



City Council Agenda Bill

20063

Bill Number

Subject: A Committee Of The Whole worksession to continue review of the Waterfront District Sub-Area Plan and related documents.

Summary Statement: On September 30, the Council's Waterfront and Downtown Committee approved transmitting the Waterfront District documents to the full Council with a series of recommended revisions. The Committee of the Whole began their review on October 7th and continued on October 14 and 28.

At the upcoming meeting, the Committee of the Whole is likely to continue discussing potential revisions to the sub-area plan, development regulations, design standards and planned action ordinance. Discussions also will continue regarding the development agreement and the interlocal agreement for facilities.

Previous Council Action: Public hearing on August 5. WF/DT Committee worksessions 8/12, 9/9, 9/16, 9/23 9/26 and 9/30. Committee of The Whole worksessions Oct. 7, 14 and 28.

Fiscal Impact: The City has invested over nineteen million dollars for planning, site cleanups, property acquisitions and design and construction of capital facilities. Additional financial commitments by the City through 2037 are proposed in the Interlocal Agreement for Facilities.

Funding Source: Pending Council discussion and action (options: LIFT, Street, REET, PIF, TBD and grants).

Attachments: List of approved revisions from 10/28.

Public Hearing Notice
Written Comment to City Council received since October 23, 2013

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Direction Requested	04-Nov-2013	Provide Direction to Staff	Various staff	3.0 hr

Council Committee:

Committee of the Whole
Seth Fleetwood, Chair

Agenda Bill Contact:
Greg Aucutt, Asst. Director, 778-8344

Committee Actions:

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	<i>[Signature]</i>	10-29-2013
Tara Sundin, WD Project Mgr	<i>[Signature]</i>	04-29-13
Legal	<i>[Signature]</i>	10.30.13
Mayor	<i>[Signature]</i>	10.30.13

Council Action:

Waterfront District Subarea Plan and Associated Documents
Council Committee of the Whole
Approved Revisions
October 28, 2013

Note: The following revisions to the Waterfront District Sub-Area Plan, Development Regulations, Design Standards and Planned Action Ordinance were approved by the Committee of the Whole on October 28. Where appropriate, the changes to the original documents are shown in legislative format.

I. Approved revisions to the Waterfront District Sub-Area Plan

Overall change:

Number the policies and implementation strategies throughout the plan.

Chapter 1:

No changes

Chapter 2:

1. Page 11 -- Insert WFG Guiding Principles 3-5 through 3-11 that are missing from draft.
2. Page 13 -- revise policy as follows:

"Identify opportunities to restore and create habitat along the waterfront environment, ~~within the context of creating an economically viable redevelopment.~~ creating an economically-viable redevelopment."

3. Page 13 -- Revise policy as follows:

"Increase public access to the waterfront by developing pedestrian, bicycle and vehicular connections to/from the site and an interconnected system of trails, viewpoints, walkways, streets, parking and boat moorage facilities. Use of non-motorized transportation modes will be a priority. ~~Encourage use of non-motorized transportation modes.~~

Chapter 3:

1. Page 22 -- Add a policy addressing environmental clean-up as follows:

"Clean-up levels will be developed pursuant to state law to be protective of land uses in the Waterfront District.

2. Page 19 -- Revise the "Shoreline Development" section as follows:

Shoreline Development

~~The Waterfront District includes approximately 3 miles of shoreline, which is also subject to the City of Bellingham Shoreline Master Program (SMP). The City adopted an update to the SMP in November 2009, which is currently under review of the Department of Ecology. In this draft SMP, the Waterfront District is identified as a "Special Area" under WAC 173-26 to allow more detailed planning to take place through the Waterfront District Sub-Area Plan.~~

The Waterfront District includes approximately 3 miles of shoreline, which is regulated by the City's Shoreline Master Program. (SMP) The Washington State Department of Ecology approved the City's SMP in February of 2013.

The SMP includes the "Waterfront District" shoreline designation under which "Special Area Planning" was conducted as specified in WAC 173-26-201(3)(d)(ix).

The stated purpose of the Waterfront District Shoreline Designation is:

"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."

The ~~Draft~~ SMP establishes Shoreline Management Policies for the Waterfront District, which were adapted from the WFG Guiding Principles for City Center and the Waterfront District Implementation Strategies. The Shoreline Policies and Implementation Strategies in the Waterfront District Sub-area Plan are consistent with and implement the Waterfront District Shoreline Management Policies in the draft SMP.

The SMP includes habitat protection and restoration management policies for the Waterfront District that are based upon an analysis conducted in the Bellingham Bay Demonstration Pilot Project Comprehensive Strategy. The policies include:

- "Coordinating with state, federal and local agencies including Lummi Nation and Nooksack Tribe to improve ecological function of the shoreline."
- "Cooperative projects and funding for shoreline restoration, habitat enhancement, environmental remediation and public access should be identified."
- "Pocket beaches within the Waterfront District should be reserved for preservation and restoration / enhancement as habitat and public access points."

The ~~draft~~ SMP also includes a Waterfront District Development Regulation Matrix with minimum and maximum shoreline setbacks, buffers and height regulations for each shoreline use area. The draft SMP provides that:

"The maximum setbacks and buffers within the Waterfront District shoreline mixed-use sub-area may be reduced down to the minimum setbacks and buffers (both as specified in BMC 22.11.30 F) as conditioned upon the adoption of a Comprehensive Plan amendment for a Waterfront District Master Plan and Development Agreement for the entire Waterfront District Special Development Area or, upon the adoption of a master plan for a portion of land area within the Waterfront District."

3. Page 19 -- Add a new section on sea level rise as follows:

Sea Level Rise

The Waterfront District infrastructure and development will be constructed to accommodate potential long-term sea level rise and tsunami conditions. Most of the site is currently located at an elevation of 5-7 feet above the Mean High Water Mark. Recent climate change studies have projected sea level to rise 15" to 50" over the next 100 years. **Development in the Waterfront District shall be constructed in accordance with the best available science sea level rise information at the time the development occurs.**

The site grade for parks, infrastructure and development pads will be raised to levels appropriate for the design lifetime of the projects. Marine-related industrial uses which need water access and buildings or facilities with a low initial cost or short life span may be located close to current sea level elevations and modified over time to adjust to rising sea level. Commercial, residential and institutional uses with a longer building life or more significant investment will be elevated at appropriate levels to reflect projected sea level rise.

4. Page 22 -- Add a new policy to Section 3.1 Environmental Policies, Habitat subsection:

Habitat

"Restoration and enhancement opportunities should be implemented as specified in the SMP's Restoration Plan, the Whatcom Resource Inventory Area 1's "Marine Nearshore and Estuarine Assessment and Restoration Prioritization" plan and the City's Habitat Master Restoration Plan."

5. Chapter 3, page 23 -- Add a new policy at the end of section 3.1:

"Site grades should be raised to accommodate potential long-term sea level rise and tsunami conditions appropriate to the design life-time of the project."

6. Chapter 3, page 24 -- Revise policy as follows:

"Build public promenades along the-waterfront with viewing platforms and overlooks to provide users with recreational opportunities and vistas of key estuary and habitat areas in coordination with upland redevelopment activities."

7. Chapter 3, page 25 -- Revise policy dealing with the proposed marina as follows:

"After completion of environmental remediation, the ASB lagoon ~~should~~ may be opened to marine waters and restored as a Clean Ocean Marina with fish habitat and public access around the rim of the existing breakwater. ~~The marina~~ In the event that a marina is built, it should include fish passage corridors through the north and south sides of the breakwater which are located so as to protect existing eelgrass beds from construction impacts ."

Chapter 4

1. Delete PC recommendation #12 that would limit the permitted uses in the Marine Trades area.

2. Page 29 -- Revise policy as follows:

~~"Encourage re-use and recycling of materials on-site, including re-use of the existing Aerated Stabilization Basin breakwater materials for environmental capping, shoreline restoration and fill for parks and roadways to lower the carbon footprint of the project and reduce impacts on local sand and gravel quarries."~~

3. Page 29 -- Add a new policy:

"Re-use the existing Aerated Stabilization Basin breakwater materials for environmental capping, shoreline restoration and fill for parks and roadways to lower the carbon footprint of the project and reduce impacts on local sand and gravel quarries."

4. Page 29 and 36 -- Add a new policy to both the Sustainability Policies section (p.29) and the Historic and Cultural Resources Policies section (p.36):

"Encourage the adaptive reuse of existing buildings if an assessment of structural, economic, market and land use factors show positive benefits of keeping the building. New buildings should be built utilizing methods that will allow easy adaptive reuse in the future if the building use changes over time."

5. Page 29 -- Add a new policy to the Sustainability Policies section:

"Development should utilize district specific utilities, such as district heating and cooling, and non-potable water systems if available and implemented through a Waterfront Utilities Master Plan."

6. Page 29 -- Add a new policy to the Land Use Policies section:

"Encourage land uses in the Waterfront District that complement and help to diversify and expand the City Center and that also take advantage of the unique urban waterfront location."

7. Page 29 -- Add a new policy to the Land Use Policies section:

"Encourage industrial land uses that provide jobs for light manufacturing and assembly, high technology, research and development and industrial uses which depend upon or relate to the waterfront."

8. Page 31 -- Revise Building Design Policy as follows:

"Recognize the need for larger industrial buildings and less stringent design standards to accommodate marine industrial uses, upland boat storage and other light industrial uses within Industrial Mixed-use areas. Provide lighting standards, setbacks, screening or landscaping to

reduce impacts on and separate Industrial Mixed-Use areas from other mixed-use development areas. "

9. Page 33 -- Add the following to the description of the Log Pond Area:

"Preferred land uses in the area also include light manufacturing and assembly, high technology, and research and development."

10. Page 36 -- Revise the first bullet as follows:

Review the assumptions, methodology and recommendations from the Waterfront District Adaptive Re-Use Assessment dated 2009, prepared by Johnson Architecture to evaluate any proposals to demolish any of the structures identified on Figure 4-3. An updated assessment of market conditions and/or developer interest in adaptive re-use should be completed for the Granary Building, Board Mill Building or east portion of the Alcohol Plant prior to demolition of these buildings.

11. Page 38 -- Add the following implementation strategy:

"Provide additional flexibility in the application of development standards in the Land Use Code to facilitate the development of buildings attempting to meet the Living Building Challenge (LBC) or equivalent. Such flexibility could be in the form of incentives such as added height and floor area ratio, or less stringent adherence to certain development and design standards. The LBC is a green building certification program created by the International Living Future Institute to recognize buildings meeting the most advanced sustainable standard. Information on the challenge is available at www.ilbc.org/lbc."

Chapter 5

1. Page 45 -- Modify multi-modal pie chart to reflect 2010 census figures.

2. Page 49 -- Add a new policy to the Parking Policies section:

"Parking throughout the Downtown Waterfront Area should primarily be located under buildings or within parking structures located on the upland side of the development."

3. Page 53 -- Add the following policy language related to railroad quiet zones to Section 5.2 Implementation Strategies:

"Work with the Port of Bellingham and BNSF Railroad to install a railroad quiet zone with supplemental safety measures at all track crossings in the Waterfront District."

4. Page 53 -- Revise the last bullet as follows:

Develop an engineering response to the potential future closure of the at-grade crossing at Wharf Street that will support safe access to the Waterfront District by all users. ~~bicycle riders and pedestrians.~~

5. Page 53 -- Revise implementation strategy as follows:

Develop launching facilities and services for hand carry boats in one or more of the following areas: at the head of the I&J Waterway, north of the ASB lagoon, ~~the Log Pond~~ the South side of the Whatcom Waterway, Cornwall Cove, and/or south of the Cornwall Avenue Landfill.

6. Page 54 -- Add the following note to Figure 5-5:

"Location of Type I arterials, Type II streets and alleys is conceptual and subject to change upon final design."

7. Page 55 -- Amend Figure 5-6, Waterfront District Street Designs to add the following disclaimer:

"The following street designs are conceptual. Alternate standards may be approved by the Public Works Director provided they are consistent with, and will further, the policies and implementation strategies in this chapter."

8. Page 56 -- Amend Figure 5-6, Waterfront District Street Designs, Type II - Local Streets to reduce the lane width from 14' to 11'.

Chapter 6

No changes proposed.

Chapter 7

1. Page 66 -- Add acreage figure (25) to description of Log Pond Area.

2. Page 67 -- Delete typo (remove 'a' from section to last sentence).

3. Page 69 -- Revise policy as follows:

"Shoreline parks should include restored shoreline buffers and incorporate habitat enhancement projects consistent with the Bellingham Shoreline Master Program and Restoration Plan. Shoreline buffers may include trails and designated water access points, where no net loss of shoreline ecological function occurs to critical saltwater habitat."

4. Page 71 -- Add a new implementation strategy:

Park plans for the first phase of the Whatcom Waterway Waterfront Park should identify a location for a small visitor float, pier or beach area for access and temporary storage of kayaks, dinghies and other small vessels.

5. Page 72 -- Add a new implementation strategy:

"Develop an interim and permanent off-road trail connection between Bellwether Way and the ASB/Marina trail. The specific location of the interim trail and future permanent trail will be coordinated with future industrial uses to avoid unnecessary conflict with Port and/or Port-tenant operations."

6. Page 72 -- Add a new implementation strategy:

"Develop a continuous waterfront trail along the south side of the Whatcom Waterway and Log Pond shoreline from Roeder Ave. to the Northeasterly edge of the Shipping Terminal. This trail should be extended through the Log Pond planning area to connect to Cornwall Ave. if compatible with industrial and/or cargo uses in the Log Pond area. If the Log Pond area is subdivided into smaller parcels to be leased or sold for long term uses which do not require access to the Shipping Terminal, dedication of a trail connection should be considered during the binding site plan approval process. Public access along the Log Pond trail may be suspended for public safety or site security purposes during periods when upland uses conflict with trail use."

7. Page 72 -- Add a new implementation strategy:

"The breakwater trail around the marina should include a flat surface to accommodate a variable width public trail with a minimum width of 12-15-feet, several public gathering areas and gently sloping public beaches suitable for public use."

8. Page 72 -- Add a new implementation strategy:

"Develop launching facilities and services for hand carry boats in one or more of the following areas: at the head of the I&J Waterway, north of the ASB lagoon, the South side of the Whatcom Waterway, Cornwall Cove, and/or south of the Cornwall Avenue Landfill."

Sub-Area Plan Map Changes:

1. Amend Figures 4-1, 4-2, 4-3 and 4-4 to show shadowed park and trail layer in background. Remove off-site parks on maps where on-site parks are shadowed.
2. Amend Figures 1-1, 3-2, 3-3, 5-1, 5-5 and 7-1 to add the lower South Bay Trail connection between Wharf Street and Maple, and an Interim Bicycle Bypass trail along the base of the bluff.
3. Delete the Bicycle Bypass Route along Bloedel Ave. on Figure 5-1.
4. Remove all on-street trails. Bicycle and pedestrian facilities are located along all Arterial and Local streets, so they do not need to be shown as trails on the maps.
5. Modify Figure 3-2 text box regarding overwater boardwalk to say "so as to maximize protection of eelgrass beds" rather than "to protect eelgrass beds."
6. Delete Figure 3-3, Shoreline Environment.
7. Amend Figures 1-1, 3-2, 3-3, 5-1, 5-5 and 7-1 to add a trail connection between I&J Park and the ASB/Marina Trail. Describe this trail in a text box on Figure 7-1.
8. Chapter 7, modify Figure 7-1 Parks, Opens Space and Trails to add "Beach access/kayak launch" and "Visitor Moorage" to the text box pointing to the Whatcom Waterway Waterfront Park.

9. Chapter 7, Figure 7-1, change name of "Bay Park" to "Cornwall Beach Park."
 10. Chapter 7, revise Figure 7-1 for the Cornwall Beach Park planning area to show that the size and location of the "development pad" will be defined in the master planning process for the park.
 11. Add the words "Beach access/kayak Launch" and Visitor Moorage" to the text box pointing to Whatcom Waterway Park on Fig. 7-1.
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II. Approved revisions to the Waterfront District Development Regulations

1. Pages 6-7, revise Permitted Uses Table .420 Miscellaneous Uses to:
 - delete Industrial category E.4 "Hazardous Waste Treatment and Storage Facility per BMC 20.16.020.H.1." If it is kept or considered a conditional use, then change the BMC reference to G.1 to properly reflect the use.
 - Create a Miscellaneous Use category for Agricultural. Permitted in Industrial Mixed-Use only for greenhouse and field crops. Conditional in Industrial Mixed-Use for all other agricultural production.
 - Miscellaneous Uses #9. "Recycling and Refuse Collection Center" Permitted in all three areas.
 - Miscellaneous Uses. Add new use. "Recycling and Refuse Collection and Processing" Conditional in Industrial Mixed-Use with Note 7.
 - Clarify that a public or private district utility facility is a permitted use.

Note: See page 13 of this document for all the revisions to the Permitted Uses Table.

2. Page 10, revise section 20.37.430(G)(2)(a) as follows:

"Waterfront topography ~~is expected to~~ will be raised during construction in conformance with requirements of the Waterfront District Planned Action Ordinance (Section II.1.B) to account for sea level rise and installation of public infrastructure. Existing grade shall be that which is established with such fill activities when height is not measured from an abutting city sidewalk."

3. Page 10, revise section 20.37.430(G)(4)(d) as follows:

"Exempt Structures. Structures of iconic art and historic waterfront structures that may be preserved and or moved are exempt from view corridor height limits."

4. Page 12, revise Section 20.37.430.H.4.c.1.(a) as follows:

"The transferred floor area will result in the provision of a public plaza or open-space to remain open to the public in accordance with park hours established in BMC 8.04.040 ~~during daytime hours.~~"

5. Page 12, amend Table .430-A Summary of Floor Area Ratio Bonus Options to modify the bonus for buildings achieving LEED Silver and add an additional bonus for buildings achieving LEED Gold, Platinum or Living Building Certification as follows:

Bonus Option	Floor Area Bonus
<u>Minimum LEED Platinum or Living Building Certification (or equivalent)</u>	<u>2.0 FAR Bonus</u>
Public Plazas and Open Spaces	Provide 1 Square Foot of public open space; Receive 2.5 Square Feet of building space.
Affordable Housing	Provide 1 Square foot; Receive 4 Square feet bonus
<u>Minimum LEED Gold Certification (or equivalent)</u>	<u>1.0 FAR Bonus</u>
Minimum LEED Silver Certification (or equivalent)	<u>0.5 1.0 FAR Bonus</u>
Lake Whatcom Watershed Property Acquisition Program	Receive 1 SF for each Fee Unit paid (see Lake Whatcom Watershed Acquisition fee schedule)

6. Page 12, amend .430 H.4.c. to add and clarify Bonus Options for buildings achieving LEED Silver, Gold, Platinum or Living Building Certification as follows:

Leadership in Energy and Environmental Design TM (LEED) Certification or Living Building Certification (or equivalent). Buildings that incorporate sustainable design may receive a graduated (0.5 to 2.0) FAR bonus. To qualify for this bonus, the proposed project shall be certified by the Planning Director as a minimum LEED Silver, Gold, Platinum or Living Building Challenge certification (or equivalent).

7. Add a definition of "District Specific Utilities" and a provision to the Sustainability Section of the development regulations that would require property owners and developers to participate in district utility system if one is installed:

Definition - BMC 20.08.020

"District Specific Utilities" means utilities deployed on a district-scale that may include but are not limited to energy sources, district heating and cooling, and non-potable water systems. Installation and administration of these utilities may be undertaken by the City, or when approved by the City, by a site developer, a private utility provider, or public-private partnership.

Sustainability Section, page 15 -- BMC 20.37.440

C. 8. District Specific Utilities – If available and implemented through a Waterfront Utility Master Plan, all new development within the Downtown Waterfront area shall connect to and

utilize District Specific Utilities, such as district energy, district heating and non-potable water systems. Uses in other areas may connect to District Specific Utilities as approved by the Public Works Department.

8. Page 15, Section 20.37.440. Sustainability - amend Applicability Section .440 as follows:

Applicability. The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Waterfront District Urban Village, except when a project incorporates a FAR bonus having LEED Certification or equivalent consistent with subsection .430 H.4.c.(3).

9. Page 15, revise the Sustainability Section 20.37.440.C.3 -- standards for landscaping irrigation:

3. Landscape irrigation - landscaping with native or drought tolerant plants which do not require permanent irrigation systems is encouraged. If irrigation systems are installed for landscaping or uses such as rooftop and patio vegetable gardens to provide local or personal food production, irrigation systems shall use only captured rainwater, recycled wastewater, or treated and conveyed by the public agency specifically for non-potable uses. Temporary irrigation systems used for plant establishment are allowed to utilize potable water if removed within three years of installation. All landscaping areas shall be consistent with BMC 20.37.470.

10. Page 15, amend .440 C.1. concerning Light Pollution Reduction. The proposed Design Standards (BMC 20.25.080 D.1. g.) for lighting already apply to residential, commercial and institutional development. This would add a similar light pollution reduction standard to Industrial areas:

~~Low energy use-Light Pollution Reduction- Exterior lighting in shared portions of new development with lighted areas shall be designed so that all site and building mounted luminaries produce a maximum initial illuminance value no greater than 0.60 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 15 feet beyond the site.~~ Lighting in industrial areas shall be directed downward or shielded to avoid unnecessary glare on adjacent residential or mixed-use areas.

11. Page 15, strike 20.37.440 C.2. Water Conservation. This is already a requirement of the Building Code; so this standard is not needed here.

12. Page, 16, amend 20.37.440 C.3. Landscape Irrigation to ensure consistency with Section .470 - Waterfront District Urban Village - Landscaping as follows:

3. Landscape irrigation- Landscaping with native or drought tolerant plants which do not require permanent irrigation systems is encouraged. If irrigation systems are installed, irrigation systems shall use only captured rainwater, recycled wastewater, or water treated and conveyed by a public agency specifically for non-potable uses. Temporary irrigation systems used for plant establishment are allowed to utilize potable water if removed within three years of installation. All landscaping areas shall be consistent with BMC 20.37.470.

13. Page 16, strike 20.37.440 C.4. Local Food Production. This is a policy statement, not a development regulation. Move it to Section 4.1 - Sustainable Development Policies of the Waterfront Plan.

14. Page 16, amend 20.37.440 C.5. Energy Conservation to 1) read as a regulation, not a policy, and 2) be more stringent by requiring more than 1 element to qualify, as follows:

1. Energy Conservation- To minimize energy use, new development ~~should~~ shall be designed to include ~~one~~ two or more of the following energy-reduction features:

- ~~• Use of natural lighting~~
- ~~• Use of Energy Star or other energy efficient appliances~~
- Orient buildings for use of passive and active solar heating systems
- Use of solar energy, heat, hot water systems
- Comply with energy conservation element for LEED, GreenBuilt or other sustainable building program
- Use of interior motion sensor light switches
- Use of solar powered walkway or outdoor lighting
- Use of light tubes for natural lighting
- Use of Federal Energy Star Label Program

15. Page 16, amend 20.37.440 C.6.c. concerning Recycling Facilities for clarity, and to insert unintended omission as follows:

c. A ~~compost~~ collection station available to building occupants dedicated to the collection of landscaping and food wastes and other compostable materials.

16. Page 16, amend 20.37.440 C.7. to require the submittal of the construction waste management plan, as follows:

7. Construction waste recycling - At least 50% of non-hazardous construction and demolition debris shall be recycled. The developer shall prepare and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be stored on-site or commingled, ensures jobsite personnel understand and participate in the program, and retain verification records (waste haul receipts, waste management reports, spreadsheets, etc.) to confirm the diverted materials have been recycled or salvaged as intended. The plan shall be submitted at time of building permit application or as approved in writing by the Director.

17. Page 17, Section 20.37.450. Parking - amend Table .450-A as follows:

Table .450-A: Minimum Parking Requirements

Residential	1 parking space per residential unit <u>0.5 space per studio unit.</u> <u>0.75 space per 1-bedroom unit.</u> <u>1.00 space per unit having 2 or more bedrooms.</u>
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18. Page 18, amend 20.37.450 E. Parking Reduction section. Allow the opportunity to reduce the parking footprint to zero. Add language placing the responsibility on the applicant to justify such a parking reduction based on the following criteria:

Parking Reduction Allowed. The Planning Director may administratively reduce parking ~~an additional 25%~~ for projects that, either through adoption of a program or actual parking characteristics of the use, will result in less auto dependence. Such programs or special uses may include implementation of a car share program, enhanced bike storage facilities, purchase of WTA transit passes for a minimum of 2 years, car pool or commute trip reduction programs, installation of WTA transit shelters, and senior and affordable housing. The burden of proof of how a program or use characteristics will decrease parking demand shall be on the developer.

19. Page 21, Section 20.37.460. Complete Streets. Delete Figure .460 Multi-Modal Street cross-sections shown on pages 26 and 27 at the end of the development regulations. The cross sections should be in the Sub-Area Plan and not in the development regulations.

20. Page 21, amend 20.37.460 B. as follows to make it clear that streets should be designed in accordance with the cross sections in Chapter 5 of the Waterfront District Sub-Area Plan unless an alternative standard is approved by the City:

- B. Street width, sidewalks and bicycle facilities shall be ~~in accordance~~ consistent with the street designs for the various street types ~~described~~ depicted in The Waterfront District Sub-Area Plan, Multi-modal Circulation & Parking Chapter ~~as illustrated in Figure 460-A~~. An alternate standard with equivalent pedestrian and bicycle access may be approved by the Public Works Director.

21. Page 22, Section 20.37.470. Landscaping - The following changes are recommended to address the comments regarding creating a buffer between industrial and other areas.

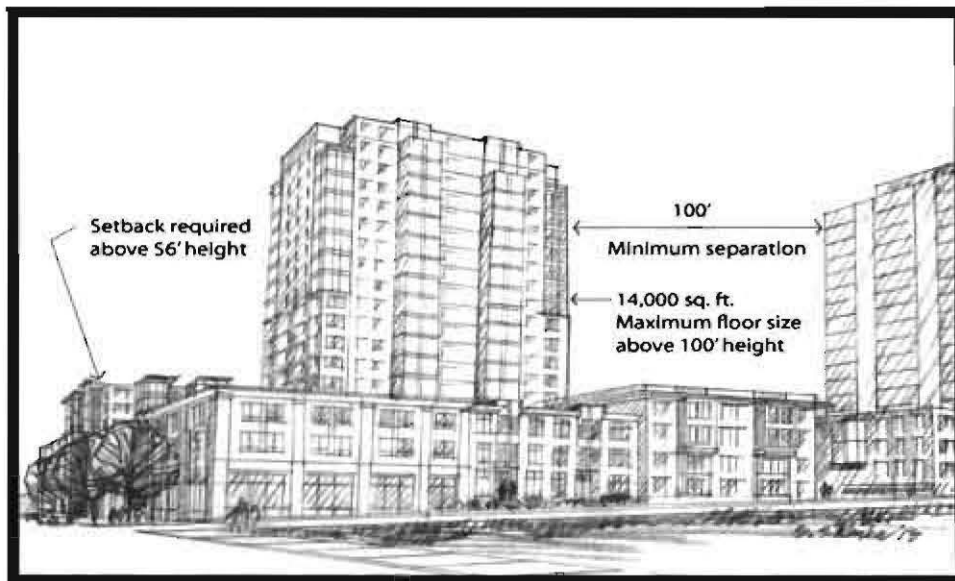
- Page 22, amend 20.37.470 B.2.a. in Industrial Mixed Use Areas as follows:
 - a. Where buildings containing industrial uses abut an arterial street, trail or park, a landscape buffer having a minimum ~~of 20'~~ deep depth shall be planted along the park, trail or street frontage.
- Page 22, amend 20.37.470 B.2.b. in Industrial Mixed Use Areas as follows:
 - b. Where open construction/maintenance/storage yards or loading areas abut an arterial street, trail or park, or are adjacent to land zoned CM or IM, a landscape buffer a minimum of 10' deep shall be planted along the park, trail or street frontage. ~~The landscaping depth may be averaged provided it is not less than 5' wide at any one point.~~

Table .420 A Permitted Uses

E. INDUSTRIAL				
1. Automobile Repair	P	N	N	
2. Automobile Wrecking	N	N	N	
3. Commercial Electrical Power Generation per BMC 20.36.030	P	N	N	
4. Hazardous Waste Treatment & Storage Facility per BMC 20.16.020 H G.1.	<u>P</u> C	N	N	
5. Manufacture and Assembly	P	P ⁽²⁾	P ⁽²⁾	
6. Mini Storage Facility	P	P ⁽⁸⁾	P ⁽⁸⁾	
7. Monument and Stone Works	P	N	N	
8. Repair of Large Equipment such as vessels, vehicles and floor based tools	P	N	N	
9. Warehousing, Wholesaling & Freight Operation	P	N	N	
10. Water-related and dependent Industrial uses such as: Aquaculture, Barge loading facility, Boat/ship building, Boat Repair, Dry Dock, Net repair, Seafood Processing, Cargo Terminal, Web house, and offices supporting the same.	P	N	N	
F. MISCELLANEOUS USES				
1. Adaptive Uses for Historic Register Buildings per BMC 17.90.080 & 20.16.20	P	P	P	
2. Community Gardens	N	P	P	
3. <u>Agricultural Nursery</u>	<u>P</u> ⁽⁷⁾	<u>N</u>	<u>N</u>	
4. Community Public Facilities per BMC 20.16.020 P.4.	P	P	P	
5. Parking Facility (nonretail)	P	P	P	
6. Parking Facility (Retail)	P	P	P	
7. Public Facilities on private property	P	P	P	
8. Public Utilities within a public right-of-way or park	P	P	P	
9. <u>District Specific Utilities</u>	<u>P</u> ⁽⁹⁾	<u>P</u> ⁽⁹⁾	<u>P</u> ⁽⁹⁾	
10. Recreational Vehicle Park	N	N	N	
11. Recycling Collection Center	P	P ⁽³⁾	P ⁽³⁾	
12. <u>Recycling and Refuse Collection and Processing</u>	<u>P</u> ⁽³⁾ <u>C</u> ⁽¹⁰⁾	<u>N</u>	<u>N</u>	
13. Wireless Communications Facility per BMC 20.13	P,C	P,C	P,C	
Notes:				
(1) Residential units or hotel rooms may not occupy the street level frontage on Granary or Bloedell Ave.				
(2) Provided noise, smell and other impacts are internalized within an enclosed structure.				
(3) Facilities shall be sized and designed to collect waste from residents, businesses and visitors to the Waterfront District and shall not be used to collect or treat waste imported from outside of the District.				
(4) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard per 20.37.470 or an alternate standard approved by the Public Works Director.				
(5) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard per 20.37.470 or an alternate standard approved by the Public Works Director, or is located adjacent to the public park and trail planned along the frontage of the new ASB marina. Such uses may not be approved adjacent to the marina until after the marina and associated public access and parking is constructed.				
(6) Provided the office or retail uses are related to construction, shipping, industrial or marine-related activities, or the sale of products manufactured or processed within the district. Retail sales in buildings adjacent to the new ASB marina may include food, alcohol and other commodities intended to serve boaters or marina customers after the marina has been constructed and is open for vessel use.				
(7) When entirely enclosed within a structure.				
(8) The floor area devoted to mini storage shall be less than 50% of the floor area of other permitted use(s) on site, and mini storage uses are prohibited on ground level street frontages except for entry, office and similar active uses.				
(9) <u>As allowed through approval of a Waterfront Utility Master Plan.</u>				
(10) <u>Conditional for facilities that collect or process recycling or refuse imported from outside the District.</u>				

III. Approved Revisions to the Waterfront District Design Standards:

1. Amend 20.25.080 D.1.a.2). Site Design/Orientation to Street, to add additional guidance, as follows:
 - 2) **Guideline:** ~~Locate the building at sidewalk edge. A larger setback may be considered in order to accommodate~~ Locate new structures to contribute to a strong "building wall" edge to the street such that they align at the front lot line and built out to the full width of the parcel, to the side lot lines. Although small gaps may occur between some structures, these are the exception. This should not preclude the provision of a wider sidewalk, public space, landscaping, art or outdoor seating.
2. Amend 20.25.080 D.2.a.(3), and D.2.b.(6)(b), to reference Figure 5 (See Figure 5).
3. Amend 20.25.080 D.2., Figure 5, to be consistent with D.2.a.(3), D.2.b.(6)(a), and D.2.b.(6)(b)
4. Amend 20.25.080 D.2., to add Figure 6, as related to D.2.b.(6)(d) and (e) (maximum floor plate size and minimum separation standards for those portions of a building over 100' tall):



5. Modify Design Standard 20.25.080 D.2.a.3) regarding minimum building height on page 6 of the Design Standards to read:
 - a. **Building Scale**
 - 1) **Intent:** Establish a building scale consistent with a highly urban downtown context.
 - 2) **Guideline:** Develop a primary facade that is in scale and maintains alignments with surrounding buildings. Although a new building may tower above the surrounding buildings, the first several stories should visually relate to the surrounding context.

3) ~~Standard: Minimum building height within the Commercial Mixed Use sub-zone is 3 stories, other than for buildings located within parks, view corridors or shoreline jurisdiction. (Delete and replace with the following two standards.)~~

3. a) Minimum building height within 15' of the street frontage of arterial streets in the Commercial Mixed-use Sub-zone is 25'.

3. b) Buildings within the Commercial Mixed-Use Sub-zone should have at least 3 stories of occupied space in some portion of the building. This standard does not apply to buildings located within parks, view corridors or shoreline jurisdiction.

IV. Approved revisions to the Waterfront District Planned Action Ordinance

1. Page 4 and 5 – delete the word "maximum" in the text and the table in Section 3.D.2 to make clear that the development thresholds are not the maximum that could occur in each area.
2. Mitigating Measures, Page 4, revise item 1-7 under the "Earth" section as follows:

"As part of construction of onsite infrastructure, site grades shall be raised to accommodate potential long-term sea level rise and tsunami conditions, appropriate to the design lifetime of the project, as determined using the higher end of the range predicted using best available science."

3. Replace Mitigating Measures Section 8-2 with the following:

8-2. Prior to the submittal of an application for a demolition permit for the Granary Building, the Boardmill Building or the east portion of the Alcohol Plant, the applicant shall submit an analysis of the feasibility of possible retention / reuse of these buildings. The intent of the analysis is to evaluate the retention / reuse of the buildings with consideration of structural, economic, market and land use factors. The analysis shall address the following considerations:

- The economic feasibility of retention / reuse based on a study of the market conditions at the time of application; or
- Information demonstrating that it is not economically viable to renovate the building based on responses to a Request for Proposals, or equivalent process, which did not generate any viable proposals for adaptive reuse of the building in a time frame consistent with the development of the surrounding properties; and
- Site planning constraints created when a competing development proposal requires the land where the building is located, but does not need the building; and
- The financial consideration and obligations of the owner at the time of redevelopment and environmental cleanup occurring in the vicinity of these structure; and

- Whether retaining the building for an additional time period would impact the phased implementation of Waterfront District Sub-area Plan as defined in the Waterfront District Development Agreement and the Inter-local Agreement for Facilities between the City and the Port; and
- How demolition may impede adaptive reuse; and
- How the retention or adaptive reuse of the building might contribute towards heritage tourism.

A report summarizing these factors shall be submitted by the applicant for PAO Official review. The PAO Official may request additional information needed for clarification of the analysis. None of the above shall preclude a determination by the City Building Official that the building poses an imminent threat to public health and safety.



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmil@cob.org Website: www.cob.org

NOTICE OF PRESENTATION AND NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bellingham City Council's Waterfront Committee will hear a presentation on Monday, July 15, 2013, @ 1:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington, regarding: **THE WATERFRONT DISTRICT PROPOSAL AND ASSOCIATED DOCUMENTS.**

In addition, City and Port staff will be available to discuss the proposal and answer questions at an informational open house in the lobby at City Hall scheduled July 17, from 12:00 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m.

NOTICE IS HEREBY GIVEN that the Bellingham City Council will hold a public hearing on Monday, August 5, 2013, @ 7:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington, to take public comment on the following:

CONSIDERATION OF THE PROPOSED WATERFRONT DISTRICT SUB-AREA PLAN, DEVELOPMENT REGULATIONS, DESIGN STANDARDS, PLANNED ACTION ORDINANCE, DEVELOPMENT AGREEMENT AND FACILITIES INTERLOCAL AGREEMENT

Detailed information can be found at: <http://www.cob.org/services/planning/waterfront/index.aspx>

Staff Contact: Greg Aucutt, Assistant Director of Planning and Community Development, (360) 778-8344 or gaucutt@cob.org.

NOTE: Both the Committee Meeting and the Public Hearing will be aired live on BTV-10 and streamed live on the internet. The meeting videos will be posted on the City's website.

Anyone wishing to comment on this topic is invited to attend the public hearing; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to ccmail@cob.org, or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, July 31, to be included in the agenda packet. Comment received after that time will be distributed to Council but not included in the published meeting materials.

FOR OUR CITIZENS WITH SPECIAL NEEDS, the Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, persons are asked to contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

Publication date: July 5, 2013

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Walker, J Lynne L.

From: Betsy Pernotto <betsyp@clearwire.net>
Sent: Wednesday, October 23, 2013 1:52 PM
To: CC - Shared Department
Subject: Comments on waterfront documents
Attachments: JwJ Letter to Bellingham City Council on waterfront.doc

Dear Council members,

I have attached the comments from Jobs with Justice about the waterfront planning documents to this e-mail. Thank you for your attention to this issue.

Sincerely,

Betsy Pernotto
3112 Alderwood Avenue
Bellingham, WA 98225
360-647-1752

Bellingham City Council
210 Lottie Street
Bellingham, WA 98225

October 22, 2013

Dear Council:

Washington State Jobs with Justice (Whatcom Organizing Committee) has concerns regarding a number of issues with the Bellingham Waterfront Planning Documents.

1. **Jobs:** The Sub-area Plan for the Waterfront District mentions jobs and job creation in several places (p.11 “Create conditions attractive to jobs of the future”; “Strengthen the tie between jobs and local resources”; p. 13 “Enhance the region’s economic vitality by creating conditions that are attractive to a range of employment opportunities and businesses”; p. 26 “Development should include a healthy balance between the creation of new jobs and housing opportunities, supported by goods and services.”). However, there is only one mention about the quality of jobs that will be created in the Waterfront District. The New Whatcom Implementation Strategies (p. 27) “encourage a mix of uses which complement, rather than duplicate, businesses in the Central Business District and provide **family-wage jobs.**” Nowhere in the Sub-Area Plan is a family-wage defined.

Living-wage job is a more encompassing term than family-wage job. All workers, whether single or part of a family, should be paid a living wage. A living wage is based on the cost of living for a particular area. Housing is usually the single largest expense of individuals or families; the definition of a living wage should therefore, be tied to the cost of housing. Housing costs are high in Whatcom County compared with wages (<http://www.wcrer.wsu.edu/WSHM/2011Q1/2011Q1-WSHM.pdf>, <http://quickfacts.census.gov/qfd/states/53/5305280.html>). In Bellingham the fair market rental price for a two-bedroom apartment is \$902 in 2013. A full-time worker (here defined as working 40 hours per week) must earn \$17.35 per hour to spend no more than 30% of his or her income on housing for a two-bedroom apartment. Jobs with Justice supports the creation of a living-wage zone on the waterfront. This zone would require a minimum wage of \$17.35 per hour with affordable health insurance. (Note: When we first calculated the cost of housing, we were using 2012 data; the fair market cost of a two-bedroom apartment in Bellingham increased from \$850 in 2012 to \$902 in 2013.) This hourly wage should increase with the Consumer Price Index in Northwest Washington. In addition, the living-wage zone should include a preference for hiring local workers (from within a radius of 60 miles of Bellingham).

Jobs with Justice also supports a requirement for worker privacy rights in the living wage zone. That is, workers would have the right not to participate in employer meetings about issues of political conscience, including politics, religion, charitable giving and union organizing. None of the requirements in the living wage zone would contravene any collective bargaining agreement.

The Bellingham Comprehensive Plan Economic Development Chapter Policy ED-10 recommends that the City “Continue to work on initiatives that advance quality of life amenities, **expand job training opportunities**, and support other economic development goals and policies.” Jobs with Justice supports expanding job training opportunities by requiring that 15% of construction jobs on the waterfront are set aside for apprentices in qualified apprenticeship programs.

2. **Safety**—Bellingham Waterfront Planning documents propose a wide variety of activities for the waterfront—housing, hotels, restaurants, daycares, educational facilities, commercial and retail establishments and industrial uses. Planning documents do not adequately address three major threats to the safety of individuals living or working on the waterfront: tectonic activity and possible liquefaction of the fill upon which the waterfront is built, rising sea levels, and the toxicity of capped materials. All three of these major threats should be addressed in detail before any development occurs, particularly the development of residences, schools and daycares where individuals would spend long periods of time.

3. **Cleanup**—Jobs with Justice supports an unrestricted cleanup of the waterfront so that people can safely work, live and visit the waterfront. We also support the restoration of intertidal habitat that will support healthy wildlife and a restored fishery.

4. **Development of the ASB into a marina**—Jobs with Justice opposes turning the current ASB into a marina. First, the cost is exorbitant. The Capital Facilities chapter of the Sub-area Plan estimates \$27 million for the cleanup of the ASB. Earlier Port documents (Bellingham's Marine Gateway: Transforming a Contaminated Lagoon into a Community Asset) estimate a much higher cost—a cleanup of \$34 million and construction of the proposed marina at \$16 to \$18 million. Second, the ASB currently serves as a storm water receptacle for the waterfront and it should continue to be used for this purpose. Storm water from other outfalls (Cornwall, C Street and the I and J waterway) might also be routed there. The Capital Facilities chapter gives no estimate of the cost for building a new storm water facility on the waterfront. It is fiscally irresponsible to require taxpayers to pay for a new storm water facility when there is currently a functioning one in use.

5. **Competition with the downtown**: The interests of the Port and the City are not identical in developing the waterfront. If the development of the waterfront results in the mass exodus of business from the downtown, as occurred when Bellis Fair Mall was developed, the City has helped to develop one neighborhood at the expense of destroying another and wasted millions of dollars in doing so. The downtown has not recovered from the development of the mall and there are many open commercial spaces there. This shift from the downtown to the waterfront has already occurred with the relocation of CH2M Hill and Guiseppi's restaurant. Waterfront areas are very limited; marine-based businesses, a shipping terminal, a fishing industry and light industrial enterprises should be prioritized. Commercial and retail businesses and personal services should be located in the downtown or other neighborhoods, not on the waterfront.

Thank you for your attention to these concerns.

Sincerely,

Betsy Pernotto, Carole Jacobson, Marvin Prinsen
Co-chairs, Jobs with Justice

Walker, J Lynne L.

From: Daveen Jones <joneskdd@isomedia.com>
Sent: Tuesday, October 29, 2013 1:48 PM
To: CC - Shared Department
Subject: Waterfront Development Planning

When I first heard about the redevelopment of the waterfront on Bellingham Bay there was talk of a Terrarium-Aquarium (run along with the WWU environmental studies program) and also of a pier along which the Lummi Fisherfolk could dock and sell their fish to the public. It all sounded so exciting and so "Bellingham".

Now all I hear about is Condos and Private Industry and keeping the Pulp Mill buildings so we can all remember forever the lovely smell that drove away everyone from shopping downtown and the smokestacks spewing who knows what and the nightly allowed dumping of 7 lbs of mercury into the bay.

Surely there is something else that could be added for the public to enjoy.

It is not the same, but I hear that the UnderSea Gardens vessel in Victoria, B. C. has closed. It needs repairs, but it might be up for sale. Assuming the repairs are not too expensive, maybe it would fit in part of the marina area?

Thank you,
Daveen Jones
joneskdd@isomedia.com

RECEIVED
10-28-13 (date)
Public Comment (AB#)
ABE JACOBSON (name)
Bellingham City Council
City Clerk Representative

Abe Jacobson
2314 Samish Way
Bellingham, WA 98229
28 October 2013

Comment on Council's planning for Port

Council members at this morning's Subarea Plan work session are to be commended for their careful preparation and deliberate consideration of the plan.

This is a difficult plan for members of the public to understand and in which to have confidence, because the costs to the taxpayer are upfront and well defined (well, sort of well defined), while the benefits are aspirational.

Compare it to the development plan for Bakerview near I-5. In that case, we know up-front who the anchor occupant is, Costco, so the benefits in terms of taxpayer return and good employment conditions are self-evident. We know that this is a highly successful company with a great track record, whose business model is a low-turnover, well remunerated workforce with true career-advancement opportunities. This creates confidence that the up-front City costs on infrastructure for the site will repay the taxpayer with offsetting increases in tax revenue, and will benefit the community with good employment.

We can hope for this same tradeoff to happen with the waterfront plan, but cannot know with any confidence that it will. The only tangible proposals for actual tenants so far relate to the Granary RFQ. For me, the proposal for a public market and a brewpub in that project was sad and appalling. Not only is the City already amply endowed with public markets and brewpubs, but these duplicative amenities will rarely offer a Costco-class wage. The RFQ responses promise the worst of both worlds- we cannibalize activities already in the downtown, so that no incremental taxes are raised, and moreover we create poverty-wage jobs that this City should not be subsidizing.

It would really help if we had a committed, as opposed to aspirational, anchor tenant with a track record of livable wages, and who would not just move into the port from the downtown.

RECEIVED
10-28-13 (date)
Public Comment (AB#)
 (name)
Bellingham City Council
City Clerk Representative

Bellingham's plans for the waterfront need to proceed with robust planning to take potential natural hazards into account. Climate change is likely to bring sea level rise and changes in storm patterns. These changes also will affect winds, waves, and sea currents. Inland, changing climate will affect river flooding and sediment loads carried into the bay. These processes may cause changes in coastal sediment transport, erosion and deposition along the shoreline. All of these processes will interact in complex ways.

Additionally, abrupt geological hazards, notably earthquakes and tsunamis, pose risks for which careful planning and preparedness should be required.

Taking these processes into account will require enough land set aside as buffers. Soft shore areas are particularly vulnerable to sea level rise. Intertidal zone species need to be able to migrate towards shore to maintain appropriate depths. Land area currently onshore needs to be set aside for future beaches. The low angle slope of a beach is necessarily more vulnerable, and requires a greater land footprint, than if the Port were simply building sea walls. We need to think ahead.

We are fortunate to be a community that has many resources available that can contribute to evaluating available information, collecting new data, and finding solutions and means of mitigation. I believe that we should be supporting and fostering multi-pronged approaches to careful scoping and continuing studies of near-shore processes. We need to be able to synthesize information from the many global and regional studies of climate change and work to understand the impact on our specific case here in Bellingham Bay. Western Washington University may be getting waterfront campus buildings as part of the Port redevelopment. The City and the Port should foster linkages with the university now. Given the complexity of the many different factors at play, a more transparent process will yield a much broader view of the potential outcomes arising from the best available science. And lead to better solutions.

This endeavor can make Bellingham a magnet for other places seeking ideas developing waterfront industries, a revitalized urban core, and ecological enhancement. A vibrant Bellingham Bay would be a big selling point in getting businesses to relocate here. There is also much business potential in developing strong base of expertise in waterfront remediation and adaptive reuse. Bellingham could have a reputation as a center for the synergy between great near-shore science sound economic development.

There are many places that have suffered large economic setbacks because they did not properly plan for geological and climate related events. Bellingham has the opportunity to think carefully and proceed wisely.

Gaythia Weis
Gaythia Weis
1713 Edwards Ct
Bellingham, WA