

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

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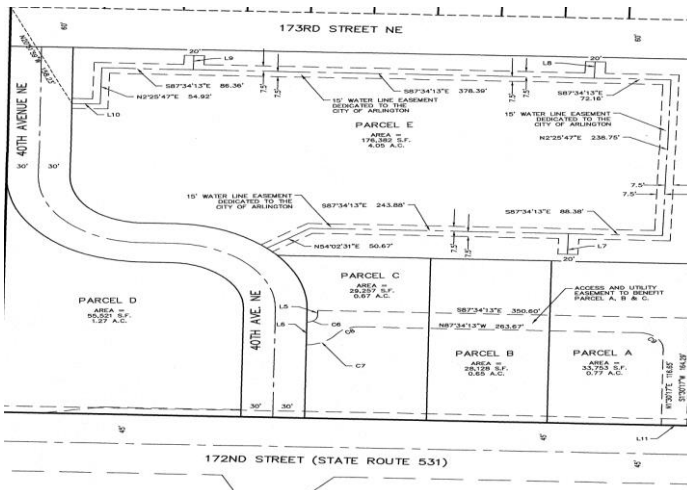
CONDITIONAL USE PERMIT

Smokey Point Senior Apartments – PLN #422

A. PROJECT DESCRIPTION AND REQUEST



The Applicant, AMCAL Multi- Housing, Inc. is proposing to construct a 255 unit Multi-Family Affordable Senior Housing Development (known as “Smokey Point Senior Apartments” – see Attachment A) to be built on 4.05 acres situated in the northern portion (Parcel E) of the Baker-Mor Binding Site Plan. The address for the master parcel is 3905 172nd St. NE, Arlington, Washington. The address for Parcel E for the Smokey Point Senior Apartment project has be addressed as 17309 40th Avenue NE. The proposed project will be constructed in conformance with Title 20 (Zoning) of the Arlington Municipal Code, including Chapter 20.110, the recently adopted Mixed Use Development Regulations.



The Smokey Point Senior Apartments will consist of a single 218,403 S.F. 4 story building, incorporating 255 affordable senior housing units. The unit mix will provide 175 1-bedroom, 1-bathroom units and 80 2-bedroom, 1-bathroom units. All units are age restrictive and available only to households which earn 60% of the Area Median Income (AMI). Two courtyards incorporate multiple outdoor amenities to include two fitness walks, fire pit, garden plots, barbeque area, dog play

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area and a passive recreation area. Interior amenities include a social room, media room, activity room, fitness room, yoga room two private dining rooms and a business center.

The project site consists of an undeveloped 4.05 acre parcel that is primarily flat open field with sporadic clusters of mature conifer and deciduous trees, which are to be removed to allow for site and public roadway construction. 71 significant trees are being mitigated through the fee-in-lieu option. Existing soil conditions include 4-12 inches of topsoil with approximately 24 inches of Weathered Glacial Outwash underlined by Recessional Glacial Outwash. Storm water is proposed to be infiltrated onsite.

The project site is zoned Highway Commercial (HC) and will abut future commercial development to the south on proposed Parcels A-D of the Baker-MOR Binding Site Plan. Three single family residences (legal non-conforming uses) are located to the east; those properties will eventually be developed for Highway Commercial uses.

Public roadways will abut the property on the west and north sides. 173rd St. NE, will be an E-W local collector that will connect Smokey Point Blvd. to 43rd Ave. NE, will be constructed by the City in the near future and 40th Ave. NE, a local access street, will connect 172nd St. NE with the future 173rd St. NE. The construction cost of 40th Ave. is developer borne, and will be required as a condition of the Baker-MOR Binding Site Plan. A dedication of property for public Right-of-Way (40th Ave.) will be required as a part of the Baker- Mor Binding Site Plan.

Surface parking consists of 244 spaces, including 14 ADA spaces, 54 of the spaces provide carports. Drive aisles are included around the perimeter of the building with two points of access onto 40th Ave. A Community Transit center is within ¼ mile of the site and a transit stop is being proposed at the frontage along 172nd St. Because of the close proximity to transit and the age of the tenants, seniors tend to drive less, a parking reduction is being requested. Water and sanitary sewer mainline extensions are required to serve the proposed project.

REVIEW PROCESS

This proposed development is the first to occur utilizing the City of Arlington's recently adopted Mixed Use Overlay which allows commercially zoned properties to site retail, commercial, professional and certain manufacturing uses along the street frontages of the property while allowing for a higher density residential use to occur upon the remainder of the property. As such, the buildings and site will be reviewed utilizing Chapter 20.110 AMC (Mixed Use Development Regulations). This will ensure that the building form, position and site configuration are designed to integrate the elements of "Form Based Code" to ensure a predictable outcome in both current and future development.

As noted, the proposed project will be built on one of five subdivided parcels. The Mixed Use Overlay allows for land divisions to occur in two ways, either by formal subdivision or through the Binding Site Plan process. The Binding Site Plan process for the Mixed Use Development is somewhat atypical in that it allows five parcels to be divided, then requires each parcel/pad created to undergo an independent permit process as each parcel develops to more clearly define the ultimate use and its potential impact. Since development will most likely occur in a phased and evolving manner instead of all at once, the City feels that this method is a more realistic approach; this as opposed to creating hypothetical uses and requiring studies for those uses in the BSP process, that would most likely need to be revised as development occurs and changes.

The Mixed Use Development standards utilize a “Form Based Code” approach, which focuses more on the form of the building and not necessarily the traditional zoning approach where residences are located in single or multi-family zones, commercial uses are restricted to neighborhood or community commercial zones and so on. Form Based Codes allow a mixing of uses with design standards being imposed to blend their function and appearance. Different “Place Types” are defined based on the type of neighborhood environment desired. These areas are more intensively developed near town centers; less intensively toward the community edges.

Areas (“transects”) are defined by 6 zones with T-1 being least intense, a “Natural Zone” to T-6 being the most intense, “Urban Core Zone”. Arlington primarily consists of T-3, T-4 and T-5 uses and the Development Standards are predicated upon those three transects and four place types. The allowed uses and building types are described visibly on the Regulating Plan maps and in detail, in the Use Tables for each Place Type. The Smokey Point Apartment project is located in a *Mixed Use Urban Center* Place Type and transect T5N-LV (transect 5 neighborhood, large volume). This allows for fairly intense uses and larger scale buildings to be constructed.

In this instance, AMCAL Multi-Housing, Inc. has applied for the required Conditional Use Permit (CUP) under Arlington Municipal Code (AMC) §20.16.140. The SEPA Threshold Determination issued by the City of Arlington under AMC §20.98.120 and all building form and site design review elements are reviewed under AMC §20.110.

B. PROJECT HISTORY

The application for a Conditional Use Permit was received on March 15, 2018. The application was deemed complete on April 11, 2018. The notice of application was published in the city’s official newspaper (The Herald) on April 25, 2018. Notice was posted and mailed to required parties on April 25, 2018. The comment period for both the CUP and MDNS ran concurrently.

The applicant submitted a request for review of the proposed project “Smokey Point Senior Apartments” under the State Environmental Policy Act (SEPA) on March 15, 2018. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on April 25, 2018.

Comment was received via email from the Stillaguamish Tribe on April 26, 2018 requesting notification for tribal monitors to be present during ground disturbance. The Applicant was notified of this request via email on May 17, 2018.

A Neighborhood Meeting was held on Tuesday, March 20, 2018. Notice for the Neighborhood Meeting was published in the city’s official newspaper (The Herald) on March 8, 2018. Notice was posted on site on March 7, 2018, and mailed to required parties on March 6, 2018.

A Public Hearing was held before the Hearing Examiner on June 26, 2018. Notice of the Public Hearing was published in the city’s official newspaper (The Herald) on June 14, 2018. Notice was posted on site on June 12, 2018 and mailed to required parties on June 11, 2018.

C. GENERAL INFORMATION

1. **Applicant/Owner:** Reed Caudle, Baker-MOR LLC – Owner
Mario Turner AMCAL – Applicant
2. **Contact:** J. Ross, AMCAL Jay@AmcalHousing.com
3. **General Location:** North of 172nd Avenue NE (SR531); east of 35th Avenue NE.
4. **Address of Property:** 3905172nd St. NE, Arlington, WA 98223
5. **Property Legal Description (Abbreviated):** A portion of the SE1/4 of the SW ¼ of Section 21 Township 31 North, Range 05 East, W.M.
6. **Property Tax ID Numbers:** 31052100306300
7. **Topographical Description:** Property is flat. The property is almost entirely covered with grassy vegetation.
8. **Soil Type:** Soils consist of 4 to 12 inches of topsoil and sod over approximately 2 feet of medium dense, weathered reddish tan, silty, sand (Weathered Glacial Outwash) with medium dense, tan to grey, poorly graded sand (Recessional Glacial Outwash) encountered below the Weathered Recessional Glacial Outwash.
9. **Acreage:** Approximately 4.05 acres on Parcel E of the five-lot Baker MOR BSP which comprises 8.38 acres.
10. **Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:**

Area	Land Use Designation	Zoning	Existing Use
Project Site	Highway Commercial	HC	Vacant
North of Site	Medium Density Res.	RMD	Residential – 174 th Place NE
South of Site	Highway Commercial	HC	Commercial
East of Site	Highway Commercial	HC	Commercial
West of Site	Highway Commercial	HC	Commercial

11. **Public Utilities and Services Provided by:**

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Marysville	Cable:	Comcast
Garbage:	Waste Management NW	Police:	City of Arlington
Storm Water:	On-site	Fire:	City of Arlington
Telephone:	Frontier Communications	School:	Arlington SD
Electricity:	Snohomish Co. PUD #1	Hospital:	Cascade Valley

12. Studies Prepared by Applicant:

- Phase 1 environmental site assessment (September 2017),
- Geotechnical site investigation (February 2018),
- Tree report (February 2018),
- Traffic study (March 2018),
- Critical area study and habitat assessment (March 2018),
- Archeological assessment (March 2018).

These studies are adopted herein by reference.

13. Needed Project Approvals

- Conditional Use Permit
- Design Review - Administrative
- SEPA, City of Arlington
- Binding Site Plan (Pending application No. 418)
- Site Civil Permit, City of Arlington
- Right-of-Way Permit, City of Arlington
- Building Permits

14. Applicable Land Use Code Regulations:

- AMC Chapter 20.04.060 Relationship to the comprehensive plan
- AMC Chapter 20.04.120 Adoption of supporting administrative guidelines
- AMC Chapter 20.16 Permits and Final Plat Approval
- AMC Chapter 20.24 Hearing and Pre-Hearing Procedures for Appeals and Applications
- AMC Chapter 20.36 Zoning Districts and Zoning Map (Part II & Part III)
- AMC Chapter 20.38 Airport Protection District
- AMC Chapter 20.40 Permissible Uses
- AMC Chapter 20.44 Supplemental Use Regulations
- AMC Chapter 20.46 Design
- AMC Chapter 20.48 Density and Dimensional Regulations
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.64 Floodplain Development Regulations
- AMC Chapter 20.68 Signs
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- AMC Chapter 20.90 Concurrency & Impact Fees
- AMC Chapter 20.93 Critical Area Ordinance
- AMC Chapter 20.98 State Environmental Policy Act
- AMC Chapter 20.110 Mixed Use Regulations
- AMC Chapter 13.28 Stormwater Utilites

15. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Neighborhood Meeting	March 7, 2018	March 20, 2018	Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library

			Affected Agencies The Herald-published –
Notice of Application & SEPA (MDNS)	April 25, 2018		Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Parties of Record Affected Agencies The Herald-published
Notice of Public Hearing	June 11, 2018 June 12, 2018	June 26, 2018	Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Parties of Record Affected Agencies The Herald – published –

- The city received comments from one individual members of the public or affected agencies within the comment periods.

D. ENVIRONMENTAL REVIEW

The City issued a Mitigated Determination of Non-Significance on April 25, 2018. The City coincided the 14-day SEPA comment period with the 14-day Notice of Application comment period. The combined 14-day comment period ended on May 9, 2018. Comments were received from one affected agencies and concerned parties, primarily addressing notification of tribal monitors during ground disturbance from the Stillaguamish Tribe.

E. SUMMARY OF OTHER AGENCY REPORTS/RECOMMENDATIONS

On April 26, 2018 the City received one comment from the Stillaguamish Tribe in regards to tribal monitors on site during ground disturbance.

F. FINDINGS OF FACT

1. Sections “A” through “E” are incorporated into the Findings of Fact.

2. Permits & Final Plat Approval (AMC Chapter 20.16)

- Per AMC §20.16.010 (Permits Required)**, Any physical improvement to the land that is to be developed must be done in accordance with the conditional use permit issued by the Hearing Examiner.
- Per AMC §20.16.030 (Who May Submit Permit Applications)**, the application for this proposal was submitted by the Applicant’s Official Representative on March 14, 2018.
- Per AMC §20.16.034 (Official Representative of the Applicant)**, Mario Turner is the Applicant’s official Representative.
- Per AMC §20.16.040 (Applications To Be Complete)**, on April 11, 2018, the City notified the Applicant and the Applicant’s Official Representative that their

application, as submitted, was determined to be complete in accordance with this subsection.

- e) **Per AMC §20.16.050 (Staff Consultation Before Formal Application)**, the Applicant's Official Representative met with the City December 13, 2017 in a general information meeting concerning the proposal.
 - f) **Per §20.16.060 (Complete Application)**, the City issued Notice of Complete Application to the Applicant and their Official Representative within 28 days as required by this subsection.
 - g) **Per AMC §20.16.074 (Vesting of Permits)**, the Applicant and their Official Representative were notified that their application was vested under existing land-use regulations in effect at the time they were issued a Notice of Complete Application April 11, 2018.
 - h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on March 26, 2018. Notice of Application was sent to affected agencies on April 25, 2018.
 - i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on April 25, 2018 as required by this subsection. The comment period ran from April 25, 2018 to May 9, 2018.
3. **Hearing and Pre-Hearing Procedures for Appeals and Applications (AMC Chapter 20.24)**
- a) **Per AMC §20.24.020 (Public Notice)**, notice was published and distributed on June 11, 2018 and June 12, 2018, as required by this subsection.
4. **Zoning Districts and Zoning Map - Part II & Part III (AMC Chapter 20.36)**
- a) **Per AMC §20.36.100 (Official Zoning Map)**, the subject property is zoned Highway Commercial (see City of Arlington Official Zoning Map).
 - b) **Per AMC §20.36.200 (Compatibility of Zoning Districts with Land Use Plan Defined)**, the Highway Commercial zone is compatible with the comprehensive land use designation. The Arlington City Comprehensive Plan designation of the subject property is Highway Commercial.
5. **Airport Protection District (AMC Chapter 20.38)**
- a) **Per AMC §20.38.060 (Airport Protection District Boundaries)**, the subject property is located entirely within Subdistrict "B" of the Airport Protection District Overlay (see City of Arlington Official Zoning Map).
6. **Permissible Uses (AMC Chapter 20.40)**
- a) **Per AMC §20.40.010 (Table of Permissible Uses)**, the proposed use is classified as use 1.330 Multiple Family Residential
 - b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.330 within the Mixed Use Overlay zone is allowed with a Conditional Use permit subject to design compliance as a T5N-LV transect designation (AMC 20.76.110)

7. **Supplemental Use Regulations (AMC Chapter 20.44)**

- a) **Per AMC §20.44 Part III (Performance Standards)**, the proposed development must comply with the performance/operation standards for noise, vibration, odors, smoke and air pollution, disposal of liquid and hazardous wastes, water consumption, electrical disturbance or interference, lighting, and site building and maintenance.

8. **Design (AMC Chapter 20.46)**

- a) **Per AMC §20.46.010 (Conformance with Design Guidelines or Standards)**, proposed developments in the Highway Commercial zone shall conform to the applicable guidelines or standards set forth in the Mixed Use Overlay Design Guidelines per AMC §20.110. See Section 18 below.

9. **Density and Dimensional Standards (AMC Chapter 20.48)**

- a) The proposed development complies with Residential High Density zoning requirements and AMC §20.110. See Section 18 below re: Mixed Use Overlay standards.

10. **Streets and Sidewalks (Chapter 20.56)**

- a) **Per AMC §20.56.010 (Street Classification)**, the property will be accessed from a new local collector street, 40th Avenue NE.
- b) **Per AMC §20.56.030 (Access to Lots)**, the property provides adequate means of ingress and egress for emergency vehicles, vehicular, pedestrian, and bicycle access in accordance with this subsection from 40th Avenue NE and SR 531 (172nd Street NE), thus fulfilling this requirement.
- c) **Per AMC §20.56.050 (Entrance to Streets)**, the property provides an adequate means of ingress and egress to the site. (40th Avenue NE and 173rd Street NE)
- d) **Per AMC §20.56.070 (Relationship of Streets to Topography)**, streets must be related appropriately to the existing topography and designed to facilitate the drainage and stormwater runoff objectives of AMC Chapter 20.64. The private internal driveways and access lanes, as proposed, meet this requirement. The site is essentially flat.
- e) **Per AMC §20.56.120 (Street Intersections)**, the intersection of the driveways is required to meet the following requirements:

Intersection	Required Angle	Proposed	Meets
Driveway #1 – 40 th Ave. Main Entrance	80 ≤ 90 deg.	80 deg.	Yes
Driveway #2 – 40 th Ave. North Entrance	80 ≤ 90 deg.	90 deg.	Yes

- f) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**. The City and applicant have agreed on the design of 40th Avenue NE, including channelization. Construction will occur by the applicant with credits being awarded against the required traffic impact fee.

11. Signs (Chapter 20.68)

- a) **Per AMC §20.68.180 (Subdivision and Multi-Family Development Entrance Signs)**, the development may have two (2) signs identifying the subdivision. At the time of submittal of the civil engineering plans for the Smokey Point Senior Apartments, the applicant shall submit detailed plans for the subdivision signs to be installed in accordance with AMC Chapter 20.68

12. Utilities (Chapter 20.60)

- a) **Per AMC §20.60.050 (Construction Standards and Specifications)**, all facilities shall be constructed in accordance with the most recent edition of the Department of Public Works Construction Standards and Specifications manual.
- b) **Per AMC §20.60.100 (Sewage Disposal Facilities Required)**, every building within the development must be served by a sewage disposal system. The City has verified in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City of Marysville sewer. Sewer Availability signed on January 30, 2018.
- c) **Per AMC §20.60.300 (Water Supply System Required)**, every unit within the development must be served by a water supply system. The City has verified in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City of Arlington water. Water Availability signed on January 31, 2018.
- d) **Per AMC §20.60.400 (Lighting Requirements)**, the project shall sufficiently illuminate the parking lot and common areas to ensure the security of property and the safety of persons using the facilities. (See Section 18 for lighting standards for Mixed Use Overlay).
- e) **Per AMC §20.60.400 (Lighting Requirements)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way. (See Section 18 for lighting standards for Mixed Use Overlay).
- f) **Per AMC §20.60.400 (Lighting Requirements)**, all outdoor lights shall be low sodium or similar lamp type and be down-shielded to prevent light pollution. (See Section 18 for lighting standards for Mixed Use Overlay).
- g) **Per AMC §20.60.410 (Excessive Lighting)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way. (See Section 18 for lighting standards for Mixed Use Overlay).
- h) **Per AMC §20.60.450 (Underground Utilities)**, all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.
- i) **Per AMC §20.60.490 (Sites for and Screening Dumpsters)**, every development within the city limits shall provide dumpsters for solid waste collection and screen

dumpsters from customers or persons traveling on any public street, sidewalk or public way.

From the Utility plans submitted to date, these utility requirements are met by the Applicant for this proposal

Note: Utility services, fire hydrants and fire protection are required and will be reviewed when site civil construction drawings are submitted. All existing and planned utilities shall be shown on the site civil construction drawings. Water and sanitary sewer general facility charges may be assessed when construction drawings are submitted. All fees shall be paid before connection is made to the water or sanitary sewer utilities. All utilities shall be operational prior to building Certificate of Occupancy.

13. Floodplain Development Regulations, Part II (Chapter 20.64)

Not Applicable

14. Parking (Chapter 20.72)

a) Per AMC Table 20.72-1 (Table of Parking Requirements),

Not Applicable. See Section 18 for parking calculations as part of Mixed Use Overlay Standards.

15. Screening & Trees (Chapter 20.76)

- a) **Per AMC §20.76.050 (Table of Screening Requirements – 20.76-1)** the development is required to have Type B screening (at a 5 ft. depth) bordering the existing Single Family Residences to the North and Type A screening (at a 5 ft. depth) along all other borders of the property including 40th Street NE. The Site Plan (Attachment B) indicates fulfillment of this requirement. Note: A masonry wall is proposed to screen all onsite parking areas from adjacent roadways.
- b) **Per AMC §20.76 Part II (Shading),** A Preliminary Tree Protection Plan was prepared by the applicant which found:
- Seventy-two significant-sized trees grow in the 4.05 acre project area
 - Most trees are in Fair to Good condition
 - Sixteen trees are located outside of the proposed construction area. 59 trees will require removal
 - 18 other trees are located in the right of way of proposed roads.
 - 213 native trees will be required to replace the significant trees to be removed during land clearing

16. Concurrency & Impact Fees (Chapter 20.90)

- a) **Per AMC §20.90.040 (Imposition of Impact Fees on Development Activity);** all developments within the city are required to pay a Traffic Impact Fee. The City accepts the estimate of 66 new PM peak hour trips as contained in the traffic impact study prepared by Gibson Traffic Consultants in March 2018. Per Ordinance 1469, a fee of \$3,355.00 per PM Peak Hour Trip is assessed for Traffic Impact Fees Note: In this instance. 66 P.M. Peak Hour Trips will be generated by the 255 senior dwelling units, for a total of \$221,430.00, to be paid by the applicant. Note: In this instance the amount of the Traffic Impact Fees shall be credited towards the construction of the new 40th Ave NE.

- b) **Per AMC §20.90.230 (School Fees Required)**, the proposed development is a senior housing development and will not add any new students to the school system. Therefore, there will be no school impact fee required of this proposal.
- c) **Per AMC §20.90.400 (Community Parks Impact Fee)**, See Section 18 for patio and private open space facilities. There will be no publically owned civic or park spaces in the development.

17. Critical Areas (20.93, Part III, Part IV, Part VII and Part IX)

Note:

There are no wetland, stream, steep slope or other critical areas on the property.

18. SEPA (Chapter 20.98)

- a) **Per AMC §20.98.110 (Environmental Checklist)**, the Applicant submitted a completed environmental checklist at the same time they submitted their application for a Use Permit.
- b) **Per AMC §20.98.120 (Mitigated DNS)**, the City, after review of the submitted checklist and site plans, issued a Mitigated Determination on April 25, 2018. There was a combined 14-day comment period from April 25, 2018 thru May 9, 2018.

19. Mixed Use Regulations (Chapter 20.110)

Mixed Use Regulations are adopted by Ordinance as Chapter 20.110 of the City's Land Use Code, Title 20. They serve as "form based" design guidelines for new projects.

One of the primary considerations in creating neighborhoods with "Form Based Code" is the development of block standards, which are most efficient when they are of equal size to create a "grid" pattern, however this is not always achievable, as was the case with this property. The property owner had already begun lot configuration of the parent property (8.38 ac) and begun negotiation with AMCAL for the 4.05 acre parcel prior to the adoption of the MXD Development Regulations. In order to provide for the proposed 40th Ave. to be constructed and not bifurcate the 4.05 acre parcel, it would need to be placed in a curvilinear manner. Because 40th Ave. is a curvilinear street, the Smokey Point Senior Apartments building could not be oriented to affront 40th Ave. as would be the preferred orientation, and could only be placed perpendicular to the street. This was a situation that Arlington could accept since the installation of 40th Ave. provided an important connection between 172nd St. NE and the future 173rd St. NE.

In summary, the City acknowledges efforts by the applicant to meet the intent of the Mixed Use regulations although the City has used its administrative discretion to allow some pre-adoption rules where the new Mixed Use rules would go beyond what the pre-Ordinance rules required.

- Per AMC 20.110.012 (e) (Transect) the Smokey Point Senior
- Apartments project is located in T5N-LV (transect 5 neighborhood, large volume) which allows fairly intense uses and larger scale buildings to be constructed. The Smokey Point Senior Apartments meet these criteria.
- The stated intent of the T5N-LV area is "To provide an urban form that can accommodate a very diverse range of uses to reinforce walkable neighborhoods and to provide a mix of uses on the ground floor, including residential thus providing a



vibrant mix of activities to energize the streets.” The Smokey Point Senior Apartments meet this criteria. While the ground floor use is exclusively residential, the nature of this development (senior citizen residential living) would call for that sole use to ensure the privacy and security of residents.

- Per AMC 20.110.014(c): (Place Types and Transect) the project is located in a “Mixed Use Urban Center” (Figure 20.110-A). Location in a Transect T5N- allows for fairly intense uses and larger scale buildings to be constructed. The Smokey Point Senior Apartments meet this criterion.
- Per AMC 10.110.014(c) (Permissible Uses in Place Type): The Transect Matrix (Page 8 of the Mixed Use Development Regulations) allows multiple family Large to Mid-Rise structures. Permissible uses include “residential uses on any floor”. The Smokey Point Senior Apartments meet this criterion.
- Per AMC 20.110.014(c) (1-5) (Transect standards): The “Characteristics” sought for the T5N-LV Place are listed on Page 56 of the Development Regulations.
 - Attached Medium to large lot width
 - Buildings at ROW
 - Medium to large footprint
 - Small to no side setbacks
 - Up to 4 stories
 - Diverse mix of frontages. First floor flush with sidewalk

All characteristics are met. While one characteristic calls for buildings to be flush with the ROW line; and another calls for “first floor to be flush with sidewalk”. The curved alignment of the new 40th Avenue NE makes this difficult along the entire frontage. The applicant proposes a decorative wall and a landscape element along 40th Avenue where building won’t be placed.

- Per AMC 20.110.014(d)) (Frontage types) Extension of the decorative wall and landscaping along the frontage to proposed 173rd St. This will serve the general intent of the frontage standards.



- Per AMC 20.110.014(e) (Building types) The proposed apartment building (See attachment) is similar in character to two building forms listed as acceptable in the T5N-LV areas: Stacked Flat (left) and



Mid-Rise (right). The Stacked Flat is described as a medium-to large-sized structure that consists of multiple dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or may share a common entry. This type is appropriately scaled to fit adjacent to neighborhood serving main streets and walkable urban neighborhoods. This building type may include a courtyard.

The Stacked Flat” is the building type utilized for the Smokey Point Senior Apartments. Because this building is for senior housing, the interior corridors where

required to be contiguous for both safety and connectivity of the residents. In order to address the maximum building length requirements of 280' and still maintain the contiguous internal corridors, recesses were designed into the exterior wall plane to create small courtyards and a visual separation of the building. Also, in order to accommodate the density that AMCAL was seeking, the Smokey Point Senior Apartments are essentially two "Stacked Flat" buildings oriented with the courtyards facing each other, being internally connected by common "socialization" areas and hallway corridors. This creates a safe, secured environment for the senior residency of the building.

The Mid Rise is described as a medium-to large-sized structure, built on a large lot. It can be used as a single-use building, typically service or residential, where ground floor retail is not appropriate. The design standards indicate that typically these buildings incorporate structured parking, which the Smokey Point Senior Apartments will not. The decorative wall and landscaping component (See right inset) will mitigate the surface parking being proposed.

- Per AMC 20.110.014(f)(1)) (Block Standards) Block Standards will be reviewed as part of the Binding Site Plan application for the Baker MOR applicants.
- Per AMC 20.110.014(f)(2)) (Right of Way): Right of Way standards will be reviewed as part of the Binding Site Plan application for the Baker MOR applicants.
- Per AMC 20.110.014(f)(3)) (Thoroughfare): Thoroughfare Standards will be reviewed as part of the Binding Site Plan application for the Baker MOR applicants.
- Per AMC 20.110.014 (g) Parking Standards: Parking is regulated based on the Place Type for Transect T5N-LV. This can be found on Page 61 of the Mixed Use Regulations. There is no minimum number of parking spaces required for residential uses.

The applicants note that senior projects over 150 units can operate satisfactorily with 75% of typical required parking. The project will provide 244 spaces vs. a typical requirement of 335 spaces for a non-senior development of 255 apartments.

- Per AMC 20.110.014 (h) Civic and Open Space Standards: No public civic spaces are proposed for this single parcel private development, Courtyards and patios will be provided to residents.

The project proponents are requesting a modification to AMC 20.52.020 which requires mini-parks of certain designs to be located in multifamily developments. The proponents are offering other use and design for recreation based on the senior citizen housing nature of the development. They argue that the household size assumption should be reduced from 2.2 persons to 1.75. To ensure more privacy, they ask that the required amount of "park" area be allowed as patios rather than mini-parks, given the household size and desired use of small, more private open spaces by senior residents.

Civic Space Standards will be reviewed as part of the larger Binding Site Plan application for the Baker MOR applicants, but does not affect parcel E or the subject CUP.

- Per AMC 20.110.014 (i) Landscaping, Fencing, and Screening Standards the applicant proposes a decorative structural wall to provide security for parking areas and to provide a visual screen. This design will assist in meeting the T5N-LV standard of having building located close to adjacent streets, 40th Avenue NE and 173rd St. NE. The east and south property lines can meet screening requirements
- Per AMC 20.110.014 (j) Low Impact Design Standards: The applicant has submitted stormwater management plans which cite Table 2.5.1 from the Western Washington Stormwater Manual which covers the means of compliance with Low Impact Development Performance Standards and Best Management Practices. The City will review the stormwater plans for compliance with these standards.
- Per AMC 20.10.014 (k) Outdoor Lighting Standards>: The project will be conditioned to require that standards outlined for LZ-3 zones. It will be further conditioned to require compatibility with lighting installed by the City on the new 40th Avenue NE and 173rd St. NE.
- Per AMC 20.110.014 (l) Architectural Standards: The Smokey Point Senior Apartments will be located on one (Parcel E) of five parcels approved under a Binding Site Plan filed as Project No. 418 (Baker MOR). Parcels A-D will have commercial buildings located upon them. Those parcels will have a condition placed upon them requiring consistency and compatibility of design, including four-sided design, shielding of roof top mechanical structures and compatible materials.

20. Stormwater Utilites (Chaper 13.28

a) Per AMC §13.28.140 (Permits – Approval)(b) Civil Permit

1. All stormwater review submittals for projects with greater than two thousand feet of new, replaced or new impervious surfaces shall include, in addition to the information required under any other applicable city code, a stormwater site plan, as described in the stormwater manual (the most current City adopted version of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin).
2. The City's Community and Economic Development Director or designee shall review all plans for compliance with this chapter.

G. CONCLUSION & RECOMMENDATION

1. The applicant has applied for a conditional use permit as required under AMC 20.16.
2. Under AMC 20.16.140(c), the designated decision-maker shall issue the requested permit unless it concludes, based upon the information submitted at hearing, that:

- a. **The requested permit is not within its jurisdiction according to the table of permissible uses.** The City of Arlington Comprehensive Plan identifies this area as Highway Commercial, and the subject property is zoned Highway Commercial. It is also located within Transect T5N-LV under the Mixed Use regulations (Chapter 20.110) which allows

“A mix of uses to transition from the higher intensity commercial and high density residential along the center’s core to more moderate density and moderate volume residential uses along the edge of the Urban Center” (Page 56, MU Regulations).”

Therefore, the proposed development as noted and conditioned is consistent with policies governing those types of uses and is allowed in that zoning district.

- b. **The application is incomplete.** The City determined the subject application complete on April 11, 2018. Subject to conditions specified below in Section H, the application contains all of the information that is necessary for the City to decide whether or not the development, if completed as proposed, will comply with all of the requirements Title 20 AMC (see AMC 20.16.040).
- c. **The proposed project has not complied with SEPA.** The City issued a MDNS on April 25, 2018 and the requirements of SEPA have been met.
- d. **The proposed project is not in conformance with the comprehensive plan, transportation plan, or other adopted plans, regulations, or policies.** The requested Conditional Use Permit, as conditioned, is consistent with all AMC Title 20 requirements; permit processing procedures, and all other applicable plans, regulations, and policies.
3. Under AMC 20.16.140(d), the permit-issuing authority may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
- a) **Will materially endanger the public health or safety.** The project will not materially endanger public health or safety, as conditioned.
- b) **Will materially harm adjoining or abutting property.** The project’s impacts on surrounding properties and will not materially harm adjoining or abutting property.
- c) **In terms of design and use will not be compatible with the area in which it is located.** The design and use of the proposed development will meet the nature and intent of Transect T5N-LV of the City’s Mixed Use Regulations and will be compatible with the commercial developments to the south, east, and west of the site. Screening and buffering will protect the aesthetics and tranquility of residential areas to the north.
4. The Conditional Use Permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

Based upon the preceding Findings and Conclusions, the Conditional Use Permit to allow development of the Smokey Point Senior Apartments on Parcel E shall be subject to the following conditions:

1. Recordation of the five-lot Binding Site Plan approved under Project File No. 418 which depicts Parcel E and all dedications and easements as described in this Conditional Use Permit approval.
2. All development shall be in substantial conformance with the revised site plan received March 26, 2018, subject to any conditions or modifications that may be required as part of the permit and construction plan review
3. Water and Sewer connections shall be designed in accordance with the system design, scheduled for construction in Spring 2019.
4. A 10 foot utility easement will be provided on the east side of the right of way on 40th Avenue NE as provided in the City's Standard Design Detail R-060.
5. An onsite water main shall be 12" Ductile Iron and extend to the property corners and looped around the buildings
6. The development shall meet all the standards listed in the Findings of Fact in the City's Staff Report.
7. The developer shall comply with all conditions of the SEPA MDNS issued on April 25, 2018:
 - a. In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention.
 - b. In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
 - c. Construction shall occur in accordance with the stormwater plan prepared by CG Engineering, March 12, 2018, including Low Impact Development, Performance Standard and BMP T5.13 of the 2014 Western Washington Stormwater Manual.
 - d. All stormwater shall remain onsite. In order to mitigate for potential impacts to ground water the Applicant shall utilize Low-Impact Design techniques to manage stormwater on-site.
 - e. The project will route all on-site stormwater to infiltration trenches to meet DOE requirements for flow control (up to 50 year storm, with an overflow outlet for up to the 100 year storm).
 - f. Pollution generating stormwater shall be treated prior to infiltration
 - g. Right of way stormwater may be directed to planted medians that will be located on 40th Avenue NE.
 - h. City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited UNLESS specifically permitted by the city's building official.
 - i. The applicant will provide all instruments required of owners within Airport Protection Sub-District B, including an avigation easement or disclosure and FAA form 7460.
 - j. Design standards for the proposed development will meet the criteria for sector T5N-LV in the City's Mixed Use Overlay design manual, except as agreed between the City and owner prior to adoption of the Mixed Use regulations.
 - k. Street trees shall be installed along all new and improved streets associated with the plat in accordance with AMC 20.76.110.

- l. In order to mitigate for potential impacts to cultural resources that may exist on-site, the Applicant shall submit an *Unanticipated Discovery Plan* (UDP) to the City prior to any construction activities, and shall coordinate with the Stillaguamish Tribe to allow Tribal Monitors on site during grading and excavation activities associated with this project.
 - m. Payment of a traffic impact fee according to the City's traffic mitigation formula, estimated in March, 2018 as \$221,430.00 Note: to be credited to the construction of 40th Ave NE, as described in the Development Agreement for the Baker- Mor Binding Site Plan approval.
 - n. The developers may be obligated to pay their proportionate share for certain State projects for those average daily trips from this development. Traffic mitigation fees, if any, shall be paid to the Washington State Department of Transportation (WSDOT), and the developers shall provide the City of Arlington with documentation of compliance with this state requirement prior to issuance of the Building Permit.
 - o. Consistent with the terms of the Snohomish County Interlocal Agreement with the City of Arlington, the developers shall mitigate impacts on the capacity of the County road system by making a proportionate share mitigation payment, if any. Traffic mitigation shall be paid to the Snohomish County Department of Planning and Development Services (PDS), and the developers shall provide the City of Arlington with documentation of compliance prior to issuance of the Building Permit.
 - p. 213 native trees are required to be replaced as outlined in the Preliminary Tree Protection Plan (March 6, 2018). The Applicant has chosen to pay a fee in lieu of \$32.50 per tree. A total fee of \$6,922.50 is to be paid for tree mitigation.
8. Pursuant to AMC §20.16.220, this permit shall expire two years after the date of issuance if the Applicant has not worked with diligence toward completion of the proposal.

I. DECISION

The Hearing Examiner issued a final decision on July 11, 2018, granting approval for the Conditional Use Permit for the proposed Smokey Point Senior Apartment project, subject to certain conditions.

The Conditional Use Permit is hereby **APPROVED** by the City of Arlington, subject to the conditions listed in Section H above.

Ordered this 12 day of July, 2018



Marc Hayes, Community & Economic Development Director

J. APPEALS

- a) Per AMC §20.20.020 (Appeals of Hearing Examiner Decisions), the Hearing Examiner's decision is appealable to Snohomish County Superior Court within twenty-one (21) days of the Hearing Examiner's final decision.
- b) Per AMC §20.16.260 (Reconsideration of Permit Issuing Authority's Action), reconsideration of permit issuing authority action may be considered provided the Applicant meets the requirements of this subsection.

- c) Per AMC §20.16.294 (Judicial Review of Permit) “the action of the City in granting or denying a permit may be reviewed for unlawful, arbitrary, capricious or corrupt action in the Snohomish County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the final decision of the City on the permit application.”

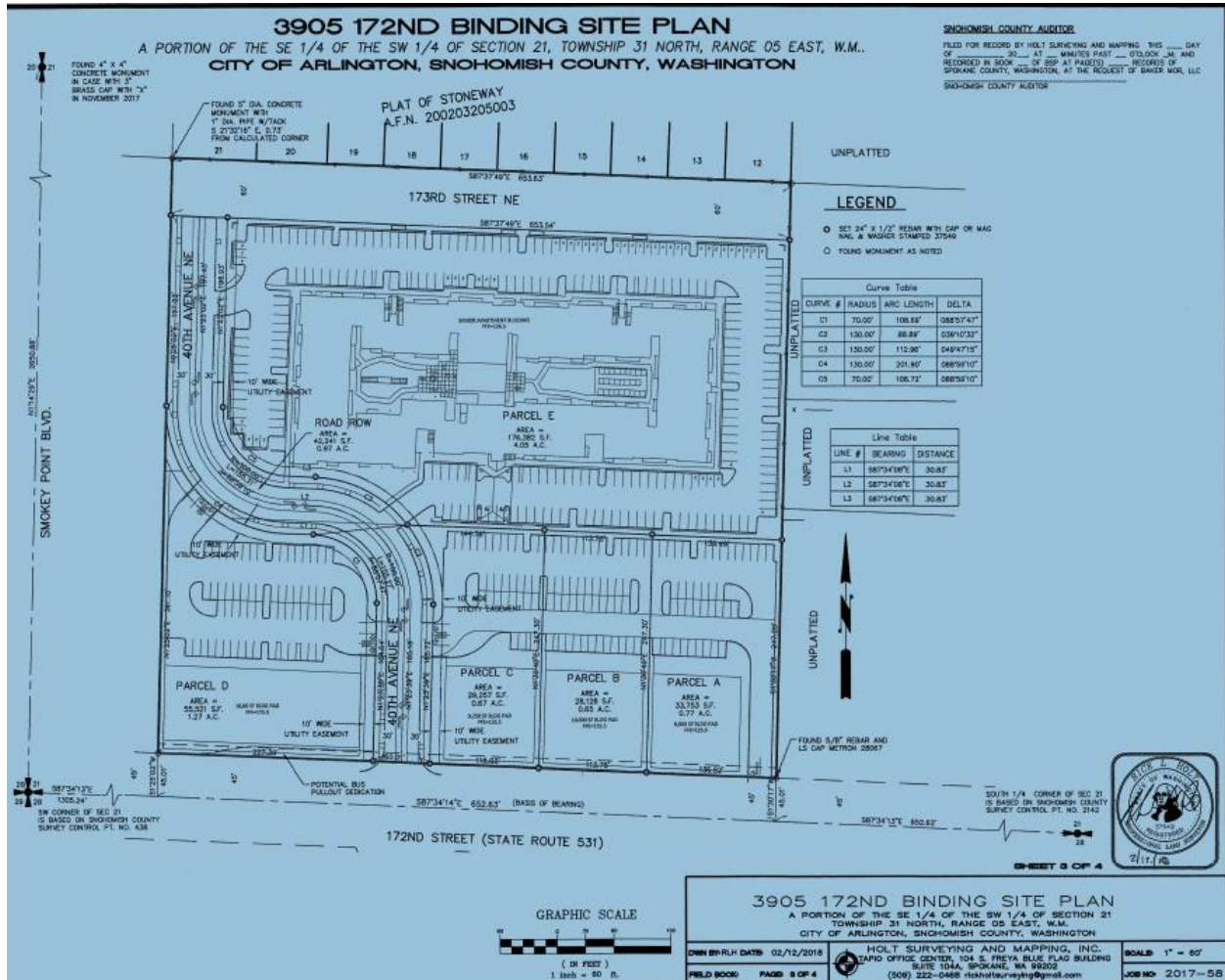
K. EXHIBITS

File PLN #422 – Smokey Point Senior Apartments Conditional Use Permit Application (on file at Arlington CED Office)

Distributed to the Following Parties:

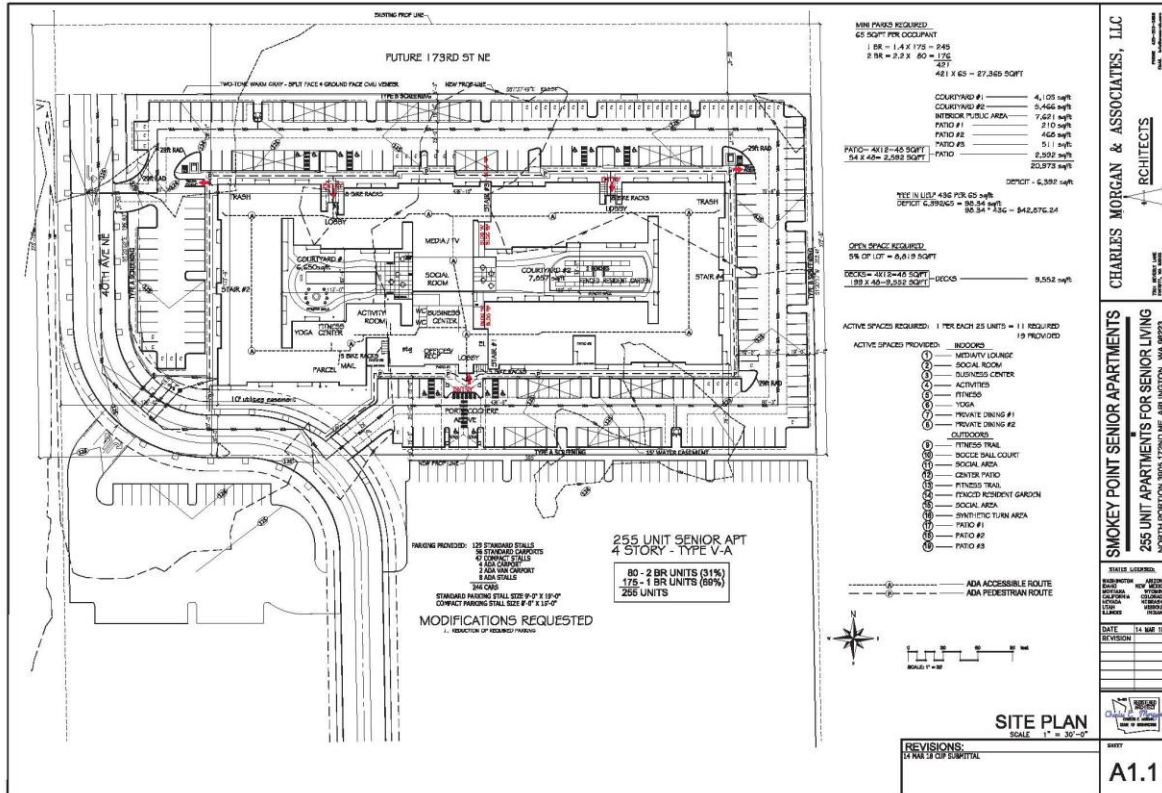
- AMCAL Multi-Housing, Mario Turner, Jay Ross
- CG Engineering, Chevy Chase, Carmel Gregory
- Charles Morgan and Associates, Charlie Morgan Jr., Misty Klink
- Andrew Reeves, Hearing Examiner
- Steve Peiffle, City Attorney
- Marc Hayes, Community Development Director
- Nova Heaton, Development Services Manager
- Kevin Olander, Combination Inspector
- James Kelly, Public Works Director
- David Ryan, Airport Director
- David Kraski, Deputy Fire Chief
- Katie Heim, GIS Analyst

ATTACHMENT A BINDING SITE PLAN



ATTACHMENT B

SMOKEY POINT SENIOR APARTMENTS SITE PLAN



ATTACHMENT C CODE REQUIREMENTS

NOTE: The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements, but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.
2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, street lights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
 - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
 - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
 - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
 - d. The developer shall submit to the Community & Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
 - e. The developer shall place all new utility lines underground.
 - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
 - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
 - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
 - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.

3. **Construction Phase.** The following conditions shall apply during construction.
 - a. The developer shall follow all applicable noise and other nuisance codes.
 - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
 - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
 - d. The restrictions of the AMC shall apply to any and all grading.
4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
 - a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
 - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
 - d. Install a sanitary sewer system per COM Public Works Design, Construction Standards and Specifications. Sanitary sewer is provided by the City of Marysville. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - e. Install a permanent storm water control system per AMC Chapter 13.28.
 - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)