

PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date	Staff Contact	
8/12/2010	CHRIS KOCH	
Subject:		
<p>ZON2010-00001: Amendments to the York Neighborhood Plan component of the Bellingham Comprehensive Plan, Bellingham Municipal Code (BMC) 20.00.210 York Neighborhood Zoning Table, and other associated amendments to BMC Title 20, Land Use Development Code.</p>		
Attachments:		
1. Draft Ordinance		
2. Commission Findings of Fact, Conclusions and Recommendations		
3. July 8, 2010 Memorandum - York, Area 9		
4. Draft Area 9 Zoning Table Options		
5.		
Meeting Type	Category	
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Public Meeting	<input type="checkbox"/> Quasi-judicial	
<input checked="" type="checkbox"/> Work Session	<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing		
Clearances	Initials	Date
Jeff Thomas, Interim Director	JST	7-15-2010
Alan Marriner, Legal	AMM	7/15/10
Greg Aucutt, Senior Planner	GEGA	7-15-2010
Chris Koch, Planner II	CKK	7/15/10
Previous Commission Meeting or Action:		
<p>The Commission conducted a public hearing on April 22, 2010 and continued it to May 27, 2010. At the second hearing, the Commission 1) took straw votes and provided direction to staff on all substantive issues except Area 9, 2) scheduled a work session for August 12, 2010, 3) left the written record open, and 4) directed staff meet with York NP - Area 9 stakeholders in an attempt to reach a zoning compromise between the various interests. A summary of the stakeholder meeting is provided in the attached memo.</p>		
Recommended Action:		
<p>Close the written record and use the attached materials to formulate recommendations for City Council. Staff will make final alterations as necessary to the draft ordinance and the Planning Commission Findings, Conclusions and Recommendations to account for the Commission's final recommendations before forwarding them to City Council.</p>		



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Bellingham Planning Commission
FROM: Chris Koch, Planner II
RE: York Neighborhood Plan and associated Code amendments.
DATE: July 16, 2010

Please find the attached Draft Ordinance which includes changes made since the May 27, 2010 Planning Commission hearing as highlighted text.

As a result of the stakeholder meeting held on June 29th, and the lack of clear compromise between the stakeholders, staff recommends denial of the area wide rezone request for Area 9 in the York Neighborhood. This recommendation is reflected in the attached draft Planning Commission Findings of Fact, Conclusions and Recommendations. If the Commission comes to a different conclusion during its August 12th work session, staff will amend the draft ordinance and findings accordingly.

Please use the May 27th decision agenda to verify that the new changes area consistent with the Commission's direction at the last meeting. Again, staff will make final alterations as necessary to the draft ordinance and findings to account for the Commission's final recommendations before forwarding them to City Council.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING LAND USE AREAS 1, 7 AND 9, AND VARIOUS POLICY LANGUAGE IN THE YORK NEIGHBORHOOD PLAN; BELLINGHAM MUNICIPAL CODE (BMC) 20.00.210 YORK NEIGHBORHOOD TABLE OF ZONING REGULATIONS, AREA 9; BMC 20.08.020 FIGURE 1 – CENTRAL COMMERCIAL CORE FRINGE AND REDUCED PARKING OVERLAY DISTRICTS; AND BMC 20.12.010 FIGURE 1 – CENTRAL COMMERCIAL CORE FRINGE AND REDUCED PARKING OVERLAY DISTRICTS.

WHEREAS, the City of Bellingham has adopted 24 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the York Neighborhood Plan, and

WHEREAS, the City of Bellingham has not comprehensively updated the York Neighborhood Plan since it's initial adoption in 1982; and

WHEREAS, the City Council adopted the new Bellingham Comprehensive Plan on June 5th, 2006, and

WHEREAS, the City has a process to amend the Comprehensive Plan and Neighborhood Plans once per year in accordance with BMC 20.20.060 and BMC 21.10.150, and

WHEREAS, a letter requesting amendments to the York Neighborhood Plan and associated amendments to BMC Title 20 was submitted to the City on December 1, 2008; and

WHEREAS, the City Council held a work session on April 13, 2009 and docketed the request for consideration under the once a year, Neighborhood Plan Amendment review process; and

WHEREAS, due to a lack of City staff resources, processing the amendments was delayed until 2010; and

WHEREAS, a public notice jointly advertising a neighborhood meeting on January 13, 2010 and Planning Commission public hearing on April 22, 2010 was mailed to all property owners within the York Neighborhood and within 500' of the neighborhood's perimeter west of I-5; and

WHEREAS, on April 9, 2010, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington was notified on July 16, 2010 of the City's intent to adopt Comprehensive Plan amendments to the York Neighborhood Plan and associated development code amendments to Bellingham Municipal Code Title 20 - Land Use Development Ordinance; and

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WHEREAS, the Bellingham Planning Commission conducted public hearings on April 22 and May 27, 2010, and held one work session on August 12, 2010 on the proposed Neighborhood Plan and Land Use Development Code Amendments with appropriate public notice provided, and thereafter made Findings, Conclusions and a Recommendation for adoption of the Amendments; and

WHEREAS, the Bellingham City Council held a public hearing on DATE to consider the proposed amendments; and

WHEREAS, by a _____ vote the City Council agrees with and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Bellingham Planning Commission; and

WHEREAS, following the public hearing, the Bellingham City Council directed staff to bring back an ordinance approving the request as part of the annual Comprehensive Plan Amendment process.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The York Neighborhood Plan is amended as follows:

York Neighborhood Plan

I. NEIGHBORHOOD CHARACTER

General [Unchanged]

History [Unchanged]

Land Use [Unchanged]

Neighborhood Plan Proposals

YDO-1 Apply for Historic District designation (national, state or local) in the York Neighborhood.

YDO-2 Enforce and expand current regulatory codes to prevent degradation of existing historic housing stock and remove incentives to neglect such properties.

YDO-3 Include York Neighborhood in the City's development of an Historic Neighborhood Design Guidelines and Standards document, with open participation of any and all York residents, property and business stakeholders, to encourage new development that is in scale with and architecturally compatible with the historic character of York; and that the neighborhood's original character of single-family homes is preserved.

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YDO-4 Add the supporting open space, parks and recreational opportunities needed, and pedestrian/bicycle routes along greened, safe streets and trails, to support the present and anticipated population.

YDO-5 The York Neighborhood supports the use of environmentally sensitive planning and construction for multi-unit construction and remodeling.

II. OPEN SPACE

Existing open space opportunities are centered on the old Franklin School site Franklin Park and on land adjacent to the freeway Rock Hill Park. The Franklin Park, consisting of the old Franklin School site, is bounded on the west by a sandstone outcropping, is a prime opportunity and has been developed for active recreational development as a multi-use park for all ages and abilities with a multi-purpose lawn area, children's playground equipment, basketball court, picnic shelter, internal path loop and other amenities. This facility will serve Sehome Neighborhood as well as York.

Right-of-way within the 1200 block of Franklin Street that has not been improved, including the street island north of Franklin Park, should be retained to the greatest extent feasible as open space. Neighborhood residents have contributed countless volunteer hours in coordination with the Parks Volunteer Program to restore these areas with natural vegetation, and provide public access through a trail system, benches and signage. As a potential matter of rezoning this land to Public and formally incorporating it into Franklin Park, the City should examine the feasibility of vacating the right-of-way within the 1200 block of Franklin Street between Whatcom Street and Lakeway Drive while retaining public and private easements as necessary for access, utility and other essential services.

~~FRANKLIN SCHOOL SITE SHOULD BE DEVELOPED AS AN ACTIVE RECREATION PARK WITH PROVISION FOR PARKING.~~

Several areas along the freeway, James and King Streets are owned by the State Highway Department and would serve as small open spaces and tot lots, possibly connecting as a linear park system.

~~THE PIECES OF HIGHWAY DEPARTMENT LAND ALONG THE FREEWAY SHOULD BE EMPHASIZED AS A BUFFER AND LINEAR OPEN SPACE.~~

Analysis of existing conditions and open space opportunities in the neighborhood finds very few that are available north of Lakeway. The York Neighborhood is particularly deficient in small play lots for young children, and much of the play occurs in the streets.

~~PARK SPACE SHOULD BE ACQUIRED NORTH OF LAKEWAY.~~

The trail system along Whatcom Creek which is part of a city-wide system should be developed. This serves not only the neighborhood but has city-wide significance.

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The Whatcom Creek Greenway and Trail, open space and riparian corridor should be connected along the creek, and trailside facilities provided midway between Maritime Heritage Park and Whatcom Falls Park in Area 1. As the surrounding neighborhoods, both York and Sunnyland, and the Central core and fringe areas infill, open space, trails and parks support the health and well being of the community, and should be pursued. This location along the creek would connect the Whatcom Greenway Trail System and provide facilities along the creek, supporting an active pedestrian and biking lifestyle, and serve persons with varied physical abilities and skills. A continuous trail system provides for an urban separator and access to the creek.

~~A TRAIL AND PICNIC AREA SHOULD BE DEVELOPED ALONG WHATCOM CREEK.~~

THE WHATCOM CREEK GREENWAY CORRIDOR SHOULD BE CONNECTED ALONG WHATCOM CREEK IN AREA 1. AS OWNERSHIPS CHANGE, THE POSSIBILITY OF THE CITY ACQUIRING LAND FOR OPEN SPACE, TRAIL, PARK AND RIPARIAN CORRIDOR PURPOSES SHOULD BE PURSUED.

III. PUBLIC FACILITIES AND UTILITIES [Unchanged]

IV. CIRCULATION

Traffic circulation in and through the York Neighborhood is on Ellis, Humboldt and James Streets for north/south travelers, and Lakeway and Meador for those going east to west. These routes are currently designated as arterials; however, the James and Humboldt route is not included in the proposed circulation system. Holly, Magnolia and Champion are also arterials carrying traffic to and from the central area and the industrial and recreational opportunities on the waterfront.

LAKEWAY AND ELLIS SHOULD BE THE PRIMARY ARTERIALS THROUGH THE NEIGHBORHOOD.

JAMES AND HUMBOLDT STREETS SHOULD NOT BE CLASSIFIED AS ARTERIALS, AND NON-NEIGHBORHOOD RELATED TRAFFIC SHOULD BE DISCOURAGED.

Neighborhood streets in York are generally 24 feet in width and are expected to remain at this standard. Where major street work is undertaken, the standard should be 28 feet with curbs, gutters and sidewalks.

Intensive development along Lakeway, either offices or higher density residential, could create increased traffic on the north-south neighborhood streets. Unless some separation of traffic is included in development plans, the impact could be disastrous to the maintenance of a strong residential area. Access into, and especially out of, the neighborhood has been facilitated by a traffic control signal at the Ellis/Potter/Magnolia

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intersection. With major access from the east/west streets at York, Gladstone, Potter and Whatcom Streets, the concept of a "suburb in the city" could be workable if Franklin, Grant and Humboldt were cul-de-saced at the alleys paralleled to Lakeway.

This solution of preventing business related traffic from crossing through the neighborhood is favored by many residents and strongly opposed by others. However, York's history as Bellingham's first suburb lends itself to the further exploration of this concept.

IF REDEVELOPMENT TAKES PLACE ALONG LAKEWAY, ATTENTION SHOULD BE GIVEN TO TRAFFIC SEPARATION BETWEEN OFFICE AND LOW DENSITY RESIDENTIAL USES.

Another potential circulation problem is the possibility of numerous driveways onto Lakeway if the lots are developed individually for small offices. However, to build an office or apartment of an economically feasible size, and to provide off-street parking, will probably require more than one lot. Access should be off the existing side streets-- Franklin, Grant and Humboldt--unless the property is combined in even larger parcels and the streets are cul-de-saced. In that case, no more than the existing three curb cuts should be needed.

IF OFFICE OR HIGH DENSITY RESIDENTIAL DEVELOPMENT TAKES PLACE ALONG LAKEWAY, THERE SHOULD BE NO MORE CURB CUTS THAN THE THREE STREETS CURRENTLY IN PLACE.

In the Bicycle Facilities Plan completed in April 1978, bike lanes are called for along Lakeway and Holly Streets. In the longer-range plan, Meador Avenue should have an improved bicycle surface in conjunction with the Whatcom Creek corridor.

If James Street south of Iowa is to be de-emphasized as an arterial, improvements to Meador between James and State Streets will be necessary. These improvements, with signalization at State Street, will complete the connection from Lakeway along Lincoln and Meador into the industrial area, which should decrease congestion problems at the James and Ohio intersection near the freeway off-ramp.

MEADOR STREET SHOULD BE IMPROVED TO SECONDARY ARTERIAL STANDARDS BETWEEN JAMES AND STATE STREETS.

YTI-1 Use public processes when available to consider possible adverse affects due to increased traffic volumes, potential for cut through traffic or environment contamination from new construction proposals, with intent on preserving the historic character and cohesiveness of the neighborhood, and the health of residents.

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- YTI-2 Identify safe pedestrian and bicycle routes, running north to south and east to west, to link the neighborhood internally and externally to destinations and encourage non-motorized transport.
- YTI-3 In consideration of the health and safety of residents living along I-5, a safety/noise wall is desired along I-5 from Lakeway Drive to the southern end of the neighborhood at Abbott Street.
- YTI-4 Improve marked pedestrian crosswalks for visibility and safety, where warranted.
- YTI-5 Consider installation of traffic calming devices (traffic circles, bump outs, speed bumps, etc.) to slow traffic on residential streets within the neighborhood that warrant this intervention if specific criteria are met under Neighborhood Traffic Safety Program procedures.
- YTI-6 Encourage the construction of sidewalks and curbs on blocks where there are none to facilitate pedestrian safety. Neighborhood Local Improvement Districts (LID) may be necessary to fund these improvements.
- YTI-7 Safety and visibility improvements for high-traffic intersections and alleys throughout the neighborhood should be identified and made, where warranted.
- YTI-8 Consideration should be given for the establishment of Residential Parking Zones (RPZs).

V. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

The York area is dominated by residential land uses. The older single family neighborhood was to some degree undergoing transition to multiple unit living during the 1960's and 1970's. However, because of the convenient location of the neighborhood, and the affordable price range of the homes, the neighborhood is again becoming a desirable place for families. Because the city is interested in maintaining and conserving housing stock, as well as taking advantage of much of the infrastructure such as streets, sewers, sidewalks, and street lights that are already in place, it is recommended that encouragement of its existing character be promoted and enhanced.

York residents value highly the preservation of the neighborhood's character. To this end, the neighborhood will promote historic designations in Areas 4, 5 and 9. York Neighborhood has a high percentage of intact pre WWII housing stock and like commercial buildings.

Lot sizes are generally about 4,100 square feet, with 1 1/2 and 2 story houses, 50 to 60 years old. Although many of the homes were built without foundations, recent years have seen the placement of foundations under large numbers of these existing homes.

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The 1970 census identified 940 housing units, excluding the 198 units in Lincoln Square, with 410 owner occupied, 449 renter occupied, and 81 vacant. Information based on City Building Department data totaled 952 units in the neighborhood in 1976, with 15 single-family units having been demolished from 1970 to 1976, and 11 single-family and 16 multiple units constructed from 1970 to 1976.

A complete building condition survey conducted in 1977, counted 735 residential structures with 45 or 6.1% in sound condition, 599 or 81.5% in need of minor repair, 85 or 11.6% in need of major repair, and 6 or .8% dilapidated. The 91 structures in need of major exterior rehabilitation contain 121 units, or 13.1% of the housing.

Area 1

The land This area is generally located between Meador Street and Whatcom Creek is used for light manufacturing and storage of materials and is bisected by James Street. Land on the west side of James Street is currently owned by the Bellingham School District (BSD) and occupied by its bus maintenance and storage facilities. Land on the east side of James Street is largely owned and occupied by an auto dealership, with a smaller parcel at the street intersection occupied with offices.

As ownerships change, the possibility of the City acquiring a parcel along Whatcom Creek should be pursued for open space, trail, park and riparian corridor purposes. At such time, respectively, rezoning the property to allow uses and site designs that are more compatible with the adjacent creek and single family zoning should be considered, such as street front transit oriented development with dedication of public open space adjacent to the creek.

Area 1 Land Use Designation: Industrial

Areas 2 through 6 [Unchanged]

Area 7

The land formerly occupied by Franklin Elementary School is intended for recreational development has been developed as a multi-use park for all ages and abilities with a multi-purpose lawn area, children's playground equipment, basketball court, picnic shelter, internal path loop and other amenities. Some off-street parking should be provided at the time of development. Abutting on-street parking is adequate to serve this park given that it is a small neighborhood park principally serving local residents; off-street parking should not be provided at the expense of recreational park space.

Unimproved right-of-way within the 1200 block of Franklin Street has been improved largely by neighborhood volunteers in coordination with the Parks Volunteer Program, and informally extends Franklin Park into the neighborhood with natural vegetation, a trail system, benches and signage. These areas could not be managed by the City without the help of the volunteers, and their continued efforts are encouraged. The City should examine the feasibility of vacating the 1200 block of Franklin Street as outlined in the Open Space Chapter herein.

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Area 7 Land Use Designation: Public

Area 8 through 10 [Unchanged]

As adopted by Ordinance No. 8868 and amended by Ordinance 8946, 9873, 2004-12-087, 2006-12-121 and, 2009-11-069 and 2010- - .

Section 2. Bellingham Municipal Code (BMC) subsection 20.08.020, Figure 1 – Central Commercial Core Fringe and Reduced Parking Overlay Districts is amended as shown on **Exhibit A.**

Section 3. Bellingham Municipal Code (BMC) subsection 20.12.010, Figure 1 – Central Commercial Core Fringe and Reduced Parking Overlay Districts is amended as shown on **Exhibit A.**

Section 4. The Council adopts the August 12, 2010 Findings of Fact, Conclusions and Recommendation of the Planning Commission as attached in **Exhibit B.**

PASSED by the Council this _____ day of _____, 2010.

Council President

APPROVED by me this _____ day of _____, 2010.

Mayor

ATTEST: _____
Finance Director

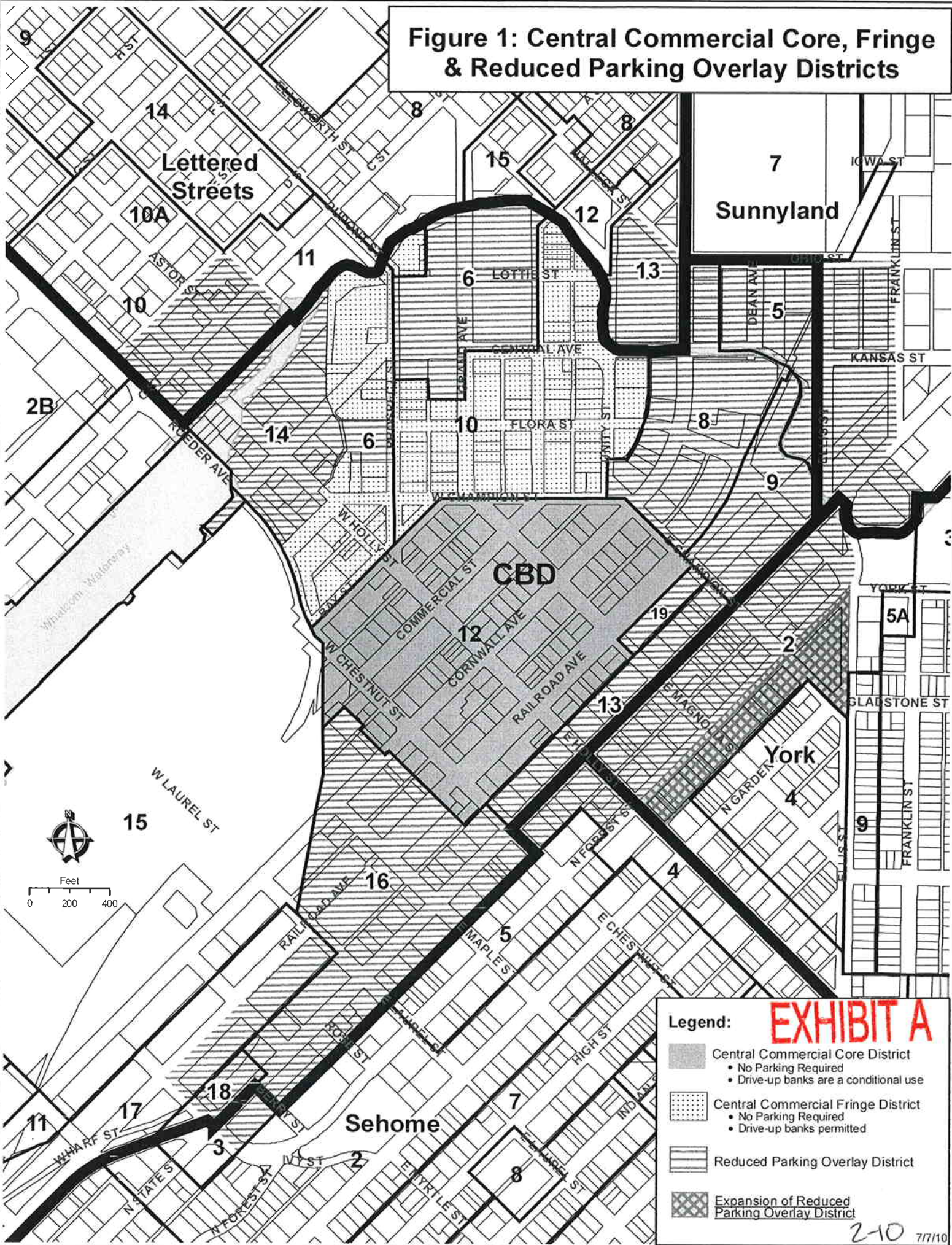
APPROVED AS TO FORM:

Office of the City Attorney

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Published:

Figure 1: Central Commercial Core, Fringe & Reduced Parking Overlay Districts



Legend:

EXHIBIT A

- Central Commercial Core District**
 - No Parking Required
 - Drive-up banks are a conditional use
- Central Commercial Fringe District**
 - No Parking Required
 - Drive-up banks permitted
- Reduced Parking Overlay District**
- Expansion of Reduced Parking Overlay District**

**BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,
CONCLUSIONS, AND RECOMMENDATIONS**

JULY 14, 2010

DRAFT FOR REVIEW

Note: the following Findings of Fact, Conclusions and Recommendations were prepared in draft form to support the staff recommendation. The findings can be adopted as written, or modified to support the final Planning Commission recommendation.

SUMMARY

Following the public hearings and deliberations on the proposed Amendments to the York Neighborhood Plan (YNP) component of the Bellingham Comprehensive Plan, Bellingham Municipal Code (BMC) 20.00.210 York Neighborhood Zoning Table, and other associated amendments to BMC Title 20, Land Use Development Code, the Bellingham Planning Commission has determined that the proposed changes, as amended by the Commission, comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

I. FINDINGS OF FACT

1. Project or Proposal Description

The York Neighborhood Association (YNA) submitted for consideration amendments to the York Neighborhood Plan component of the Bellingham Comprehensive Plan, Bellingham Municipal Code (BMC) 20.00.210 York Neighborhood Zoning Table, and other associated amendments to BMC Title 20, Land Use Development Code consisting of the following:

Comprehensive Plan Amendments and Rezones:

1. Comprehensive Plan amendment and rezone for the portion of Area 1 in the York Neighborhood west of James Street from Light Industrial to Public, and add corresponding policy language to the subarea narrative. (YNA's goal is to convert the area into a future City park) This property is currently owned by the Bellingham School District and used as their bus storage and maintenance facility.
2. Comprehensive Plan amendment and rezone for the unimproved right-of-way in the 1200 block of Franklin Street west and north of Franklin Park. The subject property is split between Residential Single, Residential Multi and Commercial zones and would be consolidated and rezoned to Public. (YNA's goal is to protect this area as accessible open space in perpetuity by formally making it part of Franklin Park)
3. 1) Area-wide rezone amending BMC 20.00.210 York Neighborhood Table of Zoning Regulations to:
 - Rezone the existing Area 9 Residential Multi, Multiple, maximum density of 1,000 square feet per of land per dwelling unit to maximum density of 3,000 square feet per of land per dwelling unit;

- 1 • Limit the existing provision for mixed uses (offices) to conversion of existing housing
- 2 stock, with reduced parking allowed for office uses,
- 3 • Allow additional mixed uses, limited to conversion of existing housing stock, and
- 4 • Include corresponding text amendments to amend Special Conditions and Special
- 5 Regulations, and
- 6 2) Make corresponding amendments to the York Neighborhood Plan, Part V, Area 9 policy
- 7 narrative.
- 8
- 9 4. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 10 Plan, Part I, Neighborhood Character, concerning historic preservation; pursuing historic
- 11 designations; adopting historic neighborhood design guidelines and standards; providing
- 12 additional open space, parks and recreational opportunities; and encouraging
- 13 sustainability.
- 14 5. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 15 Plan, Part IV – Circulation, concerning transportation. These amendments would provide
- 16 guidance to decision makers for future transportation improvements in the neighborhood.
- 17 6. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 18 Plan, Part V, Subarea Descriptions and Land Use Designations, that promotes historic
- 19 designations in Areas 4, 5, and 9.

20 **Text Amendments to BMC Title 20 – Land Use Development Ordinance:**

- 21 7. Text amendment to the Bellingham Municipal Code to limit surface parking to not more
- 22 than 40% of any one property in Area 2 of the York Neighborhood. Boundaries: State
- 23 Street on the west, the alley between Forest and N. Garden Streets on the east, E. Holly
- 24 on the south and Whatcom Creek on the north.
- 25

26 The York Neighborhood Plan has undergone incremental updates since the original version was

27 adopted in 1980. Having no comprehensive update, several sections of the plan contain

28 outdated information which no longer applies due to changes that have occurred in the

29 neighborhood since 1980, or changes in City’s overall land use policies as outlined in the 2005

30 Bellingham Comprehensive Plan.

31

32 The proposed amendments are intended to update policy language and adopt implementing

33 code concurrently that would promote historic preservation and sustainability; provide additional

34 open space, parks and recreational opportunities; and provide guidance on transportation

35 issues; all of which would reinforce the neighborhood’s desire and intent to maintain and

36 improve the neighborhood’s character.

37

38 **2. Background Information/Procedural History**

39

40 A letter requesting amendments to the York Neighborhood Plan and associated amendments to

41 BMC Title 20 was submitted to the City on December 1, 2008.

42

43 The City Council held a work session on April 13, 2009 and docketed the request for

44 consideration under the once a year, Neighborhood Plan Amendment review process.

45

46 Due to a lack of City staff resources, processing the amendments was delayed until 2010.

47

1 A public notice jointly advertising a neighborhood meeting on January 13, 2010 and Planning
2 Commission public hearing on April 22, 2010 was mailed to all property owners within the York
3 Neighborhood and within 500' of the neighborhood's perimeter west of I-5.
4

5 The Bellingham Planning Commission conducted public hearings on April 22 and May 27, 2010,
6 and held one work session on August 12, 2010 on the proposed Neighborhood Plan and Land
7 Use Development Code Amendments.
8

9 **3. Public Comment**

10
11 In response to the public notice in #2 above, numerous written comments were received and
12 included in the Planning Commission packet. The other opportunities for both oral and written
13 public comment were offered during the two Planning Commission hearings and the extended
14 open public comment period. Although there were a number of issues addressed by the
15 proposal, the public comment appeared to focus mostly on historic preservation, incentives to
16 encourage the preservation of existing property rights and privileges, and the need for additional
17 open space, parks and recreational opportunities.
18

19 **4. State Environmental Policy Act (SEPA) Determination**

20
21 A non-project SEPA determination of Non-Significance was issued by the City of
22 Bellingham on April 9, 2010.
23

24 **5. Consistency with the Bellingham Comprehensive Plan, and Review Criteria**

25
26 Bellingham's neighborhood plans must be consistent with and carry out the goals and policies of
27 the Bellingham Comprehensive Plan. In addition, neighborhood plan amendments must be
28 consistent with the factors and review criteria in BMC 20.20.060. Specific criteria are as follows:
29

30 **(1) The proposed amendment bears a substantial relation to public health, safety,**
31 **and welfare;**

32 **(2) The proposed amendment is consistent with the Growth Management Act;**

33 **(3) The proposed amendment is consistent with the countywide planning**
34 **policies;**

35 **(4) The comprehensive plan will be internally consistent; and**

36 **(5) The proposed amendment will result in long-term benefits to the community as a**
37 **whole and is in the best interest of the community.**
38

39 Relevant Comprehensive Plan Goals and Policies were included in the Planning
40 Commission's deliberation of the proposal and reflected in **Attachment O** in the April 22,
41 2010 staff report, and these Findings.
42

43 The factors and review criteria in BMC 20.20.060 were included in the Planning Commission's
44 consideration of the proposed comprehensive plan and neighborhood plan amendments.
45

46 The proposed amendments to the York Neighborhood Plan and BMC Title 20 Land Use
47 Development Ordinance, as amended by the Planning Commission, are consistent with the
48 City's Comprehensive Plan, Growth Management Act, County Wide Planning Policies, and

1 the factors and review criteria in BMC 20.20.060. The proposed changes would selectively
2 remove inaccurate and outdated information from the YNP and add some new policy text to
3 the YNP. These changes to the YNP would result in a clear public benefit by providing
4 updated information and policy guidance in the plan that would promote historic preservation
5 and sustainability; identify the need for additional open space, parks and recreational
6 opportunities; and provide guidance on transportation issues.

7
8 Notable YNA proposals where the Commission found conflicts or agreement are as follows:
9

10 The York Neighborhood Association's proposed area-wide rezone of Area 9 in the York
11 Neighborhood Plan conflicts with the following Comprehensive Plan Goals and Policies:
12

13 ***FLU-15** Growth in Bellingham will be accommodated primarily in compact "urban
14 centers" (or "villages") as described in the Community Growth Forum report, while
15 preserving the character of existing single family neighborhoods. (See specific urban
16 center policies in Policy Section C.)*

17
18 ***Infill Strategy 2** - Promote and facilitate continued development of the City Center Core
19 Urban Village and the Fairhaven District Urban Village. These areas are expected to
20 accommodate significant additional residential and mixed use development.*

21
22 ***FLU-16** Urban centers will be developed as envisioned in the 2004 Community Growth
23 Forum. The centers are defined and prioritized as follows. (See Figure 7 for potential
24 urban center locations.)*

- 25
26 • ***Core Urban Center** – The City Center and surrounding areas that serve as the
27 community's primary financial, commercial, cultural and governmental center. High
28 density housing will complement intensive commercial development. The City Center
29 core area, along with the adjacent Old Town and Central Waterfront areas may
30 eventually include a total of 2,000 to 5,000 or more dwelling units.*

31
32 Though there are multiple competing Comprehensive Plan goals and policies promoting
33 historic and cultural preservation, the existing zoning appears to be self regulating and
34 poses minimal threat of widespread redevelopment or loss of historic resources in Area 9.
35 This finding is based on the following factors:
36

- 37 • Minimal redevelopment has occurred in Area 9 under the existing zoning which has
38 been in place since at least 1982, or the previous zoning going back to at least 1967
39 which was largely the same zoning.
40 • Existing property values in Area 9 make it cost prohibitive to redevelop with the
41 exception of the most marginal of properties, for which there appears from physical
42 appearance and public comment to be few.
43 • Residential "redevelopment" as a result of YNA's proposed downzone would
44 essentially result in single family or duplex development which are exempt from
45 design review and could result in redevelopment that is out of scale and character
46 with pre-WWII housing in the area.
47 • YNA's proposed downzone would essentially eliminate the ability to redevelop with
48 multifamily projects having 3 or more dwelling units which would otherwise be

1 subject to adopted design review regulations and help assure compatibility with area
2 pre-WWII character.

- 3 • No clear compromise was achieved between the parties that support and oppose the
4 rezone.

5
6 YNA's proposed Comprehensive Plan amendment and rezone for the unimproved right-of-way
7 in the 1200 block of Franklin Street west and north of Franklin Park must follow a separate
8 street vacation process before such a rezone may be considered.

9
10 YNA's revised proposal to expand the Reduce Parking Overlay District in BMC Title 20
11 would incentivize urban scale development and reduce the likelihood of new uses in the
12 proposed expansion area that are dependent on large open parking lots. The expansion
13 area is within 2 blocks of the Whatcom Transportation Authority Bus Station which provides
14 frequent and convenient transit access to all major points of the City, and would be
15 attractive to uses and redevelopment in the proposed expansion area that are less
16 dependent on the automobile.

17
18 YNA's proposed amendments, as amended by the Planning Commission, are relatively
19 minor, and would not raise significant planning issues or create neighborhood-wide impacts.
20 These proposed amendments to the York Neighborhood Plan and BMC Title 20 Land Use
21 Development Ordinance are in the best interest of the community.

22 23 24 25 **II. CONCLUSIONS**

26
27 Based on the submittal from the applicant, staff report dated April 22, 2010, Planning
28 Commission packets dated May 27 and August 12, 2010, information presented at the
29 public hearings, and Findings above, the Planning Commission concludes:

- 30
31 1. The York Neighborhood Association's proposed area-wide rezone of Area 9 in the York
32 Neighborhood Plan should be denied.
- 33
34 2. The York Neighborhood Association's proposed Comprehensive Plan amendment and
35 rezone for the unimproved right-of-way in the 1200 block of Franklin Street should be
denied.
- 36
37 3. The proposed amendments to the York Neighborhood Plan and BMC Title 20 Land Use
Development Ordinance, as amended by the Planning Commission:
 - 38 • Will result in a clear public benefit by providing updated information and policy
39 guidance for public use and future discretionary decisions,
 - 40 • Will Comply with, and will implement, the goals and policies of the Bellingham
41 Comprehensive Plan,
 - 42 • Are consistent with the Growth Management Act and County Wide Planning Policies,
43 and
 - 44 • Are consistent with the factors and review criteria in BMC 20.20.060

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III. RECOMMENDATIONS

Based on the findings and conclusion, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the York Neighborhood Plan and Bellingham Municipal Code Title 20 as shown on **Attachment 1**.

ADOPTED this _____ day of _____, 2010.

Planning Commission Chairperson

ATTEST: _____
Recording Secretary

APPROVED AS TO FORM:

City Attorney



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Bellingham Planning Commission
FROM: Nicole Oliver, Planning & Community Development Communications Coordinator
RE: York Area 9 Stakeholder Meeting Summary
DATE: July 8, 2010

On Tuesday, June 29th, the City hosted a meeting of York Area 9 stakeholders at the Fireplace Room at 625 Halleck Street. Staff and representatives from the York Neighborhood Association identified various stakeholders that have been participating in the legislative process thus far to represent the diverse interests within Area 9.

Present at the meeting were the following:

Chris Koch, Planner
Nicole Oliver, Planning Department Communications Coordinator
Kirsti Charlton, York MNAC Representative
Anne Mackie, York Neighborhood Association
Helen Jackson, York Neighborhood Association
David Hopkinson, Franklin Street resident and property owner
Judy Hopkinson, Franklin Street resident and property owner
Mary Newman, Ellis Street business owner and resident
Robert & Liz Cunningham, Ellis Street residents and property owners
C. Steiner
Gary Richardson, Area 2 property owner
Vince Crocker, property owner and developer
Cal Leenstra, property owner and developer
Vale Bates, Ellis Street property owner and resident
Lynn Rosen, Ellis Street property owner and resident
Steve Giordano, Ellis Street property owner and resident

The stated goal of the meeting was to work towards building some consensus on an approach for possible regulations in Area 9.

A robust discussion took place that identified what is currently allowed in Area 9, as well as the goals and process the Neighborhood Association used to formulate the recommended changes to Area 9. Property owners of contiguous lots discussed their interest in preserving the allowed density, and some suggested the potential for a compromise by reducing height and adding design standards to better guide future development to be more compatible with the existing historic properties.

Issues raised by the group included concerns for parking and alley improvements, limited ability to create new curb cuts on Ellis, proximity to downtown, potential extension of the parking overlay district in Area 2, use of Infill Housing Toolkit, Design Guideline applicability, historic preservation, and the general desire to incentivize the use of existing structures for any additional mixed uses.

No clear compromise was reached at the meeting.

AREA 9 OPTIONS FOR CONSIDERATION

Two options are shown below consisting of 1) no changes to the existing zoning for Area 9, and 2) the zoning amendments proposed by the York Neighborhood Association.

Staff Recommendation: Staff has revised its recommendation from May 27, 2010 to that of Options 1 - denial of YNA's rezone request. This recommendation is a result of a stakeholder meeting held by staff on June 29, 2010 in which there was no clear consensus or compromise reached between the various parties. See **Attachment 3** for specific details.

OPTION 1:

Option 1 is to deny YNA's rezone request, effectively leaving the existing zoning in place as shown in the following chart. Issues to note:

- In accordance with BMC 20.32.040 G.2., the existing height limit applicable to Area 9 is limited to 45' under height definition #1 or 25' under height definition #2.
- Single family and duplex development is exempt from design review.
- Office uses are permitted outright provided the minimum lot consolidation of 3 lots is satisfied.
- Uses allowed by Conditional Use Permit (BMC 20.16, 20.32.030 B., and 21.10.120) include, but are not limited to:
 3. Neighborhood Club/Activity Center
 9. Day Care
 13. Adaptive Uses for historic register buildings as defined in BMC 20.16.020 A (1)
 14. Bed and Breakfast facilities (subject to the standards found in Section 20.34.040 F 3.)
 15. Boarding and Rooming Houses
 18. Eating Establishment (Multiple Use Qualifier only)
 21. Art Schools

There is no guarantee of approval for conditional uses.

- BMC 20.28 Infill Housing (Infill Toolkit) is exempt from the minimum lot consolidation requirements listed in the Special Conditions.

BMC 20.00.210 York Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
9	Residential Multi	Multiple, mixed (offices allowed)	1,000 sq.ft. per unit	Limited curb cuts on Ellis; buffer between Area 5; minimum of 2 lots for multiple unit residential and 3 lots for office development.	None	None

OPTION 2:

Option 2 consists of the York Neighborhood Association’s most recent proposed amendments to Area 9, including those submitted in letters on April 19 and 30, 2010. Proposed amendments are shown in legislative format with additions underlined and omissions ~~struck out~~. Staff has amended YNA’s proposed language, shown in legislative format and shaded text, as necessary for technical and code format purposes. This includes text that is deemed unnecessary by staff and recommended for removal. YNA’s proposed changes would:

- Reduce the allowed density from 1,000 SF of land per dwelling unit to 3,000 SF of land per dwelling unit.
- Eliminate the minimum lot consolidation requirement for Multifamily development under BMC 20.32 Multifamily Development Chapter.
- Prohibit new purpose built office buildings which, by default, eliminates the lot consolidation provision for new purpose built office development.
- Expand the range of “mixed” uses as specified in Attachment A to the chart below.
- Limit all new mixed uses to conversion of existing main buildings, except that existing office uses would also be allowed.
- Allow lot consolidated for purposes of connecting buildings occupied by mixed uses, provided the addition is architecturally compatible with the structures being linked.
- Reduce the parking requirement for new mixed uses.

BMC 20.00.210 York Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
9	Residential Multi	Multiple, mixed* (offices allowed)	1,000 <u>3,000</u> sq.ft. per unit	Limited curb cuts on Ellis; historic ; buffer between Area 5; <u>minimum of 2 lots for multiple unit residential and 3 lots for office development.</u>	None	None <u>See Attachment A</u>

Attachment A: Area 9 Special Regulations

***1. Allowed mixed uses are limited to the following:**

- a. Retail, when ~~secondary and related to mixed uses~~ accessory to a mixed use listed below.
- b. Eating Establishments (limited to corner lots)
- c. Artist Studios
- d. Offices
- e. Personal Services, such as barber and beauty shops
- f. Bed and Breakfast
- g. Uses similar to the above, however, ~~adult entertainment uses, 24-hour stores, drive-through establishments, taverns, bars, liquor stores,~~ and tattoo/body piercing establishments are prohibited.

2. Development and design standards for mixed uses:

- a. Mixed uses ~~are limited to conversion of~~ may only occur in main buildings existing as of January 1, 2011.
- b. Structural modifications and additions to the fronts of purpose built residential buildings are only allowed at the discretion of the Planning Director when necessary to accommodate Building and Fire Code requirements such as accessibility, egress, repair and replacement, or to achieve greater architectural compatibility with area pre-WWII buildings.
- c. Properties may be consolidated for purposes of connecting buildings, provided the addition is architecturally compatible with the structures being linked. Such additions shall be at least 15’ back from the front face of the structures being attached.
- d. Parking shall be provide at a rate of 1 stall per 350 SF of floor area.