

**RECORD OF PROCEEDINGS OF THE
PLANNING AND DEVELOPMENT COMMISSION
CITY OF BELLINGHAM, WASHINGTON
PUBLIC HEARING**

**THURSDAY
June 17, 2010**
Video-taped & Audio-recorded

7:00 P.M.
CITY COUNCIL CHAMBERS
www.cob.org

CALL TO ORDER:

The meeting was called to order by Tom Barrett, Chairman of the Planning Commission.

ROLL CALL:

Tom Barrett, Jim Bishop, Sharon Robinson, Kurt Baumgarten, Edie Norton, Allen Matsumoto, and Danne Neill.

Present: Tom Barrett, Sharon Robinson, Edie Norton, and Danne Neill

Absent: Jim Bishop, Kurt Baumgarten, and Allen Matsumoto

Staff Present: Tara Sundin, Special Projects Manager; Katie Franks, Development Specialist II; Brian Smart, Planner II; Chris Comeau, Transportation Planner; and Heather Aven, City Recording Secretary.

APPROVAL OF MINUTES:

Minutes from April 22, 2010 submitted for approval.

***MOTION: Sharon Robinson moved to approve the April 22, 2010 minutes with corrections.
SECONDED. VOTE: ALL AYES***

15 MINUTE PUBLIC COMMENT PERIOD:

No testimony given.

PUBLIC HEARING:

ZON2009-00001: A public hearing to consider the adoption of the Fountain District Urban Village Subarea Plan and implementing development regulations. This includes new zoning for portions of land use Areas 3 and 8, and all of Areas 6 and 10 of the Columbia Neighborhood Plan; Areas 9, 10, 11, and 11A of the Cornwall Park Neighborhood Plan; a portion of Areas 3 and 8, and all of Areas 2 and 5 of the Lettered Streets Neighborhood Plan, and amendments to the Land Use Development Code. The area included in the proposal is generally located west of Meridian Street to Elm Street/Northwest Avenue, east of Meridian Street to Broadway Avenue, and south of W. Illinois Street to Broadway Avenue.

STAFF PRESENTATION

Katie Franks provided an overview of the worksession held on June 3, 2010. She talked about the public process followed to date and reviewed the four main topics that the Commissioners discussed during their worksession. She also highlighted the proposed changes made to both the Sub Area Plan and the Development Regulations based on public comment and Commissioner input.

PUBLIC HEARING OPENED

Jeff Vernon submitted written comment. He expressed his support for the proposed urban village and Infill Toolkit, as well as his concern that sprawl will occur in Bellingham as it has in other parts of Washington. He recommended that the definition of Floor Area Ratio (FAR) be changed to include the

footprint of the building and not just the floor area square footage. He also suggested that staff consider granting FAR credits for those structures that incorporate alternative energy sources.

Elizabeth Starnes expressed her concern about Meridian becoming a tunnel and requested that the height limit remain at 35' and not be allowed to go to 45'.

Leslie McCullough requested that the height be limited to 35' along Meridian. She suggested that the Commissioners consider the surrounding neighborhoods and preserve the closeness that they have.

Mary Varco commented that she would like the height limited to 35' including the "opportunity site" at Hagen.

Bob Simmons submitted written comment. He expressed concern that the residents along the adjacent streets were not invited to be as involved as the business owners along Elm Street, even though they are just as affected by a potential four-story building. He questioned if there has been enough mitigation planned for. He expressed concern over the potential blockage of light and views, the increased traffic and noise, and the loss of parking in the neighborhood. He suggested that more focus be turned to bringing businesses into the existing downtown rather than create other "downtowns" to compete with it.

Dawn Pierce expressed her opposition to any increase in the height limit. She commented that four-story buildings along Meridian would block the light and "dwarf" the homes on adjacent streets.

Caryn Simmons submitted written comment. She stated that the homes along Kulshan, Peabody, and Vallette streets will be directly impacted by an increase in the height-limit along Meridian. She requested that the home-owners be given the same consideration as the business owners have been given. She commented on some of the sacrifices that the home-owners will be asked to make including privacy, devaluation of property, loss of light and the opportunity for gardens, loss of parking in front of and next to their homes, and light, traffic and noise pollution. She also commented on the things that she was able to support including design standards and setbacks required within the existing height limit of 35', revitalization of downtown, and the reduction of sprawl. She encouraged the Commission to only allow for the increased height limit if and when it is necessary.

Lee Posthumus commented on the lot behind the Fountain Galleria and stated that if staff is still considering this as an option for public parking, there is not much room for growth as it currently sits about 1/3 full all the time. She pointed out that the commercial vacancy has decreased in the neighborhood and commented that they have achieved more of an urban village feel now than ever before. She requested that the height limit be capped at 35' and questioned how many units would be gained with the height at 45' versus 35'. She requested that the neighbors be listened to and reminded the Commission of the survey done by a Fountain District resident.

Dan Moore expressed his concern about a bike lane along Elm Street and wanted to know if the elderly or disabled had been considered when the issue of removing parking along Elm was proposed.

Aaron Booker submitted written comment. He expressed his support for the plan and an increase in the height limit; however, he has concerns about the removal of parking on the Elm and Northwest corridor. He spoke to the Commission about unintended consequences and encouraged them to consider what might be developed several years in the future. He stated that he supports the opportunity for FAR incentives for including green infrastructure. He pointed out that the few residents that have provided testimony at the Planning Commission meetings do not represent the views of over 100 public meeting attendees, which all supported the increase in height limit and density.

Robert Ball stated his opposition to an increase in the height limit along Meridian. He pointed out that a four-story building would not be appropriate in the neighborhood.

Ted Matts pointed out that several neighbors still do not understand what is going on. He requested that more public process be done. He also expressed his opposition for an increase in the height limit to 45'.

Don Kerherer, representing Haggen, reviewed the public comment that the Haggen Corporation submitted and discussed the changes that they would like to see made to the Sub Area Plan and the Development Regulations. He pointed out that staff accepted most of the suggestions; however, there is still one that the Haggen Corporation would like to have the Commission consider. He stated that the Sub Area plan currently reads “encourage upper-story housing and other mixed uses” under the Land-Use Site and Building Design Policies and Haggen requested that “encourage” be changed to “allow”. He explained that this change would clarify that Haggen would not be in conflict with any of the plan’s goals if they chose to develop another single-story building in the future. He expressed the company’s concern regarding non-conforming buildings and how that might affect Haggen in the future if they choose to add on to the store.

Tara Sundin responded to some of the comments heard during the hearing. She explained that even though the Bellingham Comprehensive Plan identifies the Fountain District as a potential urban village site, it was not part of the work-program until the surrounding neighborhoods approached staff and requested that they begin to work on it in 2009. She clarified that the City is committed to the health of the Downtown area, and considers it an important part of Bellingham’s character. She emphasized that Downtown cannot absorb all of the City’s growth issues, and explained that just like in other parts of the City, individual property owners get to determine if the value of their one-story building is worth maintaining or redeveloping.

Edie Norton stated that one of the reasons that the neighborhood started to work on developing the idea of an urban village was to plan for and shape future development rather than have the development shape the neighborhood.

Katie Franks responded to the comment that commercial property owners were given special treatment over the residents living along the adjacent streets. She pointed out that extensive effort was given to communicate with every property-owner, resident, and business-owner over the course of the project. She explained that outreach to the public was done, including a survey related to the Infill Toolkit and a mailing to all of those affected property-owners.

Tara Sundin responded to the public comment regarding the number of units a 45’ height limit could produce, she stated it would be between 200-400 units over the next 20 years. She reiterated that height limits directly impact the number of units possible.

STAFF RESPONSES / COMMISSION QUESTIONS:

Tom Barrett asked staff to address what traffic mitigation is proposed for the residents along Kulshan, Peabody, and Vallette Streets.

Chris Comeau stated that there are not traffic mitigations proposed along any parallel streets to Meridian. He commented that if future funding allows, the speed-bump program could be reinstated. He explained that the Public Works Department works with the individual neighborhood associations to determine if the street they are requesting the mitigation for meets the necessary requirements.

Tom Barrett wanted staff to respond to the comments related to the “tunnel along Meridian”. He stated that in his opinion, the number of property owners refusing to sell their property, the FAR of 1.5 in the

Commercial Core, and the setback requirements outlined in the development regulations will prohibit this from happening.

Tara Sundin replied that although staff does not feel that a tunnel will be created, they are hopeful that a few taller buildings will be developed over the next 10-15 years.

Edie Norton wanted to know what would happen if the Commission determined the height limit should remain at 35' now, but the need to raise it 45' presented itself in the future.

Tara Sundin replied that this exact process would have to be followed a second time. She commented that it is not easy to simply raise the height limit.

Sharon Robinson wanted to know why the 1.5 FAR would need to be changed if the height limit were reduced.

Tara Sundin responded that it would be unrealistic to build at 1.5 FAR without underground parking or parking structures being built, which is unlikely to happen.

Tom Barrett wanted to know why staff wanted "encourage" rather than "allow".

Tara Sundin clarified that the zoning already allows it. She explained that the Urban Village concept is to encourage mixed-use and since the plan will be around for awhile, staff felt it was important to have the "encourage" language included.

Edie Norton asked staff to explain what would be affected if the Commission decided to recommend a 45' height limit for the Haggen Site and the site near the fountain, and 35' along the remainder of Meridian.

Tara Sundin stated that due to the size of the Haggen property, 55' would allow for structured parking and an increase in flexibility. She clarified that the height is not mandatory, it is simply the maximum height a structure on that site can be.

Danne Neill wanted staff to speak to the green building incentives.

Tara Sundin stated that the fast-track permit pilot program is available for those developments that incorporate green building.

Tom Barrett wanted to know what the public process would be for design review.

Tara Sundin replied that the Design Review Board (DRB) consists of five members and although the public is invited to any meeting they hold, there are not public comment opportunities.

Brian Smart stated that the design review process is an administrative decision. He explained that the DRB makes their recommendation to the Director based on how closely the proposed project aligns with the design standards listed in the Urban Village section of the Bellingham Municipal Code.

PUBLIC HEARING CLOSED

COMMISSION DISCUSSION:

Katie Franks explained the changes made to the Additions and Modifications To Existing Buildings section of the Bellingham Municipal Code. She stated that the original intent of the language was intended to apply to the existing single-family residential form in the Commercial Transition area along Elm and Meridian Streets. She also explained that clarification was made to the language referring to the additional guidelines and standards under the Applicability section.

Edie Norton commented on the public process and stated that she felt it was very inclusive. She stated that the Bellingham Comprehensive Plan is committed to urban village development as a way to have walkable services to the residents living in surrounding neighborhoods. She commented that development will happen over time, the FAR will help preserve some of the land, and it is important to shape the development of the future instead of letting it happen to the community. She expressed her support for the proposed plan and development regulations.

Sharon Robinson complemented staff on the public process that they provided. She pointed out that when the concept of Urban Villages first came about, one of the goals was that they would each be unique and individual to the neighborhood they are included in. She mentioned the differences between Fountain District and other urban villages developed within the City. She stated that she does not agree with the 45' height limit and noted that many of the urban village goals can be achieved with the Commercial Core remaining at 35'. She encouraged the Commissioners to plan for what they expect to happen, not plan and allow for something just because the possibility of it never happening exists. She recommended that green development be encouraged and suggested staff to consider that as an incentive to build to 45'.

Danne Neill stated that she disagrees with the comment that urban villages being built within the City would discourage the use of downtown. She suggested that small businesses be encouraged to grow so that large retail stores do not take over different parts of town. She pointed out that the 35' height limit would encourage more use of the lot space and bulkier buildings, verses the 45' that would encourage height. She emphasized that careful design guidelines and the 1.5 maximum FAR is absolutely necessary for the 45' height limit to be allowed.

Tom Barrett stated that the public process was very thorough and well-executed. He noted that the development along Meridian will be slow and given the design standards that will be required, may not even make it feasible to build. He expressed his disapproval for removing parking along Elm Street, but supports the plan overall.

***MOTION: Edie Norton moved to adopt the Findings of Fact, Conclusions, and Recommendations contained in the May 20, 2010 staff report as amended by the June 17, 2010 decision agenda and forward a recommendation of approval to City Council.
SECONDED. VOTE: 3-1 (Robinson opposed)***

GENERAL BUSINESS:

Planning Director's Report

Staff Discussion

Commissioner Discussion

ADJOURNED: 9:15p.m.

NEXT MEETING: June 24, 2010 in City Council Chambers

Minutes prepared by:

Heather Aven, Recording Secretary

Minutes edited by Planning Commission members and various Planning Staff.