

FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION
BELLINGHAM PLANNING COMMISSION
August 6, 2009

SUMMARY OF RECOMMENDATION

The Bellingham Planning Commission has held a public hearing and deliberated on the proposed Samish Way Subarea Plan and implementing development regulations. The Planning Commission has determined that the proposal complies with the goals and policies of the Comprehensive Plan by allowing for the creation of an urban village with increased infill opportunities while protecting the character of the adjacent single-family neighborhoods.

I. Findings of Fact

I. Project Summary

This proposal implements City of Bellingham’s Comprehensive Plan Goal FLU-15 by facilitating and promoting the re-development of the area surrounding Samish Way into a mixed-use urban village. The proposal includes the following actions to accomplish this strategy:

- A. Adoption of the Samish Way Subarea Plan (**Attachment 1**) to:
 - a. Encourage redevelopment in the area;
 - b. Establish a policy framework unique to the Samish Way urban village;
 - c. Encourage a healthy mix of commercial and residential uses;
 - d. Guide development to provide a safe, convenient and attractive environment for bikes and pedestrians;
 - e. Provide predictability for stakeholders; and
 - f. Decrease automobile dependence.

- B. Adoption of development regulations to implement the Samish Way Subarea Plan (**Attachment 2**).

- C. Adoption of corresponding changes to the Sehome and York Neighborhood Plans, Zoning Tables, Land Use/Zoning maps, and the Land Use Development Code (Bellingham Municipal Code Title 20) (**Attachment 3**).

II. Procedural History

The Samish Way Urban Village master planning process commenced in June 2008 after several years of public outreach conducted by the Sehome Neighborhood Association (SNA). SNA requested the initiation of the master planning effort as part of their neighborhood plan update.

Staff invited the public to attend a series of four workshops to discuss the future vision of the area. The purpose of these workshops was to gather input on how the area should redevelop over time to achieve the goals of an urban village. Each workshop focused on a different subject:

Meeting #1: Introduction and Character – Discussion of the strengths and weaknesses of the project area in terms of how these elements help or hinder the development of an urban village.

Meeting #2: Public Realm: Streets, Trails and Plazas - Focus on street design, trail connections and plazas.

Meeting #3: Development Character: Permitted Uses, Design and Scale – Discussion of future development regulations, including permitted uses, design standards, floor area limits, height, and identification of “core” and “transition” zones.

Meeting #4: Summary of Input and Discussion of Alternatives – Staff presentation and public review of concepts gathered at the previous meetings.

Approximately 50 people attended each meeting, including neighbors, business owners, property owners, developers, real estate agents, land use consultants, and other interested stakeholders. The public input report summarizing the meetings and the input gathered is available on the project website (www.cob.org . Search “Samish Way Urban Village”).

Staff worked with internal City departments and other stakeholders such as Sanitary Service Company, Whatcom Transportation Authority, Western Washington University, etc. to finalize the recommendations. Next, several professional consultants were hired to test the feasibility of these recommendations from an environmental, economic and traffic perspective.

Staff presented the results and received comments on the draft Subarea Plan and development regulations at a final neighborhood meeting on February 26, 2009, and then held smaller presentations and meetings with numerous other stakeholder groups, including:

- Sehome Neighborhood Association planning committee
- Bike / Pedestrian Advisory Committee
- Mayor’s Neighborhood Advisory Board
- Parking Commission
- Parks and Recreation Board
- Property owners / Developers

III. Public Comment

See Exhibit A, Public Comment Tracker.

IV. SEPA Determination

A Determination of Non-Significance was issued on May 13, 2009 and mailed, along with the Notice of Public Hearing, to property owners within the project boundary and within 500 feet of the project perimeter, parties of record and published in the Bellingham Herald.

V. Consistency with Comprehensive Plan Goals and Policies and BMC Review Criteria

The Comprehensive Plan states that the City should accommodate anticipated population growth primarily through the creation of a series of urban villages while preserving the character of existing single family neighborhoods (FLU-15). The proposal is consistent with the goals and policies of the Comprehensive Plan and countywide planning policies. The proposal has long-term benefits to the community by encouraging residential and commercial growth within the City limits in a location that has existing infrastructure and was previously developed.

Review criteria under BMC 20.20.060 states the City may amend the comprehensive and/or neighborhood plan only if it finds that:

1. The proposed amendment bears a substantial relation to public health, safety, and welfare;
2. The proposed amendment is consistent with the Growth Management Act;
3. The proposed amendment is consistent with the countywide planning policies;
4. The comprehensive plan will be internally consistent; and
5. The proposed amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

II. Conclusions

Based on the staff report, the proposed Samish Way Subarea Plan, implementing regulations and the information presented at the public hearing, the Planning Commission concludes:

1. The proposal is consistent with the goals and policies of the Comprehensive Plan, countywide planning policies and the GMA.
2. The proposal satisfies the criteria for amending the Comprehensive Plan and Neighborhood Plans that is established in BMC 20.20.060 C and D.
3. The proposal provides appropriate transitions into the existing single-family residential neighborhoods.

4. The proposal encourages infill redevelopment in an area that is well-connected, has adequate infrastructure, and will not adversely affect the natural environment.
5. The proposal allows for a healthy mix of residential and commercial uses and creation of useable public space.
6. The proposal guides development towards the creation of a safe, convenient and attractive pedestrian experience and fosters less dependence on the automobile.

III. Recommendations

Based on the Findings and Conclusions, the Bellingham Planning Commission recommends that the City approve the following:

- 1. The Samish Way Subarea Plan (Attachment 1), as a component of the Comprehensive Plan, with the following revisions:**
 - a. Revised maps:
 - 1) Remove York Area 5 (Residential Transition Area 1) from the project boundary, (except for the property at 1101 Newell Street, which should be included in the Commercial Transition area);
 - 2) Renumber Residential Transition areas to reflect the removal of York Area 5;
 - 3) Expand the Commercial Transition boundary to include the Aloha Motel parcel.
 - b. Revise the following paragraph: “From the urban center, the taller buildings facing Samish Way taper down to single-family residences and courtyard housing on 34th Street, ~~facing~~ abutting the landscaped park-like expanses of the single-family homes which back up to the Historic District and Sehome Hill Arboretum above.
 - c. Add the following language to the land use policy: “Require ground floor commercial uses along Samish Way and emphasize Samish Way as the primary commercial corridor.”
 - d. Expand the hotel market side bar by adding “New hotels and motels should consider incorporating ground floor uses, such as restaurants, that support the pedestrian character and provide services for area residences.” [NOTE: Ground floor commercial is required along Samish Way]
 - e. Add building design policy: “Monitor the effectiveness of the adopted Design Review criteria as development occurs in the area.”
 - f. Revise the land use description for the Residential Transition area: “**Residential Transition (RT)** – The Residential Transition areas are immediately adjacent to existing single family neighborhoods. A mix of residential housing types, ~~as outlined in BMC 20.28 Infill Housing,~~ are is encouraged to support the abutting commercial area and provide housing choices for people of various incomes and ages.”

- g. Add: “Most bicyclists choose to ride on the sidewalk, which exists only on Samish Way and parts of Byron Avenue. These sidewalks are interrupted by numerous driveway curb-cuts, creating friction the potential for collision with vehicles attempting to enter the roadway.”
- h. Revise circulation policy: “Enhance the street grid and eliminate “superblocks” by extending 35th Street and 37th Street between Consolidation Avenue and Abbott Street ~~with connector roads mid-block to Samish Way.~~ Right of way should be dedicated upon property redevelopment for this purpose.”
- i. Revise circulation policy: Add a new east-west mid-block pedestrian connection between Abbott Street and Consolidation Avenue to connect 34th Street to the Commercial areas as shown on Figure XX. (Map of Proposed Right-of-Way and Pedestrian Connections).
- j. Add to circulation policy: “Add new multi-use public trail connections to the Sehome Hill Arboretum at Allen Avenue and Newell Street, as identified in the Sehome Arboretum Master Plan”
- k. Add circulation policy: “Implement traffic management techniques as needed based on Public Works’ adopted criteria to regulate traffic flow through established neighborhoods as density increases.”
- l. Add circulation policy: “Prohibit vehicular access from 34th Street to the commercially-zoned areas of the urban village.”
- m. Revise right-of-way maps:
 - 1) Remove Perkins Street
 - 2) Show 35th Street as a new Type II street.
 - 2) Revise the Key from “Proposed Ped. Connection” to “Public Easement”
- n. Add new implementation strategy: “Require a public access easement for bikes and pedestrians to connect 34th Street to the Commercial Core, as shown on Figure XX. “(Map of Proposed Right of Way and Pedestrian Connections)”.
- o. Add capital facility cost estimates for the construction of 34th Street.

2. Development regulations in the Land Use Development Ordinance to implement the Samish Way Subarea Plan (Attachment 2), with the following changes:

- a. Section 20.37.100 (Applicability): Allow uses made nonconforming by this ordinance to rebuild to their previous configuration in the case of accidental destruction.
- b. Section 20.37.110 B.4 (Land Use Areas:) Remove reference to BMC 20.28 Infill Housing.
- c. Figure A – Land Use Map: Show two Residential Transition areas and two Commercial Transition Areas. This includes removing RT1 (York Area 5) from the urban village boundary and moving the Aloha Motel property from the Commercial Core to Commercial Transition 2.

- d. Section 20.37.120 - Table A (Permitted Uses): Add “Day labor hiring halls” to “Uses Not Permitted”.
- e. Section 20.37.120 - Table A (Permitted Uses): Remove RT1 (York Area 5) from the urban village boundary, permit multi-family housing in the new RT1 (existing multi-family zone) and omit “Smaller Lot” housing type from RT2 (formerly SF area of Sehome Neighborhood).
- f. Section 20.37.120 - Table A (Permitted Uses): Permit drive-thru restaurants existing as of the date of adoption of the ordinance.
- g. Section 20.37.130 (Development Regulations), Section 20.37.140 (Street Improvements), 20.37.150 (Parking), 20.37.160 (Landscaping) and 20.37.170 (Signs): Clarify applicability.
- h. Section 20.37.130 – Table A (Development Regulations):
 - 1) Remove RT1 (York Area 5)
 - 2) Reflect multifamily development as a permitted use within the new RT 1 (currently Sehome Area 15).
 - 3) Reduce the height limit in the CT1 area from 55 to 45 feet.
 - 4) Add reference to the height restrictions outlined in the Design Standards Section .130 C.3.
 - 5) Restrict the height limit to 35’ (under Height Def. #1) and maximum building size to 10,000 SF (condition of existing auto commercial zoning) for properties abutting the proposed 35th Street extension should they not dedicate land for the right-of-way and commit to street construction, as outlined in Section 20.37.140 (Street Improvements).
- i. Section 20.37.130 B (Development Regulations): State that properties requiring right-of-way dedication may use the pre-dedication FAR allowance.
- j. Section 20.37.130 B. (Development Regulations): Add FAR bonus chart to clearly outline and summarize the available bonus options.
- k. Section 20.37.130 C (Design Standards): Require a 15-foot setback for properties abutting or across a right-of-way from a residential zone and maximum height limit of 2-stories (or 30-feet) within 30-feet of properties abutting or across the right-of-way from a residential zone.
- l. Section 20.37.140 – Figure A (Proposed Right of Way and Pedestrian Connections): Show the proposed pedestrian connection as a Public Access Easement.
- m. Section 20.37.140 D (Street Improvements): Revise street improvement language to require 30-foot right-of-way dedication for properties abutting the proposed extension of 35th Street, and to allow LID commitment in lieu of street construction. Added an exemption threshold to this requirement that reflects the current zoning limitation of 10,000 square feet of building area and a 35-foot height limit. Added a requirement for the dedication and construction of a bike/pedestrian easement from 34th Street to the Core area.
- n. Section 20.37.160 (Landscaping): Require street trees in addition to Green Factor requirements for all development, and a provision that development not subject to the Green Factor

Requirements shall provide landscaping in accordance with the existing landscaping requirements in BMC 20.12.030.

3. Corresponding changes to the York and Sehome Neighborhood Plans, Zoning Tables, Land Use/Zoning maps and the Land Use Development Ordinance (Attachment 3), with the following changes:

- a. Remove language addressing changes to Area 5 of the York Neighborhood Plan or zoning tables.
- b. * Amend the York Neighborhood Land Use and Zoning maps to remove Area 5 from the Samish Way Subarea Plan, except for the property at 1101 Newell Street.

ADOPTED this _____ day of _____, 2009.

Planning Commission Chair

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

City Attorney