.2 spaces per unit standard, and the DRB weighed in at 0.5. After duly reflecting upon all this, staff came full circle and reiterated its preference

for staying with the originally adopted 0.25 per unit ratio. If a healthcare use is eventually substituted for the currently proposed early childhood center, the question of the parking demand for that facility will need to be revisited.

Shepard Drive

42. The properties south of Shepard Drive and east of Grow Avenue are also zoned R-14 and mostly developed with apartment buildings and townhouses. There will be some increase in traffic on Shepard Drive both from the Grow project itself and the elimination John Adams Way, but the resulting level of service consequences will be minor. A daycare facility will contribute some morning drop-off and afternoon pick-up trips. Staff has not proposed mitigation for these impacts beyond a bicycle path and sidewalk along Shepard Way.

43. Concern has also been expressed that the proposed three story units on the project's southern boundary will change the ambience of Shepard Drive. In terms of development patterns, some of the buildings directly south of Shepard have similar bulk as the proposed mixed use building. The proposed mixed use building will be set back 23 feet from the right of way dedication, creating an element of buffering. The buffer is conditioned to provide a 10-foot full screen segment to soften the development's visual impact. The height of the building is 33 feet, two feet less than the maximum allowed in the zoning district. Visual impacts to Shepard Drive also will be reduced by a primary reliance on underground parking. Outdoor lighting will be required to meet the City's restrictive illumination and directional standards. The overall impacts of the project appear to be typical of development intended for the R-14 zone, the purpose of which "is to provide areas of high-density residential development located near planned community centers."

Traffic

44. The City's Development Engineer reviewed the impacts from the proposed development on the existing street and utility systems and the ability of the improvements proposed to mitigate potential impacts. Such improvements are documented in a series of traffic analysis reports, utility reports and preliminary civil design drawings. The Grow Community development has already made non-motorized vehicle improvements to Grow Avenue and Wyatt Way along project frontages by adding a five-foot wide bike lane, curb and gutter, and five-foot wide paved sidewalks. A five-foot wide sidewalk, and curb and gutter will also be added on the north side of Shepard Way adjacent to the development. Interior roadways of the proposed development will include driveways for the garage and outdoor parking areas. The revision relocates the interior driveways in the final phase of the project so that they generally follow the property boundaries. New access points include Wyatt Way and Shepard Drive; the entrance on Grow Avenue To Phase I is already in place.

45. To determine the traffic impacts from the overall proposed development the applicant has provided since 2011 a series of traffic analysis reports by Rethinking Transportation Consulting (RTC) that have been iteratively adjusted to accommodate changes in the proposal. The most recent version dated March 8, 2014 (Exhibit 19) was also summarily peer-reviewed. The study modeled potential traffic impacts with and without the project at four stop-sign controlled intersections in the project vicinity, all required to function at a Level of Service (LOS) D or better under future conditions after project development. At the intersections studied, achieving LOS D or better requires that the average vehicle delay not exceed 35 seconds. The two worst performing intersections in 2018 after project

development are predicted to be located at either end of the project's Wyatt Way frontage at the Grow and Madison Avenue intersections, where average vehicle delays were modeled to exceed 26 seconds. In the original model run the greatest delay was predicted for Winslow Way and Madison Avenue at 30.9 seconds, but the peer review pointed out that RTC had incorrectly coded the movements on the westbound lanes. With the correct coding the computed Winslow/Madison average vehicle delay drops to 15.5 seconds, as verified by the City's Development Engineer.

46. In the Examiner's view the City's traffic analyses generally tend to display disquietingly perfunctory and inconsistent elements. While they may indeed eventually prove to be based on reasonable assumptions, the data underlying these assumptions often appears to be thin with little effort invested into the process of substantiation. For example, the City instructed RTC to apply a 0.5% annual growth rate to account for background traffic increases (including projects now in the permit pipeline) for the Grow study while up on High School Road it applied a 1% growth rate over and above pipeline projects for the Visconsi shopping center for a comparable time frame. Admittedly, quantifying the rate (or even existence) of economic recovery since the 2008 real estate downturn remains problematic, but it seems difficult to justify making two Island-wide background growth assumptions for different projects within the same time frame that show more than a 50% disparity.

47. Similarly, the City routinely assumes that general proximity to the ferry dock merits a flat 25% reduction in standard trip generation rates, but it is not clear that any systematic attempt has been made to test the accuracy of this hypothesis. The traffic impact analysis for Grow justifies reduced trip generation assumptions mainly in terms of project encouragement of car sharing, making onsite parking less convenient for project residents to use, promoting the One Planet Living concept for "creating a community of like-minded individuals who are interested in reducing their impact to the environment," and the fact that the ferry and other important urban amenities "are all within a short walking distance."

48. The effectiveness of these measures to significantly reduce vehicle use among Grow residents must largely be accepted on faith. It seems of questionable validity to translate the generically aspirational One Planet Living program into tangible benefits providing quantifiable traffic mitigation for specific land use development impacts. The viability of "short walking distance" assertion was discussed above in the context of the diagonal pathway issues, where it was observed that the applicant's willingness to harvest the development benefits conferred by a pedestrian-friendly project concept appear to exceed its actual commitment to provide the corresponding infrastructure.

CONCLUSIONS

Site Plan Review

1. BIMC 2.16.040.E contains the standards for approval of a site plan review application:

The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

- 1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;*

2. 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 nonmotorized transportation plan;

3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:

a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

4. The city engineer has determined that the site plan and design meets the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

b. 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; and

c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and

f. 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.

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q;

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

7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;

8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;

10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;

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

12. For applications in the B/I zoning district, the site plan and development proposal include means to integrate and re-use on-site storm water as site amenities.

2. As conditioned and further recited below, the proposal will comply with applicable Code provisions as modified pursuant to the HDDP process provided in BIMC 2.16.020. The project was designed to maximize open space by implementing underground parking and provides pedestrian and bicycle passage through the site without significant vehicle interaction. The proposed community center and early learning or wellness centers are anticipated to provide a central location for the Grow communities and the community at large to both gather and receive child or health care.

3. With appropriate conditions the site plan and design are capable of conforming to the Comprehensive Plan and adopted community plans. If the site design is modified to provide more efficient and convenient access from the project's diagonal pathway to Madison Avenue, the policies of the Comprehensive Plan's Non-motorized Transportation Element can be met. The project concept is to provide a variety of housing within reasonable proximity to downtown and the ferry. With proper implementation, non-motorized improvements and internal publicly accessible pathways will encourage residents to utilize non-motorized transportation options for work, recreation and to patronize local businesses. The project also preserves historic resources by recording historical documents at the Bainbridge Island Historical Museum and the proposed community center.

4. The existing and proposed infrastructure will provide for traffic impact mitigation and for the fire protection, water service, sewage disposal and storm drainage needs of the project. As conditioned, the development proposal has been approved by the Kitsap County Health Department, the Bainbridge Island Fire District and the City's Development Engineer. No harmful or unhealthful conditions are likely to result from the proposed site plan. Infrastructure improvements are designed to ensure that water, sewer and stormwater systems will operate safely and efficiently. The subject property does not contain any critical areas or areas within shorelines jurisdiction.

5. The proposed designs for residences, a community center, and a mixed-use early learning/wellness center were reviewed in the context of the City's mixed use commercial and multifamily design guidelines at six Design Review Board meetings. The project was found to be

consistent with the design guidelines, as recommended by the Design Review Board. In summary, with appropriate conditioning the Grow site plan application can meet the approval requirements stated at BIMC 2.16.040.E.

Subdivision Review

6. Preliminary approval of the Grow Phase II subdivision application is subject to both the general standards stated at BIMC 17.12.040 and the multifamily requirements of BIMC 17.12.050.

17.12.040 General residential subdivision standards.

All residential short, long, and large lot subdivisions shall comply with the following standards.

A. Compliance with BIMC Titles 16 and 18 and RCW Title 58. Lot areas, dimensions, and other characteristics shall comply with the requirements of BIMC Title 18 applicable to the zone district where the land is located, including landscaping and/or vegetated buffers. In addition, each subdivision plat shall comply with all applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors. Subdivisions including sensitive areas or their required buffers shall also comply with the provisions of BIMC 17.12.060.

B. Homesites. Residential homesites shall be located consistent with the design methodology prescribed in the flexible lot design handbook.

C. Water Supply Systems. Locations of individual or community water supply systems and associated wellhead protection areas required by the health district shall comply with all applicable standards established by the health district.

D. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the health district.

E. Roads and Pedestrian Access.

1. Roads and access complying with the "City of Bainbridge Island Design and Construction Standards and Specifications," and all applicable requirements of the BIMC, shall be provided to all proposed lots consistent with the standards contained within this subsection.

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.

3. Existing roadway character shall be maintained where practical. This may be accomplished through the reduction of roadway width consistent with subsection E.2 of this section, the minimization of curb cuts, and the preservation of roadside vegetation. To minimize impervious surfaces, public rights-of-way, access easements and roadways shall not be greater than the minimum required to meet standards unless the city engineer agrees that the additional size is justified.

4. Connections to existing off-site roads that abut the subject property shall be required where

practicable, except through critical areas and/or their buffers.

5. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The location of mailboxes and traffic regulatory signs is only required to be indicated on the plat/plan when other public improvements are required.

6. Transit stops shall be provided as recommended by Kitsap Transit.

7. Pedestrian and bicycle circulation and access within a subdivision and onto the site shall be provided through walkways, paths, sidewalks, or trails and shall be consistent with the nonmotorized transportation plan. Pursuant to RCW 58.17.110(1) sidewalks shall be provided, where necessary, to assure safe walking conditions for students who walk to and from school. Special emphasis shall be placed on providing pedestrian access to proposed recreational and/or open space areas.

F. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

G. Improvements.

1. Where the buildout of a subdivision is divided into phases, land dedications and infrastructure development will be required on a pro rata basis as each phase is developed unless the applicant negotiates an alternative phasing schedule with the city. This will be required to be documented on a plat note.

2. On any approved large lot, no further lot divisions shall be approved until the required improvements are installed by the applicant and approved by the city.

3. All large lot subdivisions shall have the following improvements developed and/or installed prior to recording:

a. Streets shall be cleared, grubbed, and rocked or graveled to provide adequate year-round passage.

b. Appropriate drainage, including erosion control, facilities shall be provided consistent with a plan approved by the city engineer prior to clearing and construction of any plat improvements. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.12.050 Multifamily and nonresidential subdivisions.

Subdivisions established for multifamily and nonresidential uses are not subject to open space or cluster flexlot provisions, and shall comply with each of the following:

A. All provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located and the type of development anticipated. This requirement shall include, without

limitation, compliance with lot areas, dimensions, and design, mobility and access, landscaping, screening, and vegetative buffers.

B. All provisions of BIMC Title 16 (Environment) applicable to the area where the property is located and the type of development anticipated.

C. All applicable provisions of RCW Title 58 (Boundaries and Plats) or its successors.

D. As an option, nonresidential and multifamily residential subdivisions may provide open space pursuant to BIMC 17.12.030.A. (Ord. 2011-02 § 2 (Exh. A), 2011)

7. Compliance with the applicable subdivision approval standards, including flex lot dimensional standards and open space flexible lot standards, is discussed in detail with the Planning staff report at pages 48 through 55. That discussion is hereby adopted by reference. For this project the essential issues are framed by the site plan review, with the subdivision approval playing a secondary and supportive role. The conclusions stated above regarding the site plan review are also adopted by reference. As conditioned, the Grow Phase II subdivision application meets the requirements of BIMC 17.12.040 and 17.12.050 for preliminary approval.

8. The aggregation of the seven existing parcels within the Phase II portion of the Grow site simply constitutes a procedural pre-condition to their subdivision within this proceeding to conform them to proposed development patterns. The lot aggregation is a ministerial act that raises no questions of substance.

Housing Design Demonstration Project (HDDP) Review

9. BIMC 2.16.020.Q(5) states the following ultimate review criteria for approval of the HDDP component of a development proposal:

5. Approval Criteria. In addition to decision criteria required by the underlying planning permit or approval, an application for a housing design demonstration project may be approved if the following criteria are met:

a. The applicant clearly demonstrates evaluation factors listed in subsection Q.4 of this section as shown in the housing design demonstration project scoring system as evaluated by the planning department;

b. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;

c. The project does not adversely impact existing public service levels for surrounding properties;

d. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process;

e. If a project will be phased, each phase of a proposed project must contain adequate

infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; and

f. The applicant is meeting required housing diversity standards.

10. The project site is currently comprised of seven lots on over 5 acres developed with sixteen older detached residential units proposed for demolition. The site is surrounded by a variety of residential and commercial uses. Residential uses include single-family homes and attached condominiums and apartments bordering the project to the north, south and west. Commercial development to the east includes automotive care, a movie theatre, restaurants and a child care center. Comparatively speaking, Phases I and II as revised will now become less harmonious in design and appearance with one another than initially proposed by the original project concept, but the DRB has concluded that the revised concept is sufficiently integrated with its surroundings to warrant HDDP approval.

11. Like the first phase of the Grow Community, the new multi-family units will face the increasingly busy thoroughfare of Wyatt Way. The project proposes to provide attached units along the site perimeter with large open spaces at the center. The project site is located in a higher density residential zone adjacent to a commercially zoned downtown business district. The surrounding multifamily developments along Wyatt Way and Shepard, as well as the abutting Olympian condominiums to the west, reflect similar density and development patterns. Substantial open space amenities will be offered, including a forested area in the northern portion of the site plus a large open field surrounding the community center on the southern side.

12. As conditioned, the development will provide appropriate infrastructure improvements and not adversely impact facilities serving the surrounding properties; the project has received applicable approvals from other jurisdictional reviewing agencies. The proposal complies with all applicable provisions of the Municipal Code, except as modified to further the goals of the Housing Design Demonstration Project program. The project has been reviewed both by phase and as a combined project to ensure compliance with HDDP and zoning requirements, including housing diversity. Each phase individually will provide an adequate quantity of infrastructure, open space, recreational facilities, bicycle and car parking, and landscaping. Phase I included a forested area, community gardens, play area and the community center. Phase II will provide community gardens, a play area and a large open field.

13. As detailed by the staff report, the project application has been reviewed by the Design Review Board and the Department of Planning and Community Development and is conditioned to comply with the housing diversity criteria and use innovative site development practices and innovative building design practices for each phase of development (Condition # 25). The project is seeking to secure a density bonus and obtain relief from the following development standards: minimum lot dimensions and size, residential parking, setbacks, roadside buffers and approval to exceed the maximum height in the district by five feet. The relief sought is intended to allow the project to increase both the housing supply and choice of housing styles available in the community while offering high quality design and open space in the form of community gardens, large forested open space, play space and walking paths. Staff and the DRB found that the applicant had demonstrated that relief from the development standards was necessary to achieve the proposed development goals, and this determination is supported by the evidence of record.

Conditional Use Permit

14. The following applicable decisional criteria for approval of a major conditional permit application are stated at BIMC 2.16.110.D and E:

D.1. A conditional use may be approved or approved with conditions if:

a. The conditional use is harmonious and compatible in design, character and appearance with the intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property; provided, that in the case of a housing design demonstration project any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of BIMC 2.16.020.Q shall not result in denial of a conditional use permit for the project; and

b. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities; and

c. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and

d. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan; and

e. The conditional use complies with all other provisions of the BIMC, unless a provision has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.Q; and

f. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity of the subject property; and

g. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A; and

h. The vehicular, pedestrian, and bicycle circulation meets all applicable city standards, unless the city engineer has modified the requirements of BIMC 18.15.020.B.4 and B.5, allows alternate driveway and parking area surfaces, and confirmed that those surfaces meet city requirements for handling surface water and pollutants in accordance with Chapters 15.20 and 15.21 BIMC; and

i. The city engineer has determined that the conditional use meets the following decision criteria:

i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

ii. The conditional use 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; and

iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

v. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the applicable service(s) can be made available at the site; and

vi. The conditional use 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 17.

j. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC 2.16.020.Q, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC 2.16.020.Q.

2. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.

E. Additional Decision Criteria for Institutions in Residential Zones. Applications to locate any of those uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits and shall be required to meet the following criteria, in addition to those in subsection D of this section:

1. All sites must front on roads classified as residential suburban, collector, or arterial on the Bainbridge Island functional road classification map.

2. If the traffic study shows an impact on the level of service, those impacts have been mitigated as required by the city engineer.

3. If the application is located outside of Winslow study area, the project shall provide vegetated perimeter buffers in compliance with BIMC 18.15.010.

4. The proposal meets the requirements of the commercial/mixed use design guidelines in BIMC 18.18.030.C.

5. The scale of proposed construction including bulk and height and architectural design features is compatible with the immediately surrounding area.

6. If the facility will have attendees and employees numbering fewer than 50 or an assembly

seating area of less than 50, the director may waive any or all the above requirements in this subsection E, but may not waive those required elsewhere in the BIMC.

7. Lot coverage does not exceed 50 percent of the allowable lot coverage in the zone in which the institution is located, except that public schools, as defined in BIMC Title 18, shall be allowed 100 percent of the lot coverage established in the underlying zoning district in which it is located unless conditions are required to limit the lot coverage to mitigate impacts of the use.

15. The elements of the proposal requiring conditional use permit approval are the early childhood development center (2,500 square feet) and the community center (2,500 square feet). Staff found the proposed community and day care centers to be compatible with the intended character and quality of development in the vicinity of the property and with the physical characteristics of the property. As detailed in the findings above, the two conditional use facilities will be served by adequate public services. The conditional uses will be consistent with the Comprehensive and Winslow Master Plans, including the Non-motorized Transportation Plan Element. The proposal offers facilities appropriate to high density residential project located in the R-14 zone. The community center and the early childhood center will provide walkable amenities to Grow residents and the surrounding neighborhood consistent with policies allowing supporting uses within the Urban Multifamily Zone that complement the residential pattern.

16. The day care use is proposed for the lower level of a mixed-use building fronting Shepard Drive. An existing day care center currently abuts the project site to the east. The new facility is anticipated to primarily serve the Grow Community but also be available to the community at large. Staff review concluded that combining non-residential and residential uses to serve both the residential project and the vicinity will provide a harmonious and compatible development pattern. The early childhood center will be located near the commercial district within walking distance to Madison Avenue. The building's appearance will be residential in nature so as to fit into the neighborhood. Parking will be located under the building.

17. The community center will serve both the Grow Community and the community at large, providing a centrally located meeting facility close to downtown. The community center will be located in the center of the Grow Community and designed to fit the landscape. As a gathering space primarily used by Grow residents, it will have little impact on the surrounding neighborhoods.

18. The proposed new uses will not be materially detrimental to existing uses or properties in the vicinity. The visual impacts of the early childhood center building will be minimized by providing underground parking with residential uses above. Parking will be located under the building so that drop-off traffic and visitor parking will not impact the surrounding neighborhood. The project is conditioned to meet the noise level requirements of BIMC 16.16.020 and 16.16.040.A (Condition # 4). The proposal meets lot coverage, engineering and road classification requirements, as documented in the staff report.

19. The early childhood and community center components of the Grow proposal meet the approval standards stated in BIMC 2.16.110 for issuance of a conditional use permit.

DECISION

The preliminary subdivision, lot aggregation, site plan review and conditional use permit applications for the Grow Community Phase II (file nos. SUB13551B, CUP13551, SPRA13551C, BLA13551C) for development located at the southeast corner of Grow Avenue and Wyatt Way, with a southern boundary along Shepard Drive, are GRANTED, subject to the following conditions of permit approval:

(Following the staff report format, the conditions from the initial approved site plan review have been carried forward, along with staff's notations showing new additions and modifications as underlined, deleted language as struck-through, and completely new conditions starting at number 37. The Hearing Examiner has not reviewed the staff notations for completeness or accuracy.)

SEPA Conditions

1. 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. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The SWPP shall include off-street accommodation for construction vehicle parking.
2. A construction stormwater permit (NPDES) will be required prior to building permit issuance.
3. To ensure the survivability of the significant trees designated to be preserved, the applicant shall follow the recommendations as provided in BIMC 18.15.010.C.2.b:
 - i. An area of prohibited disturbance, generally corresponding to the dripline of the significant trees and/or tree canopy of tree stands shall be identified by the applicant and approved by the department before commencement of site plan preparation; and
 - ii. A temporary four-foot high chain link or four-foot high plastic net fence shall delineate the area; and
 - iii. 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 such fencing; and
 - iv. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree or tree canopy of tree stands; and
 - v. The grade level shall not be lowered within the larger of (a) the dripline of the tree, or the tree canopy of tree stands, or (b) the area recommended by a consulting arborist certified by the International Society of Arboriculture.
4. All construction activities are subject to noise regulations in BIMC Chapter 16.16.

~~To reduce the loss of affordable rental housing, the applicant shall continue to work with the renters by ensuring them the opportunity, subject to qualifications, to move into the new units before their~~

~~rental homes are demolished.~~ (The applicant provided information with their application that indicated that efforts have been made to provide housing for the occupied units).

5. To limit the impact on lighting, any proposed lighting shall comply with BIMC Chapter 15.34.
6. To ensure appropriate recreational opportunities, park nodes and associated facilities shall be created for each phase of development as indicated on the site plan for Phase I ~~(page 10A of the Site Plan packet).~~ The forest area and park node shall be planted prior to the application for any permits on Phase IIB.
7. To ensure the historical and cultural resources of the naval housing and the Grow Farm are documented, the applicant shall provide the report titled "The Report of the History and Cultural Significance of the Site Being Developed as the Grow Community" prepared by Jon and Toby Quitslund to the Bainbridge Island Historical Museum. Prior to final inspection of the community building, the applicant shall indicate how the history of the site will be incorporated in the community building; examples include displaying the report and historical photographs, including any video or photographs of the Grow Historic Honoring ceremony
8. To ensure historic and cultural resource preservation, a completed Washington State Historic Property Inventory Field Form shall be recorded with the State prior to the demolition of any building.
9. To reduce car dependency and mitigate the impacts of traffic, the applicant shall provide a car sharing program, electric charging stations and covered bicycle storage areas.
10. The applicant shall follow the phasing schedule to ensure that pedestrian connectivity is provided during each phase of the development.

Project Conditions

11. All landscaping shall be installed, or a performance assurance device shall be submitted and approved, prior to final inspection of ~~any the final~~ building within the phase being constructed. The installation of landscaping shall be verified by the Landscape Professional or owner and a landscaping declaration shall be signed. The applicant shall provide a final landscape construction plan for each phase for review by staff, ~~the Design Review Board, and the Director prior to issuance of the building permit for the units.~~
12. Landscape buffers (particularly the three foot buffer landscape fence along the eastern edge of the development) shall be maintained with a maintenance assurance device for a period of three years. No vegetation within the buffers shall be disturbed without approval of the Department of Planning and Community Development through an approved clearing, grading or civil plan.
13. The development shall provide non-motorized public trail right-of-way easements through the development as depicted in the site plan drawings, with the addition of an easement from the southeast corner of the site directly to through the Pavillion to Madison ~~and an additional connection from Shepard to Wyatt.~~
14. The applicant shall retain 30% of the significant trees on-site for Phase I. ~~Each phase of development shall submit a tree plan indicating the amount of significant trees retained and~~

~~removed. Phase II A & II B shall provide 40 tree units per acre and retain any significant trees identified on Sheet 8, Preliminary Plat of Grow Community II. If any retained significant trees are determined to be hazardous by a professional arborist, they may be removed after a replanting plan that follows the requirement options under BIMC 18.15.020.C.3.b has been approved by the Department of Planning and Community Development.~~

15. Any off-site location(s) for community solar arrays shall require a separate permit review and are not approved as part of this application.
16. Construction of any civil improvements and/or appropriate bonding shall occur prior to any building permits being issued for each phase of development. The improvements to be constructed ~~with each for p~~Phase I of development shall be in substantial conformance to the Phasing Plans submitted by Browne Engineering, last revised 2/17/12, or as amended and approved to the satisfaction of the Development Engineer. Phase II improvements shall be in substantial conformance to the Phasing Plans submitted by Brown Engineering, last revised October 15, 2013, plans C1-C5, or as amended and approved to the satisfaction of the Development Engineer.
17. The applicant shall submit civil construction plans prepared by a professional engineer for all roads, storm drainage facilities, sanitary sewer and water facilities and appurtenances. ~~Phase I~~ The civil construction design and phasing shall be in substantial conformance to the Utility Plan prepared by Brown Engineering, last revised 2/17/12, or as amended and approved to the satisfaction of the Development Engineer. Phase II civil construction design and phasing shall be in substantial conformance to the Utility Plan prepared by Brown Engineering, last revised October 15, 2013, plans C1-C5, as modified by these conditions or as amended and approved to the satisfaction of the Development Engineer consistent with these conditions.
18. Storm drainage facilities are to be maintained by the applicant. The applicant shall provide a declaration of covenant prior to final occupancy that guarantees that the system will be properly maintained. The covenant shall include language that will allow the City to inspect the system to ensure is properly performing.
19. The downstream stormwater conveyance for the west drainage basin in Grow Avenue shall be improved to the satisfaction of the Development Engineer during the plat utility permit review.
20. The ~~15~~ designated guest parking spaces shall have adequate 'guest parking' signage and the remaining ~~48~~ spaces for the ~~school, temporary event day care or wellness center~~ and community building shall have signage that indicates that they are available for guest parking when not in use by the ~~school, temporary events or the community~~ those uses building.

~~The applicant shall submit a report that analyzes the demand for guest parking spaces after the first three acres (phase 1 & 2) are constructed and prior to applying for building permits for the third phase of construction. The City shall analyze the report to determine the appropriate amount of guest parking spaces needed to meet the demands of the development.~~

21. ~~Prior to the issuance of any building permits for the school, community building and apartment building, the applicant shall apply for an amendment or a new site plan review along with all required documentation, including but not limited to a traffic impact analysis and elevation plans. The plans shall be reviewed by City Staff, the DRB and the Planning Commission. Prior to issuance~~

of any building permits for the early childhood development center, the applicant shall submit documentation to determine the appropriate amount of parking spaces. If the amount exceeds the ten now allocated for the use, the applicant shall indicate how and where it will provide the additional spaces. These spaces may require an amendment to the site plan review. Alternatively, prior to the issuance of any building permits for a wellness center, if determined necessary by the Planning Director the applicant shall apply for a site plan amendment or a new site plan review along with all required documentation, including but not limited to a traffic impact review.

22. To address the requests of the Fire Marshal, the applicant shall install residential sprinklers to the units, as found necessary. The fire apparatus access road shall be marked "FIRE LANE-NO PARKING".
23. To address the requests of the Health District, the applicant shall submit building clearance for sewer properties, and binding water and sewer availability letters prior to issuance of a building permit for the residences. Additionally, any existing septic tanks must be pumped and a licensed well driller must decommission any existing wells.
24. During each phase of trail construction, the applicant shall install signage that indicates the trails are public at each entry point on the perimeter of the site.

~~Prior to applying for a demolition permit of the historic home located at 321 Wyatt Way, the applicant should provide a report determining its structural integrity. If the report finds that the house has integrity and can be relocated on-site, the applicant shall seek to maintain the home and incorporate it into the site. An amendment to the site plan will not be required to preserve this unit and any required associated parking.~~

25. Each phase of the project shall conform to the HDDP program criteria for housing diversity, innovative site development and innovative building design. Prior to the issuance of a building permit for each phase, the application will be reviewed for compliance with the following:
 - a. The dwelling units shall be at or below 1,600 square feet of floor area;
 - b. 20-30% water use reduction;
 - c. 25-35% improved energy performance;
 - d. Innovative building design elements including alternative energy, energy efficiency, water efficiency, green building materials and accessibility;
 - e. HDDP Development standards related to Low Impact Development; the applicant shall allocate impervious surface coverage for each phase of development (Phase I);
 - f. Landscaping, recreational opportunities, open space and transportation elements that substantially conform to the site plans, ~~with the exception of the increased buffer between the Shepard parking lot and the neighboring residences;~~
 - g. Bicycle spaces provided at one for every five parking spaces;

- h. Built Green 5. Building permit applications, construction and final occupancy shall comply with the certification provisions of BIMC 2.16.020.3.f;
 - i. Proof of ongoing certification with the Built Green building rating system shall be required during construction and project certification shall be completed prior to final occupancy.
26. Following the completion of each phase, Staff shall be able to access the site for tours no more than once every three months with permission and cooperation of the property owner.
- ~~Prior to building permit issuance where a building is proposed over property lines, the applicant shall have submitted, the City approved, and the applicant recorded with the Kitsap County Auditor a boundary line adjustment, aggregation, and/or subdivision.~~
27. Each building shall meet the height requirement and shall not exceed 40' above average existing grade. This condition shall be recorded on the face of the final plat.
- ~~The site plan shall be revised to provide for a 20' full screen buffer between the Shepard parking lot and the adjacent right-of-way.~~
28. Parking space and aisle dimensions shall meet the design standards in BIMC 18.15.020.J. Spaces for compact cars shall not exceed 30% of the amount of spaces proposed for each phase.
29. Landscaped islands with raised curbs shall be provided to define the ends of parking aisles and indicate the pattern of circulation.
30. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width, unless required to be greater to meet the Fire Marshal's requirements for emergency access, with the exception of the diagonal pathway connecting the site from the corner of Grow and Wyatt which should range from eight to ten feet.
31. Each phase shall provide one covered bicycle space for every five parking spaces for the multifamily development for a minimum total of 28 spaces for the entire 8 acre site.
32. Pursuant to BIMC 15.08, the applicant shall apply for a permit for any regulated signs.
33. A building, grading and/or plat utility permit shall be obtained prior to commencing any construction activities.
34. Prior to the issuance of any building permits, the project shall be reviewed for compliance with the lighting guidelines.
35. ~~The public trails, street improvements and their associated easements shall be constructed and recorded in phases. The first phase of development shall include the construction and easements for a 5' bike lane and separated path along the Grow frontage, the public trail system connecting the Corner of Grow and Wyatt through the Pavillion to Madison Avenue and a path of connectivity from Shepard to the portion of the trail that goes through the Pavillion to Madison. Phase II shall~~

~~include the construction of a new 5'-wide bike lane, curb, gutter and sidewalk from the corner of Grow and Wyatt to the east end of the row houses (approximately 300 linear feet) and the internal trails shown in Phase I and II (3-acre portion of the site). During Phases II-A and II-B III (5-acre portion of the site) shall include the construction of all internal trails depicted on Sheet 9/9 of the Preliminary Plat documents, the 5'-wide bike lane, curb, gutter and sidewalk along Wyatt to the end of the project site, Shepard improvements including 10' of dedicated right-of-way, a sidewalk and bicycle path, and a publicly accessible pathway to connect Shepard to Wyatt the southeastern segment of the serpentine path directly to the Pavilion (in the manner specified by Condition #49 below).~~

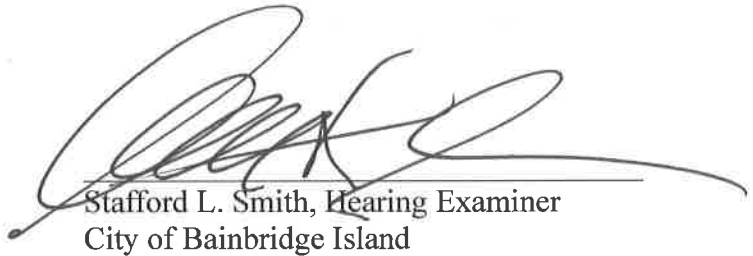
36. Building permits for the succeeding phase of development will not be issued before the previous phase of public trails, street improvements and their associated easements are completed as outlined in condition ~~#40~~ 35.

(Entirely new conditions below, not part of the previous approval:)

37. The concurrent boundary line adjustment (BLA13551C) and long subdivision amendment (SUBA13551) shall be recorded with the final plat approval for Grow Community II.
38. The Table on Sheet 3 of 3 of the Boundary Line Adjustment shall be revised to reflect the Lot Areas for the Open Space Tract.
39. Direct, handicap accessible connectivity to the Pavilion that avoids going to Shepard Way shall be provided.
40. Construction of the western most path, abutting the Olympian development, or something comparable in location, shall occur before any residential building permits are applied for Phase IIA.
41. As requested by the DRB, the applicant shall provide a landscape fence wall along the eastern border, prior to the completion of each phase of development.
42. The ten foot wide landscape buffers to Wyatt Way and Shepard Way shall meet the full screen requirements of the BIMC 18.15.010.
43. Four of the parking spaces in the parking lot abutting Shepard Way shall be designated as Visitor Parking, and include compact and standard spaces, as well as a handicap space.
44. Lot coverage shall be recorded on the face of the final plat, and reflect the calculations due to the conditional use requirements for day care and community centers.
45. Setbacks, as modified by the HDDP, shall be recorded on the face of the final plat.
46. The applicant shall provide an open space management plan for review and approval by Staff. Said plan shall be recorded with the final plat.
47. Mailbox and pedestrian signage locations shall be indicated on the face of the final plat.

48. The bus shelter, as recommended by Kitsap Transit, shall be constructed as part of Phase I plat utility improvements.
49. Hearing Examiner jurisdiction over this proceeding is retained for the purpose of addressing the as yet unapproved design for connecting the diagonal pathway from the site's southeast corner to Madison Avenue. The applicant shall submit to the Planning Director for Design Review Board consideration a design for creating a direct, safe, convenient publicly-accessible linkage from the diagonal pathway to the public easement across the Pavilion parcel that connects the site to Madison Avenue. Compliance with Conditions #13, #35 and #39 above and this Condition shall require a written determination by the DRB and the Planning Director that that applicant has submitted a satisfactory design for such a direct linkage meeting the intent of the Comprehensive Plan's adopted policies for non-motorized transportation. After such approval, the pathway design and the DRB's determination of compliance shall be forwarded to the Hearing Examiner, who will terminate the jurisdiction retained herein upon confirming that the relevant requirements of this Condition and Conditions #13, #35 and #39 have been met. If it appears that a speedy resolution of this remaining design issue cannot be secured, either the Planning Director or the applicant may request that the Examiner reopen the public hearing for further review of the diagonal pathway issues and a reassessment of their relationship to the overall site plan approval, which approval may be amended based on revised findings and conclusions. If no satisfactory resolution has been obtained on the DRB level within 180 days of the date of this decision, the Planning Director shall provide the Examiner with a report assessing the current status of the issues, and the Examiner may order the hearing reopened for the purposes specified herein.

ORDERED July 7, 2014



Stafford L. Smith, Hearing Examiner
City of Bainbridge Island

The Hearing Examiner is authorized to make the City of Bainbridge Island's final decisions regarding the Grow Community Phase II preliminary subdivision, site plan review and conditional use permit applications. A party with standing may seek judicial review of these decisions by filing a timely suit in Kitsap County Superior Court under the Land Use Petition Act.

The exhibit list prepared by the Clerk of the Hearing Examiner's Office is attached.

EXHIBIT LIST

Grow Community

**SPRA13551C – CUP13551 – SUB13551B
SUBA13551B – BLA13551C**

Staff Contact:
Heather Beckmann
Associate Planner

Public Hearing: June 19, 2014
Location: City Hall

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
1	Application – SPRA13551C	10/23/2013 (Received)
2	Application – CUP13551	10/23/2013 (Received)
3	Application – SUB13551B	10/23/2013 (Received)
4	Application – SUBA13551B	10/23/2013 (Received)
5	Application – BLA13551C	10/23/2013 (Received)
6	Grow Community Phase 2 Utility Report	10/23/2013 (Received)
7	Preliminary Geotechnical Report (Dated January 29, 2010)	10/23/2013 (Received)
8	Notice of Revised Applications & New Applications/SEPA Comment Period	12/13/2013 (Dated)
9	Legal Notice	12/13/2013 (Published)
10	Certificate of Posting	12/17/2013 (Dated)
11	Bainbridge Island Fire Department Memo	03/14/2014 (Dated)
12	Project Report (presented to the Planning Commission on 5/22/14) ATTACHMENTS A. Grow Community II Boundary Line Adjustment dated October 16, 2013. B. Grow Community Phase II Plan Set dated May 9, 2014. C. Preliminary Plat of Grow Community II dated February 13, 2014 D. Public Participation Question and Answers, July 2013. E. Design Review Board Minutes, August 19, 2013 Regular Meeting. F. SEPA Checklist as provided with application date stamped October 23, 2013. G. Design Review Board Minutes, December 2, 2013 Regular Meeting. H. Compilation of comments received during the two public comment periods. I. Memo from the Assistant Chief Luke Carpenter, dated March 14, 2014. J. Transport Impact Analysis for Grow Community Phase II Addendum Update dated February 9, 2014. K. Third Party Traffic Review Comments, Response from RTC & the City date stamped May 8, 2014.	05/16/2014 (Dated)

EXHIBIT LIST

Grow Community

**SPRA13551C – CUP13551 – SUB13551B
SUBA13551B – BLA13551C**

Staff Contact:
Heather Beckmann
Associate Planner

Public Hearing: June 19, 2014
Location: City Hall

Hearing Examiner: Stafford L. Smith

NO.	DOCUMENT DESCRIPTION	DATE
	L. Design Review Board Minutes, April 7, 2014 Regular Meeting. M. HDDP Checklist date stamped October 23, 2013. N. Grow Community Phase II, Site Plan Review Amendment, Subdivision & Conditional Use date stamped April 25, 2014. O. Tree Assessment by Katy Bigelow dated September 20, 2013. P. RTC Transportation Consulting Parking Analysis date stamped April 30, 2014 Q. Design Review Board Design Guidelines Checklist -Multi-Family Design Guidelines for R-8 & R-14 zoning districts – date stamped October 23, 2013. R. Design Review Board Design Guideline Checklist – Commercial and Mixed-Use Design Guidelines for All Zoning Districts date stamped October 23, 2013 S. Grow Community Site Plan Review Power Point Presentation Excerpt from February 9, 2012 Special Planning Commission Meeting. T. Department of Public Works – Operations & Maintenance Binding Commitment Limited Reservation for Water and Sewer System Capacity date stamped October 23, 2013. U. DRAFT DRB minutes from March 5, 2014.	
13	Davis Studio Architecture Comments Letter	04/04/2014 (Received)
14	MDNS	05/27/2014 (Dated)
15	Notice of Public Hearing and Certification of Distribution	05/30/2014 (Published)
16	Planning Commission Minutes	05/22/2014 (Dated)
17	Project Report	06/13/2014 (Dated)
18	Comment Letter from Jacobsen	05/19/2014 (Dated)
19	RTC Traffic Impact Analysis	03/03/2014 (Dated)
20	PowerPoint Presentation - Applicant	06/19/2014 (Dated)
21	PowerPoint Presentation - City	06/19/2014 (Dated)
22	Declaration of Easement	10/09/2012 (Dated)