



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 14th, 28th and Nov. 4th.

At the upcoming meeting, the Committee of the Whole is likely to continue discussing the development regulations, planned action ordinance, 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, 28 and Nov.4.

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 and 11/4.

Public Hearing Notice

Written Comment to City Council received since October 30, 2013

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Direction Requested	07-Nov-2013	Provide Direction to Staff	Various staff	

Council Committee:

Committee of the Whole

Seth Fleetwood, Chair

Committee Actions:

Council Action:

Agenda Bill Contact:

Greg Aucutt, Asst. Director, 778-8344

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	<i>JT</i>	11/5/13
Tara Sundin, WD Project Mgr	<i>TS</i>	11/5/13
Legal Mayor	<i>KL</i>	11/5/13

Waterfront District Subarea Plan and Associated Documents
Council Committee of the Whole
Approved Revisions
October 28, 2013 and November 4, 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 and November 4th. 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 -- Revise last policy in Section 3.1 Environmental Policies, Habitat subsection:

"Develop complex riparian vegetation along the shoreline in order to restore habitat. Where appropriate, with include designated trails and areas of focused public access to the water."

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

"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."

6. 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."

7. 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."

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

"After completion of environmental remediation, the ASB lagoon should ~~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 47 -- Add a new policy to the Circulation Policies section:

"The goal of the Waterfront District is to increase the percentage of travelers using pedestrian, bicycle, and transit modes to at least 30% of total trips to and from the site over time."

3. 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."

4. 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."

5. 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.~~

6. 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.

7. 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."

8. 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."

9. 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.

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."

- 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)

- 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).

- 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.~~

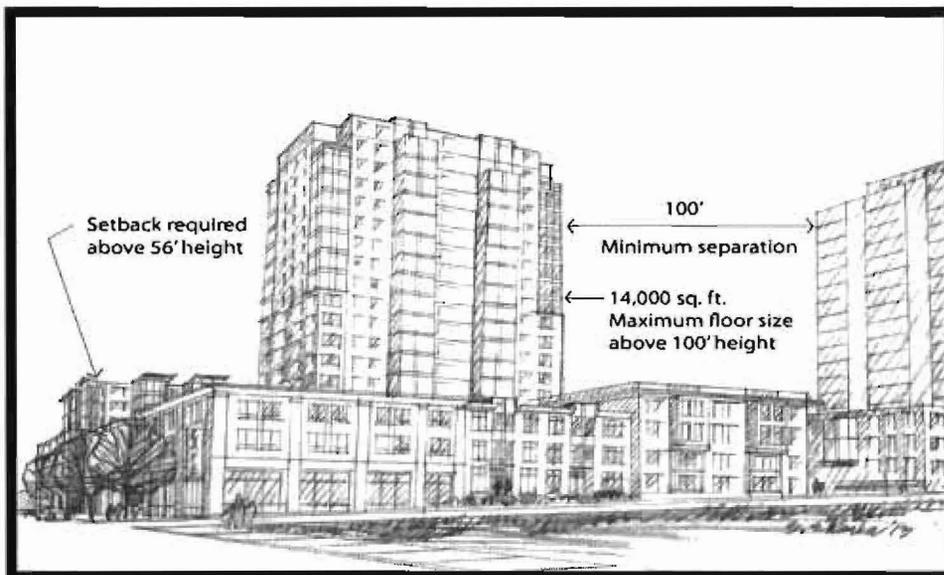
Table .420 A Permitted Uses

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-C</u>	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⁽⁷⁾</u>	<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⁽⁹⁾</u>	<u>P⁽⁹⁾</u>	<u>P⁽⁹⁾</u>	
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⁽³⁾C⁽¹⁰⁾</u>	<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, smelt 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) As allowed through approval of a Waterfront Utility Master Plan.
 - (10) Conditional for facilities that collect or process recycling or refuse imported from outside the District.

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: ccmail@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

JACK WEISS
Council Member
1st Ward
738-2103
JWeiss@cob.org

GENE KNUTSON
Council Member
2nd Ward
734-4686
GKnutson@cob.org

CATHY LEHMAN
Council Member
3rd Ward
224-8877
CLehman@cob.org

STAN SNAPP
Council Member
4th Ward
305-0607
SSnapp@cob.org

TERRY BORNEMANN
Council Member
5th Ward
305-0606
TBornemann@cob.org

MICHAEL LILLIQUIST
Council Member
6th Ward
920-1583
MLilliquist@cob.org

SETH FLEETWOOD
Council Member
At Large
671-3299
SFleetwood@cob.org

Walker, J Lynne L.

From: Eric Hirst <EricHirst@comcast.net>
Sent: Friday, November 01, 2013 1:34 PM
To: CC - Shared Department
Cc: MY - mayorsoffice@cob.org
Subject: Environmental Considerations in Waterfront Redevelopment

Dear Bellingham City Council Members,

The City of Bellingham and Port of Bellingham are engaged in a major planning effort to redevelop the former Georgia Pacific industrial site. Understandably, both entities are concerned about the human benefits of redevelopment, in particular encouraging marine industries that provide living-wage jobs to locate there and providing adequate recreation opportunities.

Protecting and restoring the natural environment is an equally important goal that, I worry, might not get enough attention as planning and redevelopment proceed. I urge the City to develop a comprehensive habitat plan to ensure that both terrestrial and aquatic life thrive in the redeveloped areas and that wildlife corridors/connections are made and maintained among uplands, waterways, and the bay. This plan will ensure that natural areas are protected and that degraded areas are restored to natural conditions. Such a plan should be developed either before the locations of roads, trails, and parks are planned or in concert with these plans. The end result should be a waterfront that serves the needs of our citizens and the natural environment.

Specifically, the City should maintain large enough buffers and setbacks between development and natural areas to adequately protect flora and fauna. The City and Port should budget sufficient funds to restore degraded areas. Planning should consider and protect against the risks of tsunamis and sea-level rise associated with global climate change.

In summary, the City and Port should adopt a long-term (50 to 100 years) perspective. They should consider the long-term benefits of their decisions, not just the short-term infrastructure costs and effects on job creation.

Eric

Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
☎ 360-656-6690 ✉ EricHirst@comcast.net

Walker, J Lynne L.

From: Wendy Harris <w.harris2007@comcast.net>
Sent: Friday, November 01, 2013 10:07 PM
To: CC - Shared Department; Grp.PL. Planning Mail (planning@cob.org)
Cc: Grp.PL.Planning And Development Commission; cyun461@ecy.wa.gov; brian.Williams@dfw.wa.gov; Allen, Douglas R. (ECY)
Subject: Problem with proposed waterfront public access

Habitat Restoration Trumps Public Access to Shoreline

There is an inherent conflict between the goal of public access, which brings people to the water, and shoreline habitat restoration, which requires creating distance between people and the shoreline. It is a misconception that the city is required to "balance" waterfront access and habitat restoration. **The 2003 SMP Guidelines and the 2013 Shoreline Master Program give priority to restoration of habitat.**

It is inappropriate for the city staff to develop the waterfront for public access with little meaningful consideration of habitat concerns. This makes the city noncompliant with state and local laws, and fails to implement the public's vision for the waterfront.

Restoration Comes First

Public access is a strong shoreline goal, but it is permitted only if it will result in no net loss to shoreline ecological function. The SMP recognizes that "due to their unique and/or fragile geological or biological characteristics and importance to local citizens, designated fish and wildlife habitat and conservation areas (which includes Bellingham Bay) should be protected from the adverse effects of public access." SMP 22.02.20.D.2.K. Therefore, "public access should be provided wherever feasible and where it will not impact ecological functions and habitat connectivity." SMP 22.02.D.1.A.

With regard to the shoreline trail along the waterfront, the 2013 SMP is clear.

A continuous circulation system along the marine shoreline from the Little Squalicum Beach to the Post Point Lagoon should be created and preserved for alternative transportation modes. Pedestrian circulation to Whatcom, Squalicum, Chuckanut and Padden Creeks and their associated estuaries should be improved where ecological functions of the shoreline will not be adversely affected. **Where there is a conflict between circulation systems and ecological functions and/or habitat, then the ecological functions and habitat shall take precedence.** Recreational circulation should continue along Lake Padden and Lake Whatcom where such circulation will not adversely impact the ecological function of the shoreline.

SMP 22.02.20.F

Staff Focuses On Public Access

Throughout the waterfront planning process, the staff has been working on developing roads, shoreline trails and waterfront parks with the goal of increasing public access. Unfortunately, this is being done without coordination with, or consideration of, habitat issues.

The city failed to analyze plant and animal impacts during the FEIS or EIS Addendum process and staff advised council that they do not intend to address waterfront habitat connectivity issues. This leaves the city without the information and the ability to protect local biodiversity in the most effective way.

Moreover, staff has ignored the concerns and suggested solutions raised in a DOE letter discussing the conflict between public waterfront access and habitat restoration. And despite important data gaps, it is moving ahead with shoreline park master planning and development.

A pressing concern is the lack of a waterfront habitat buffer. Habitat buffers, required under state and local law, recognize the importance and fragility of shorelines, and protect these areas from the adverse effects of public access. SMP 22.02.020.k A proposed 50' strip of waterfront land, intended for a shoreline pedestrian and bike trail, is being referred to as a "buffer", although it fails to separate wildlife from incompatible human activities. In reality, the city has provided no habitat buffer within the waterfront district, in violation of the SMP.

Conclusion

It is inappropriate for the city to plan extensive public waterfront access while failing to address habitat issues. The city should be required to follow its own shoreline policies and regulations, which require that habitat be prioritized over public access. The city needs analyze its waterfront habitat needs and ensure that adequate habitat and travel corridors are protected from human development and activity.

The Planning Department and the Parks Department have shown, at best, an indifference to wildlife issues. This does not reflect the will of the people, or governing regulations, and I ask that you address this matter immediately. The city has no business developing public shoreline access when it has failed to develop and fund a comprehensive conservation strategy that includes the waterfront district.

Sincerely,
Wendy Harris

Walker, J Lynne L.

From: Alex McLean <felixian@comcast.net>
Sent: Sunday, November 03, 2013 3:43 AM
To: CC - Shared Department
Cc: MY - mayorsoffice@cob.org
Subject: "green" building and code requirements for Waterfront District

Councilmembers,

You will likely never see solar panels or green roofs installed atop any of the new structures that will be built in the Waterfront District. Here is why:

Currently there are some code descriptions which apply to small solar systems mounted to residential structures. These will not at all be adequate for policies that hope to encourage solar photo-voltaic (PV) panels or water heating systems on the large-scale commercial and residential buildings envisioned for the waterfront. The structural roof assemblies typical of most construction projects are simply too weak for these sorts of additions.

The problems are fairly obvious if looking at the descriptions of dead-load criteria for these small, residential systems: "The total (solar) system weight will not exceed 1,000 lbs."

Because the point loads for these small-scale residential systems are so small, and rightfully so, there is almost no way that a flat roof typical of large-scale construction could meet the criteria described in these policies.

Furthermore, even ignoring that tilted panels on a flat roof would want to exceed the "18" height limit" described in these policy documents, the entirety of Whatcom County is rated as an 85 mph/3-second gust wind zone. This means that the wind loads and potential for violent uplift would, automatically, require a much stronger roof for anything other than the most piddling and token solar system mounted to a flat roof assembly.

The current snow load for a structural roof in Bellingham is 25/lbs./foot – this is, essentially, the anticipated "live" load provided by the elements and is the norm for factoring in how strong roofs should be built around here. (For fun reference, Mt. Baker Ski Area is listed on the County Web-site as having a 588/lb./foot snow load requirement!)

A typical residential deck, rated for live loads of people and planters, is more like 40 lbs./foot. The floors of a house are typically in this range as well.

Commercial floors, where heavy desks and filing cabinets may need to be accounted for, are more likely in the 100 lbs./foot range.

All of the floors for the Parkade parking garage are 50 lbs./foot according to the building's engineer, Kris Hamilton. Roof assemblies, again, are rated at 25/lbs./foot.

So, then, the roof is the weakest part of our buildings – it has only the dead loads of plywood and shingles (or a waterproof membrane) and, typically, no allowance for the "live" loads of people or desks typical of the floors below. Architects and engineers, following the International Building Code and all other typical mandates that Bellingham code requires, will, automatically, build to these weak standards.

To presume that, someday, an expensive upgrade to the structural roof can be done, while the building is occupied and while rains threaten from every direction, is preposterous: Once the building is done, the load ratings for its roof will never be changed or modified.

The characteristics that define a green roof (or "vegetated roof" by COB's parlance), likewise, parallel the structural needs for most intensive solar PV or water heating systems. Typically, in our region, engineers are describing 50 lbs./foot as adequate for the installation of a green roof of 4-6 inches in depth. Since green roofs are proven to improve the

performance of solar PV, it may suit your interests to simply require that the roof of these buildings account for BOTH options installed simultaneously. (The added benefit of this doubly-stronger roof is that it could, automatically, allow for rooftop gardens which, due to the increased depth of the soil needed and the implied presence of “live” loads for their living gardeners, have to be rated higher. I see little use to flowery language in your planning documents, hoping to promote urban farming, if there is actually zero prospect of accomplishing that goal other than at the winsome curb-cuts of sidewalks or other, essentially useless, street-level locations.)

Some research suggests that the additional cost of making a stronger roof assembly are fantastically minimal for taller buildings – obviously, the more floors being installed dilutes the overall cost to the builder of this one, seemingly extraneous, requirement. Upgrading to slightly beefier roof trusses, and thicker plywood, is not going to be a deal-breaker for any serious contender in this market.

The addition to Bellingham’s code of requiring these stronger roofs does NOT mandate that solar panels or green roofs have to be installed. The only thing this does is ensure that, should we EVER desire to see these sorts of things occupying the roofs of our city, then they can, *at any time throughout the life-span of that building*, be easily installed. If the City of Bellingham, for example, ever decided to join the major cities of America in providing an incentive for building a green roof, or a bonus beyond those existing through PSE for solar PV, then these stronger rooftops could pay for themselves rather quickly. The developers, initially, might whine about the additional expense. But the long-term ownership and users of the building – its maintenance cost, utility rates, and overall strength, efficiency, appearance and longevity – would see lasting returns for both them and for the overall benefit to the community at-large. A weaker roof, built to current code, deletes these options forever. Furthermore, as councilmembers appear to have acknowledged, the LEED Silver baseline is too feeble to improve on the inevitable outcome of built-to-code roof assemblies.

Most urban areas have roughly 1/3 of their available acreage covered with utterly dead and useless rooftops – millions of square feet of PVC membranes staring zombie-like up to the sky, degrading in the sunlight, and washing away through our downspouts.

If you hope to make a change in how the long-term future of the waterfront looks, to say nothing of how sustainably it performs, then I hope that a serious consideration of strengthening the code requirement for structural roof assemblies enters your discussion.

Thanks for your time,

Alex McLean
Bellingham

<http://www.cob.org/documents/planning/applications-forms/permit-center-publications/technical-assistance-bulletin/2009-september-solar-panel-policy-tab.pdf>

<http://www.cob.org/documents/planning/applications-forms/permit-center-publications/technical-assistance-bulletin/2010-february-solar-water-heating.pdf>

Walker, J Lynne L.

From: Wendy Harris <w.harris2007@comcast.net>
Sent: Tuesday, November 05, 2013 4:03 PM
To: CC - Shared Department; Grp.PL. Planning Mail (planning@cob.org)
Subject: No Net Loss vs. Triple Bottom Line

I am glad that council is adding language regarding the triple bottom line for the waterfront district sub area plan. However, this language is incorrect to the extent that it indicates that ecological functions are subject to being "balanced" with other interests such as economics and social justice. **In fact, under the SMA, the COB 2013 SMP and the CAO, no waterfront development is permitted unless it meets "no net loss" standards, without consideration of other city goals.**

It is important that we do not lose sight of this fact, and there is already a great deal of confusion on this matter. As it is, the city and port staff have planned the waterfront with little to no consideration of this issue, and have failed to develop the data necessary to establish a baseline standard from which to measure no net loss.

I suggest that you revise the triple bottom line wording to indicate that all bottom lines are subject to the "no net loss" of ecological function standard. I hope that you agree with me that as we get closer to the final draft of the planning documents, there should be greater emphasis and review of the underlying legal standards to avoid problems in the future.

Thank you for your consideration.

Wendy Harris