

F. NEW WHATCOM (THE WATERFRONT DISTRICT)

The City and Port of Bellingham are currently involved in a master planning effort for the New Whatcom Special Development Area (NWSDA), which has been renamed “The Waterfront District”. For continuity, the term “New Whatcom” has been retained in the Bellingham Shoreline Master Program and refers to the area currently known as “The Waterfront District.”

The intent of the New Whatcom shoreline designation is to implement ‘Special Area Planning’ and to facilitate the current New Whatcom master planning, incorporate public input and comply with the State of Washington Shoreline Management Act (RCW 90.58) and the Shoreline Guidelines (WAC 173-26). The Shoreline Guidelines describe ‘Special Area Planning’ as a regulatory tool which allows local governments to address shoreline management issues on complicated sites where a range of issues must be addressed. See Shoreline Guidelines, WAC 173-26-201(3)(d)(ix).

1. Purpose – To plan for, protect and implement restoration of the shoreline ecological function, reserve areas for water-dependent and water-related uses, maximize public access to the shoreline and accommodate shoreline mixed uses and non-water-oriented uses where appropriate.
2. Management Policies (Adapted from ~~special meeting on March 7, 2006 where 2-08-06 version of the~~ New Whatcom Implementation strategies and WFG Guiding Principals for City Center sub-area were approved by City Council / Port Commission on March 7, 2006.)
  - a. The City should coordinate with state, federal and local agencies, organizations, and institutions, including the Lummi Nation and Nooksack Tribe, to improve the ecological function of the shorelines.
  - b. Opportunities for cooperative projects and joint funding for shoreline restoration, habitat enhancement, environmental remediation and public access improvements should be identified.
  - c. ~~Where feasible~~ At such time as it is no longer needed for public access or water-dependent uses, hardened shoreline along the Whatcom Waterway, ASB lagoon and other shores should be removed or reduced, and the shoreline should be rehabilitated and enhanced for improved habitat and public access.
  - d. Sites identified in the Waterfront Futures Group “Opportunities and Ideas for Habitat Restoration and Water Access on Urban Bellingham Bay” and other plans and studies should be evaluated for designation as public access and shoreline restoration sites in the New Whatcom Development Plan and City of Bellingham Shoreline Master Program.
  - e. Appropriate locations for water-dependent and water-related uses

- should be identified and reserved. Appropriate design features and transitional areas to buffer uses which produce noise, glare or odors from other adjacent uses should be developed and implemented, where appropriate.
- f. Appropriate sites for water-related uses and ancillary activities to support commercial fishing, recreational boating and maritime industries, including boat building and repair to preserve the nautical history of our community should be identified and reserved.
  - g. The New Whatcom site should be redeveloped with a mix of uses including jobs, housing, retail development, services, educational and cultural facilities and water-dependant industrial uses.
  - h. Pocket beaches at the head of the Whatcom Waterway and the I & J Waterway, the foot of Cornwall Avenue and the foot of C and G Streets, and adjacent to the historic GP log pond should be reserved for preservation and restoration / enhancement as habitat and public access points.
  - i. An interconnected system of waterfront access and view points, public parks, open spaces, pedestrian walkways and bicycle routes which will be the backbone of the New Whatcom Special Development Area should be developed.
  - j. The majority of the water's edge should be accessible via non-vehicular means of transportation, including pedestrian walkways, bicycle trails, motorized and non-motorized boat access, and transient moorage, and should be connected to a network of parks, trails and transit connections.
  - k. Public access to areas used for water-dependent industry or government agency uses or into critical areas where it would conflict with public health or safety, habitat protection or national security should be restricted, limited or controlled through appropriate design.
  - l. Parking should be located under buildings, within parking structures located away from or opposite the shoreline from the development unless associated with a water-dependent use or no other feasible alternative exists. Subject to the New Whatcom Master Plan design and phasing, surface parking may be developed as an interim use on areas planned for future redevelopment, enabling its evolution over time into a denser environment.
  - m. Streets should be aligned to facilitate circulation and accommodate future land uses. Existing roads located within shoreline jurisdiction may be retained, upgraded or realigned. Realignment may occur within shoreline jurisdiction provided that such realignment does not cause a net loss in existing shoreline

ecological function.

~~m.n.~~ ~~and b~~ Building heights should be limited to preserve water views from street ends and other key public view points.

~~n.o.~~ Bio-swales, rain gardens and other appropriate Low Impact Development (LID) techniques should be implemented to manage stormwater.

~~o.p.~~ The Port and the City should work cooperatively to implement processes to ensure building permit predictability, consistency, and expediency within the New Whatcom Special Development Area.

~~p.q.~~ Shoreline permits granted for development proposals within the New Whatcom Special Development Area should include adequate expiration timelines and phasing schedules in order to be consistent with the objectives in o., above.

3. Reaches designated New Whatcom

a. Marine 5 – 7 (Marine Shoreline Reaches 1-8 map as shown in BMC 22.11.10) and are comprised of ~~two~~ three sub-areas:

- i. New Whatcom ~~W~~water-oriented-uses Shoreline; and
- ii. New Whatcom ~~shoreline-M~~mixed use Shoreline
- iii. New Whatcom Recreational Shoreline

4. Uses: See the Development Regulation Matrix; New Whatcom in BMC 22.11.30.F.

a. Permitted uses within the New Whatcom Water-Oriented Uses Shoreline sub-areas:

- i. Water-dependent uses;
- ii. Water-related uses;
- iii. Water-enjoyment uses;
- iv. Restoration and enhancement;
- v. Uses and activities specified in BMC 22.08.10.B.3; and
- vi. Non-water-oriented accessory uses that directly support a permitted use.
- vii. Preservation or adaptive reuse of historic structures.

b. Permitted uses within the New Whatcom Shoreline Mixed Use Shoreline sub-areas:

- i. Those uses specified in 4.a. i - vi, above; and
- ii. Non-water-oriented uses including residential uses within a shoreline mixed-use structure subject to the requirements in BMC 22.03.30.F.6.

c. Permitted uses within the New Whatcom Recreational Shoreline sub-area:



- f. Development shall provide public access subject to the public access requirements and criteria in BMC 22.08.70.
  - g. Stand-alone water-enjoyment uses shall be designed to be oriented towards the shoreline such that the general public has the opportunity to enjoy the aesthetics of a shoreline location and have physical and/or visual access to the shoreline.
6. Regulations within the New Whatcom Mixed Use sub-area are as follows:
- a. Development shall result in no net loss of shoreline ecological functions.
  - b. Development shall comply with all applicable requirements in BMC 22.04, 22.08 and 22.09 ~~and the applicable submittal requirements within the Critical Areas Ordinance, APPENDIX C.~~
  - c. Setbacks, Buffers and Height - Development shall be in accordance with the table in BMC 22.11.30.F and ~~d. — f.,~~ below and as specified in subsection ~~7~~8, below.
  - d. ~~The maximum setbacks and buffers within the New Whatcom mixed use sub-area may be reduced down to the minimum setbacks and buffers (both as specified in BMC 22.11.30 F) when established in the completed and adopted New Whatcom Master Plan and Development Agreement for the entire New Whatcom Special Development Area and subject to the following criteria:~~
    - 1) ~~Completion and adoption of the New Whatcom Master Plan and Development Agreement is not justification for reducing the maximum buffers and setbacks as specified above.~~
    - 2) ~~The rationale for reductions of buffers and setbacks from the maximum down to the minimum as specified in 6. d., above, shall be demonstrated and considered during development of the New Whatcom Master Plan and Development Agreement.~~
    - 3) ~~There shall be no net loss of existing shoreline ecological function as a result of the reduction.~~
    - 4) ~~The reduction shall not impact or compromise any ongoing or planned provisions for public access amenities, habitat restoration and/or enhancement and contaminated sediment remediation.~~
    - 5) ~~Reduction beyond the minimums specified in BMC 22.11.30.F shall be subject to the requirements in BMC 22.06.30, Variances.~~

- 6) In the absence of a New Whatcom Master Plan and Development Agreement, the maximum setbacks and buffers as specified in BMC 22.11.30.F shall apply.
- ~~e.~~ The total height of a shoreline mixed-use structure (one that includes water-oriented uses and non-water-oriented uses) shall not exceed 3 stories. One bonus story may be granted if all required parking for the subject non-water-oriented uses (with the exception of loading / unloading areas) is provided within the footprint of the subject structure and/or within a shared parking facility such as a surface lot or parking structure. In either case (3 or 4 stories) the height shall comply with the height requirements specified in ~~5.d.~~, above.
- ~~f.d.~~ Non-water-oriented uses within a shoreline mixed-use structure, as specified in 4.b.ii, above, shall be established or developed concurrently with a water-oriented use and shall provide public access and habitat restoration between the subject development and the adjacent shoreline subject to the requirements in ~~g.~~—~~j e.-h.~~, below.
- ~~g.e.~~ When a shoreline mixed-use development is proposed, public access, when required, shall be provided between the subject development and the adjacent shoreline concurrently and shall be consistent with an adopted master plan and/or public access plan. In cases where said public access cannot be provided due to seasonal constraints, including fish windows, the timing with other planned / ongoing soil remediation or implementation of a habitat restoration project, said public access shall be secured with a financial surety totaling 150% of the cost of the required access or some other acceptable surety as may be specified by the Planning Department Director or within the New Whatcom Development Agreement, upon adoption.
- ~~h.f.~~ In the absence of a master plan or public access plan as specified in ~~g.e.~~, above, required public access shall be designed and configured on a site-by-site basis consistent with BMC 22.08.70. Said plan shall be reviewed and approved by the Planning, Environmental Resources and the Parks and Recreation Departments.
- ~~i.g.~~ When a shoreline mixed-use development is proposed, habitat restoration, as required in ~~f.d.~~, above, shall be provided per an approved habitat restoration plan. In absence of said habitat restoration plan, the subject development shall incorporate a minimum of three objectives from the Restoration Plan (Section 4, APPENDIX C). In both cases, said restoration plan shall be consistent with BMC 22.09.160. and shall be reviewed and approved by the Environmental Resources Division and

the Planning Department.

j-h. Said required habitat restoration shall be completed prior to occupancy of the subject uses. In cases where the required habitat restoration cannot be provided due to seasonal constraints, including fish windows, or the timing with other planned / ongoing soil remediation or implementation of public access projects, said habitat restoration shall be secured with a financial surety totaling 150% of the required restoration project or some other acceptable surety as may be specified by the Planning Department Director or within the New Whatcom Development Agreement, upon adoption.

k-i. Non-water-oriented uses shall not occupy the portion of the ground floor of a mixed-use structure that fronts on or is adjacent to the shoreline. (Only parking in the rear of the ground floor of a shoreline mixed-use structure is permitted.)

l-j. In no case may residential uses within a shoreline mixed-use structure occupy the ground floor.

7. Development regulations for the New Whatcom Recreational Shoreline sub-area:

- a. Development shall result in no net loss of shoreline ecological functions.
- b. Development shall comply with all applicable requirements in BMC 22.04, 22.08 and 22.09.
- c. Setbacks, Buffers and Height - Development shall be in accordance with the table in BMC 22.11.30.F below, and as specified in subsection 8, below.
- d. Water-oriented uses shall not exceed a height of 25 feet. Heights greater than 25 feet shall be subject to the requirements for a variance in BMC 22.06.30.
- e. Non-water-oriented accessory uses as specified in 4.a.vi., above, shall not exceed the height of the permitted use.

- f. Development shall provide public access subject to the public access requirements and criteria in BMC 22.08.70.
  - g. Stand-alone water-enjoyment uses shall be designed to be oriented towards the shoreline such that the general public has the opportunity to enjoy the aesthetics of a shoreline location and have physical and/or visual access to the shoreline.
    - Interim construction staging and environmental remediation uses shall be discontinued at the time the property is converted to park use.
8. A buffer shall not be required where there is an existing pier, wharf, sheet pile or other vertical (90-degree) structure in-water or at the OHWM. The required buffer shall not apply until such time that said feature(s) is removed permanently. Replacement of said structure(s) for a permitted use would not trigger the —50-foot buffer requirement.
- 89.—Allowed uses/activities within a required buffer area are as follows:
- a. Those portions of water-oriented uses that require direct access to the water (piers and gangways, boat launches, loading / unloading areas, view overlooks / platforms etc.); and
  - b. Those uses and activities as specified in BMC 22.08.10.B.3.