



# City Council Agenda Bill

20369

**Bill Number**

**Subject: A public hearing to consider a text amendment to remove a special requirement under BMC 20.00.100 for Area 8 of the Lettered Streets Neighborhood**

**Summary Statement:** Pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.100 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building).

Planning Commission voted 5-0 to recommend City Council approval of the draft ordinance.

**Previous Council Action:** None

**Fiscal Impact:** This matter is part of the 2014 PCD work program with budgeted staff resources.

**Funding Source:** General Fund

**Attachments:** Planning Department Staff Report  
Ordinance  
Exhibit A - Planning Commission Findings and Conclusions  
Exhibit B - BMC 20.00.100 for Area 8 of the Lettered Streets Neighborhood

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Public Hearing Vote Requested	4/7/2014	Pass Ordinance	Ryan Nelson, Planner I, Planning & Community Development	10 minutes

**Recommended Motion:** .

**Council Committee:**

**Agenda Bill Contact:**

Ryan Nelson, Planning & Community Development 778-8300

**COUNCIL ACTION:**

4/7/14 Public hearing held.  
Bornemann/Knutson moved approval for 1<sup>st</sup> & 2<sup>ND</sup> reading. 7-0.

Reviewed By	Department	Date
<i>Jeffrey B. Thomas</i>	Planning	03/31/2014
<i>Alan A. Marriner</i>	Legal	04/01/2014
<i>Kelli J. Linville</i>	Executive	04/01/2014

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## CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	Text amendment to Bellingham Municipal Code (BMC) 20.00.100 Lettered Streets Neighborhood Table of Zoning Regulations to remove a special regulation limiting development of property to a private parking facility for an existing office building located at 2011 Young St. within Area 8.
For:	April 7 <sup>th</sup> , 2014 – City Council Public Hearing
Staff Contact:	Ryan Nelson, Planner I

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### I. Proposal Summary

Pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.010 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building) (**Exhibit A**).

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### II. Role of the City Council

The proposal before the City Council is a legislative text amendment, which pursuant to Bellingham Municipal Code (BMC) Title 20.22.010(B), requires a Type VI process for a City Council Legislative Decision. The Planning Commission has previously held a public hearing and issued findings of fact and conclusions along with a recommendation of approval to the City Council (**Attachment 2**). The Council is also required to hold a public hearing and consider the proposed amendment.

Staff has provided a draft Ordinance (**Attachment 3**). The City Council should adopt or modify the ordinance as necessary to support their final decision.

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### III. Background

In 1979, the Copper building was constructed at 2011 Young Street. At that time the owner provided adequate on-site parking as required under the BMC. The required number of parking for office uses has not changed since.

In 1981, the property owner applied for a conditional use permit and a setback variance to construct a parking facility on the Halleck Street properties between A & B Streets (subject property see **Exhibit B**). The Board of Adjustment denied the proposed use of the property as a parking facility based on access point issues and the possibility of vehicles stacking on streets.

In 1996 the City Council approved a modification to the Lettered Streets Neighborhood boundaries and rezoned the subject properties from Residential Single to Residential Multi. At the public hearing comments were received that a parking lot on the subject property would benefit the neighborhood by providing additional parking for the Copper building and reduce parking over flow onto neighborhood streets.

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2 In July of 1996 the City Council adopted regulatory provisions to restrict the use of the subject  
3 property to a parking lot for the office use located at 2011 Young Street.  
4

5 On May 29, 2013, the applicant made a request to the PCDD to amend BMC 20.00.100 and  
6 remove the special regulations limiting development of the subject property to a parking facility  
7 for the Copper building.  
8

9 Pursuant to BMC 20.22.010, any person may suggest amendments to development regulations  
10 for initiation by the PCDD, Planning Commission or City Council. Individual citizens cannot  
11 initiate an amendment but can ask the PCDD, Planning Commission or City Council to initiate  
12 action. The PCDD reviewed the request from the applicant and placed the proposed  
13 amendment on the Department's work program for consideration in 2014.  
14

15 The zoning tables and maps of the approved Lettered Streets Zoning are shown in **Exhibit B**.  
16

#### 17 **IV. Comprehensive Plan Goals and Policies** 18

19 The proposed text amendment is consistent with and carries out the goals and policies of the  
20 City's Comprehensive Plan. The City's Comprehensive Plan identifies infill as a major growth  
21 strategy, particularly near employment opportunities in the Downtown Subarea. The Land Use  
22 and Housing Chapters of the Comprehensive Plan support infill development on vacant or  
23 underutilized land. Furthermore, the Economic Element of the Comprehensive Plan provides  
24 the following guidance for the subject proposal; "review land use regulations, development  
25 standards and design guidelines to ensure that the existing developed and remaining vacant or  
26 underutilized employment lands are used as efficiently as possible".  
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28 Relevant Comprehensive Plan goals and policies are listed in **Exhibit C**.  
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#### 30 **V. Issue** 31

32 The code currently states that the properties located on Halleck Street between A & B Streets  
33 can only be developed as a parking facility for the Copper building. The Copper building  
34 contains 43 parking spaces and meets current as well as the original parking development  
35 standards required by the code at the time it was developed.  
36

37 Over the last seventeen years there have been numerous changes in the vision of our  
38 community evident within the adopted Comprehensive Plan including:  
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- 40 • Focusing development on underutilized infill opportunities;
- 41 • Increased demand from the private market for housing in close proximity to downtown;
- 42 • Increased reliance upon multi-modal transportation options (bicycle, high frequency  
43 transit, etc.); and
- 44 • Increased mixed use development and density within urban villages.  
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46 The proposed text amendment would ensure consistency between the Lettered Streets  
47 Neighborhood Plan, Area 8 zoning and overall goals and objectives within multiple elements of  
48 the Comprehensive Plan. Removing the special regulations within Area 8 will allow the subject  
49 property to be developed under Residential Multi zoned uses with offices also allowed.  
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1 To implement the goals and policies of the comprehensive plan and ensure consistency with the  
2 Lettered Streets Neighborhood Plan, the special regulations within the zoning table for Area 8 of  
3 the Lettered Streets Neighborhood need to be amended.

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5 **VI. Analysis**

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7 Pursuant to BMC 20.22, Text Amendments do not have specific criteria for consideration but are  
8 reviewed for consistency with the City's Comprehensive Plan by the Planning Commission and  
9 City Council. The proposed text amendment is consistent with the Framework, Land Use,  
10 Housing and Economic Development Chapters of the Comprehensive Plan (See **Exhibit C** for a  
11 list of goals and policies in support/opposition of the subject amendment).

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13 Based upon review of the City's records including City Council meeting minutes,  
14 Ordinances/Resolutions and permit history on file, it appears the concerns expressed by  
15 residents of the Lettered Streets Neighborhood during the 5/96 public hearing led to the  
16 adoption of the special requirement for the subject property to be restricted to use of a private  
17 parking facility for the Copper Building.

18  
19 Since 1996, numerous parking improvements have been completed within the immediate  
20 vicinity of the Copper building including development of a parking facility for city/county  
21 employees as well as increased on-street parking spaces on A Street. Additionally, since the  
22 time of the parking improvements, there are no enforcement/complaints on record concerning  
23 parking impacts associated with the Copper building.

24  
25 As previously indicated the Copper building provides adequate off-street parking in accordance  
26 with the Bellingham Municipal Code. The subject property is bordered by multifamily residential  
27 to the southeast, commercial office to the southwest, private parking facility for city/county  
28 employees to the west, municipal courthouse to the northwest and residential single to the  
29 northeast and east. The proposed amendment will allow reasonable use of the subject property  
30 consistent with the zoning privileges and regulations enjoyed by other property owners within  
31 the immediate vicinity. The proposed amendment will be in the best interest of the residents of  
32 Bellingham by providing an infill development opportunity near existing services/employment  
33 while also maximizing use of underutilized undeveloped land.

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35 The proposed amendment is consistent with the Growth Management Act planning goals and  
36 will ensure the subject regulations are revised in a manner consistent with the current  
37 community vision in an open and transparent public process through both the Planning  
38 Commission and City Council.

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40 **VII. Public Comment**

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42 Notice of the Planning Commission hearing was mailed to land owners within 500 feet of the  
43 subject property, the Neighborhood presidents and Mayor's Neighborhood Advisory  
44 Commission members of the Lettered Streets Neighborhood, and the Washington State  
45 Department of Commerce on 1/16/2014. Notice was also posted onsite and published in the  
46 Bellingham Herald on 1/19/2014.

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48 At the time of this staff report, staff has received two comments in support of the proposed  
49 amendment (**Exhibit D**).

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51 **VIII. State Environmental Policy Act (SEPA)**

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2 The City completed a SEPA Checklist including Supplemental Sheet "D" for Non-project Actions  
3 on 1/14/2014. A SEPA threshold determination was mailed to property owners within 500-feet  
4 of the subject property, posted on the subject property, and provided to the Washington State  
5 Department of Commerce on 1/16/2014. The SEPA threshold determination was also  
6 published in the Bellingham Herald on 1/19/2014.  
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8 **IX. Staff Recommendation**  
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10 Staff hereby recommends approval of the proposed text amendment as shown in the Draft  
11 Ordinance.  
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13 **X. Exhibits:**  
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- 15 A. Text amendment request from applicant
- 16 B. Zoning tables and map of the subject property
- 17 C. Comprehensive Plan goals and policies
- 18 D. Public Comment  
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# EXHIBIT A

## CORDATA GREEN LLC

222 Grand Ave Suite B, Bellingham WA 98225  
(360) 389-1797

May 29, 2013

City of Bellingham  
Planning and Community Development Department  
**ATTN: Jeffery Thomas, Planning Director**  
210 Lottie Street  
Bellingham WA 98225

**SUBJECT:** Code Amendment Request – Property on Halleck St. between A and B Street

Dear Jeff,

Our development team has an exciting opportunity to purchase the two vacant lots on Halleck Street between A and B Street, with plans for residential development fitting to the area. These two lots are located within the desirable Lettered Streets neighborhood, and are within Area 8 which is zoned Residential Multi, Mixed/Multiple.

In our research about this property we discovered that these specific lots are burdened with restrictive code language under Bellingham Municipal Code 20.00.100, stating in Area 8 that:

“The property on Halleck St. between A and B Streets shall only be developed with a parking facility for use by the office building at 2011 Young St. (Copper Building).”

Since the surrounding area consists of a mixture of residential and commercial uses, with single family homes adjacent to the property, we were surprised to learn that these particular lots were identified to be developed for parking only.

In an effort to gain more information, I discussed this issue with Lindsay Kershner with the City of Bellingham Planning Department. Through some research she was able to confirm that due to the code restriction, parking would be the only use allowed for development on the site. She also noted that this restriction was originally placed due to substandard parking at the Copper Building. Although the parking may be substandard by COB code, all businesses within the Copper Building function properly with the parking available to date, and have been functioning this way since the building was constructed. No additional parking for the Copper Building is desired by the building owners.

The subject lots have been vacant and unused for many years. Although the BMC and Area 8 plan call for the space to be used for future parking, it is our vision that creating a cohesive residential development true to the neighborhood character would provide a highly desirable infill of this vacant area. As Bellingham continues to grow, we see a great opportunity to add residential space to our city's downtown area.


In an effort to move forward with the development of this subject property, we are requesting that you engage Planning Staff to initiate a code text amendment that would remove this restrictive specification.

We have received confirmation as of May 17, 2013 that Bellingham's Planning Staff are in support of this code text amendment. Having support of the staff is valuable to us, and we greatly look forward to working closely with them to achieve our request.

I would appreciate the opportunity to discuss this request with you further, and I am open to be a part of this process in any way that is desirable and helpful to the Planning Department and the City of Bellingham.

Thank you for your time and consideration. I look forward to hearing from you.

Warm Regards,

  
Devon Gilliland  
Director of Planning and Development

cc: Rob Janicki, Managing Member  
Ron Jepson, Member  
Carrie Veldman, Associate  
Jeff Johnson, Realtor  
Chris Koch, Planner  
Lindsay Kersher, Planner

Attachments:

1. BMC 20.00.100
2. Lettered Streets Neighborhood Zoning Map
3. City Center Maser Plan Update: Zoning Designations



## EXHIBIT B

### BMC 20.00.100 Lettered Streets Neighborhood Table of Zoning, Area 8

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
8	Residential Multi	Multiple, mixed (offices allowed)	1,500 sq. ft. per unit for residential	Screen at time of development for property abutting Halleck St. between A and B Sts.; steep slopes; view on properties facing or SW of Holly St.; design criteria for office and multifamily housing of two units or more; historic.	None	The property on Halleck St. between A and B Sts. shall only be developed with a parking facility for use by the office building at 2011 Young St. (Copper Building).

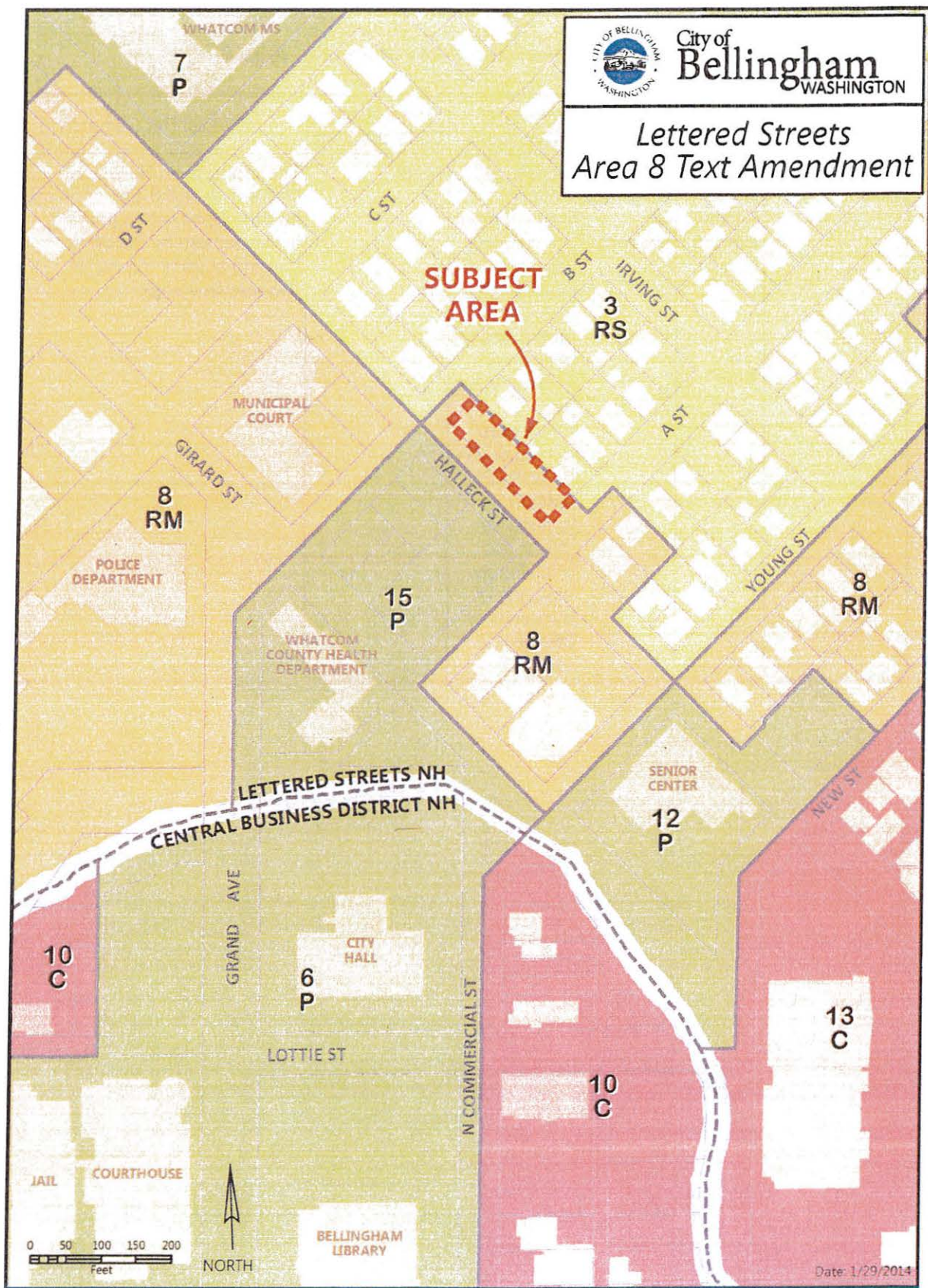
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City of Bellingham WASHINGTON

# Lettered Streets Area 8 Text Amendment



Date: 1/29/2014

# EXHIBIT C

## Comprehensive Plan Goals and Policies:

### Part 1 – Framework Policies and Goals

**VB 4** – Because infill is a major growth strategy, Bellingham devotes considerable energy to determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character and builds on the pattern of planned park and open space systems.

**VB 6** – The character of individual neighborhoods is enhanced through flexible design standards and incentives that ensure compatibility as existing neighborhoods receive infill development and new neighborhoods are formed.

**VB 9** – Downtown Bellingham retains its role as the community’s center through preservation and increased use of its fine historic buildings. Professional offices; government services; cultural, art and entertainment facilities; support services; retail uses; and higher density housing combine to create the complex mix that is downtown. Access to these features is supported by an integrated parking and alternative transportation system that is responsive to its users. New development adds to the existing building stock, complementing it in scale and quality. Public buildings set a standard of design quality that positively contributes to the community.

**VB 26** – Increased housing density and infill exists in the downtown area and in other parts of the community that are appropriate for small lots or higher density housing, reflecting a variety of housing costs.

**VB 47** – Downtown, including the Central Business District, Civic Center and Cultural District is the heart of the community as evidenced by new development in the form of major new office uses, higher density housing that is well-designed and reflects a variety of housing costs, and related goods and services to support those uses.

**VB 51** – Parking improvements downtown emphasize support for downtown redevelopment, are pedestrian friendly, flexible, and adaptive to changing regional transportation technologies and patterns. Improvements may include satellite parking.

**GF Strategy, Action Step 7: Evaluate the progress of infill planning and development** – Though the direction may be established in the comprehensive plan, the City should make a concerted effort to monitor its progress in achieving infill objectives.

**GF Infill Strategy, Action Step 12: Support staff development to enrich design and technical development skills** – The agencies may wish to invest in bolstering staff’s knowledge of land development, and staff’s understanding of the costs and capabilities of different design or development approaches. This will enable staff to discuss development and design options with applicants at a technical level, perhaps resulting in improved project concepts and designs.

**GF Infill Strategy, Action Step 15: Include commercial or institutional uses in or near new large multi-family projects** – A consistent community complaint throughout this process has been the development of large-scale multi-family housing projects and their impact on



1 surrounding neighborhoods. Infill strategies rely on higher-density housing, but it is clear that the  
2 high-density housing types used in the past will not work as part of future infilling efforts. Mixing  
3 uses is crucial to successful infill development, and the addition of residential units above first-  
4 floor retail in commercial areas is well understood and accepted as one approach. This  
5 recommendation encourages including small-scale commercial or institutional uses within multi-  
6 family projects, giving residents convenient access to services and increasing the dimension of  
7 activity in housing areas. This policy recommendation received mixed support from participants  
8 at the policy workshop, indicating some skepticism of its ability to succeed. As an alternative,  
9 the City may wish to establish guidelines for land uses in urban villages, ensuring that  
10 residential developments front directly on public streets and are located within a five-minute  
11 walk from commercial or institutional projects.

12  
13 **Community Growth Forum Policy Recommendations,**  
14 ***Interorganizational Coordination: Cementing Aspirations***

15 People are concerned that Bellingham's unilateral acceptance of infill could be a bad idea if  
16 Whatcom County continues to allow development in the rural areas. The success of increased  
17 density within City limits relies heavily on the County's willingness to stem rural population  
18 growth. If large-lot, unincorporated development continues, traffic congestion, parking demand  
19 and the dispersion of economic activity away from the center will denude the City's  
20 attractiveness and quality of life (Comp Plan, page F-18).

21  
22 **B. Framework Infill Strategies**

23 **Infill Strategy 1** – Make more efficient use of the remaining City land supply; facilitate  
24 development on existing lots of record; develop flexible code provisions that allow a range of  
25 housing types; adopt minimum density requirements; other steps necessary to make better use  
26 of the remaining land supply.

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28 **LU-97** Maximize efficient use of City Center land, minimize gaps in the urban landscape, and  
29 improve urban form by; encouraging redevelopment of existing surface parking lots;  
30 discouraging creation of new surface lots; consolidate parking in strategically located parking  
31 structures; and manage parking as a system.

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33 **LU-99** Development regulations, including the allowed density and intensity, should provide for  
34 and encourage the efficient use of land.

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36 **LU-100** Infill developments that are sized and designed to fit their surroundings are  
37 encouraged.

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39 **LU-149** Encourage efficient parking arrangements to enable more intensive site development.  
40 Parking requirements in commercial and mixed use areas should not be reduced if it would  
41 likely result in significant, frequent overflow parking in adjacent residential areas.

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43 **LU-150** Consider reductions in required parking standards for purposes of:

- 44     ▪ Achieving a compact urban form that is attractive, inviting and walkable.
- 45     ▪ Furthering City infill and affordable housing goals and policies.
- 46     ▪ Encouraging use of transit and other transportation alternatives.
- 47     ▪ Reducing impacts on the environment.
- 48     ▪ Encouraging the redesign of existing auto oriented strip commercial development.

49  
50 **LU-151** On-street parking should be primarily dedicated to serving the short term parking needs  
51 of street level retail and service customers. Peripheral lots and parking structures should be

1 primarily dedicated to employee, resident, and other long term parking uses. City parking  
2 policies and downtown parking development should be responsive to these needs.  
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4 **HV-2** Increased housing density and infill exists in the downtown area and in other parts of the  
5 community which are appropriate for small lots or higher density housing, reflecting a variety of  
6 housing costs.  
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8 **HP-20** Encourage infill development on land which remains vacant or underutilized, in  
9 otherwise built-up areas.  
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11 **ED-24** Review land use regulations, development standards and design guidelines to ensure  
12 that the existing developed and remaining vacant or underutilized employment lands are used  
13 as efficiently as possible.  
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# EXHIBIT D

**Nelson, Ryan J.**

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**From:** Jim Fox <jffox77777@aol.com>  
**Sent:** Friday, January 31, 2014 10:47 AM  
**To:** Nelson, Ryan J.  
**Subject:** DNS SEP2014-00001 BMC 20.00.100 (Zoning Halleck St Between A&B)

Ryan Nelson, Planner  
Planning & Community Development Dept.  
210 Lottie St, Bellingham WA 98225

Thank you for the phone call clarifying the Determination of Non-Significance (1/15/2014) Re: the zoning requirement that the property along Halleck St between A&B Streets shall only be parking for the Copper Building, 2011 Young Street.

I have lived in Whatcom County since the early 1970s, and at 2106 Young Street since 1990. I have the following comments.

- (1) I have no objection and agree with the removal of this zoning provision.
- (2) It seems strange that a Zoning Ordinance would have been the vehicle to tie one specific property to the benefit of another; however this "zoning" restriction should be removed for other more significant reasons.
- (3) The barren lots north of Halleck between A&B have been a blight for decades: unused, undeveloped and minimally maintained, they add nothing of value to the owner or community.
- (4) Onsite parking for the Copper Building (2011 Young Street), is apparently adequate for the occupancies of a series of occupants that I have observed through the years. I rarely if ever notice their parking lot full.
- (5) The addition of government parking (after the church fire and demolition) in the block bounded by (Girard, Halleck, A and B) has greatly relieved the problem of government employees and clients parking in nearby residential areas. However, there is still a minor problem of government employees parking in the southeastern Lettered-Streets.
- (6) After several police car accidents at Young and Halleck, we lost one additional space unnecessarily, for the southbound Young St stop-sign (2101 Young?) -- despite the primary problem being traffic speeding on Halleck and Young Streets
- (7) We lost three single family houses north of New & Halleck Streets for Senior Center parking. This has added to the deterioration of the "residential" character of that area. The Lettered Street neighborhoods should not be further demolished and cannibalized for commercial and governmental parking lots.
- (8) While we are slowly seeing encroachment of businesses into The Lettered Streets; we should attempt to maintain the predominantly residential character of The Lettered Streets.

Thank you for reviewing these issues.

January 20, 2014

City of Bellingham  
Planning and Community Development Department  
ATTN: Ryan Nelson  
210 Lottie Street  
Bellingham, WA 98225

RE: Code Amendment Request - Property on Halleck Street between A and B Street

Dear Ryan,

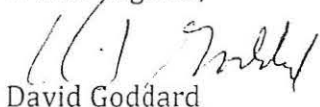
Last Spring The RJ Group, who is the developer in the process of buying our property, requested a code amendment to lift the restrictive code language for the Halleck Street property (Parcel numbers 380330194439 and 380330201431) under Bellingham Municipal Code 20.00.100, stating in Area 8 that:

“The property on Halleck St. between A and B Streets shall only be developed with a parking facility for use by the office building at 2011 Young St. (Copper Building).”

As a vacant lot with such prime access to downtown and a historic neighborhood, it is our vision that creating a cohesive residential development true to the neighborhood character would provide a highly desirable infill of this vacant area. As Bellingham continues to grow, we see a great opportunity to add residential space to our city’s downtown area. With the current restrictive language the property will likely continue to be underutilized.

As the current property owner I/we support The RJ Group and the City of Bellingham in working to remove this restrictive code language, and support residential development on our site.

Warm Regards,



David Goddard

360 676-8484



Attachment 2

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.00.100 LETTERED STREETS NEIGHBORHOOD TABLE OF ZONING REGULATIONS FOR AREA 8, REMOVING THE SPECIAL REGULATION LANGUAGE.**

**WHEREAS**, pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.010 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building); and

**WHEREAS**, the Planning and Community Development Director (PCDD) reviewed the text amendment request and initiated action in accordance with the process and procedures established under BMC 20.22 and BMC 21.10.150; and

**WHEREAS**, the proposed text amendment would eliminate the requirement that the subject property be developed as a private parking facility to allow greater flexibility for future development under the Residential Multi zoning; and

**WHEREAS**, City staff has reviewed the proposed text amendment and determined that a private parking facility located on the subject property is not needed to serve the existing office building located at 2011 Young Street; and

**WHEREAS**, the City's Comprehensive Plan promotes infill as a major growth strategy and the Land Use, Housing and Economic Development Sections all contain specific goals and policies to maximize efficient use of underutilized or vacant property; and

**WHEREAS**, the responsible official reviewed the proposed text amendment under the procedures of the State Environmental Policy Act, and issued a Determination of Non-Significance on January 15, 2014; and

**WHEREAS**, required by RCW 36.70A.106 notice of the City's intent to adopt the proposed text amendment was sent to the Department of Commerce on January 15, 2014; and

**WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed text amendment on February 20, 2014; and

**WHEREAS**, the Planning Commission determined that the proposed text amendment complies with, and will implement the goals and policies of the Bellingham Comprehensive Plan; and



1 **WHEREAS**, the Planning Commission considered the staff report and public testimony  
2 and thereafter made Findings, Conclusions and voted to recommend the City Council  
3 adopt the proposed amendment; and  
4

5 **WHEREAS**, after mail and published notice as required by BMC 21.10, the City Council  
6 held a public hearing on the proposed text amendment on April 7<sup>th</sup>, 2014; and  
7

8 **WHEREAS**, the City Council considered the recommendation of the Planning  
9 Commission and the staff report and public testimony, and hereby adopts the Findings of  
10 Fact, Conclusions and Recommendations of the Planning Commission; and  
11

12 **WHEREAS**, the City Council finds that the proposed text amendment is consistent with  
13 the applicable goals and policies within the Comprehensive/Neighborhood Plan.  
14

15 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**  
16

17 **Section 1.** The City Council adopts the Findings and Conclusions of the Planning  
18 Commission as attached in EXHIBIT A and incorporated by reference.  
19

20 **Section 2.** The Lettered Streets Neighborhood Zoning Table (BMC 20.00.100) is  
21 hereby amended to remove a Special Regulation from Area 8 as shown in  
22 EXHIBIT B.  
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25 **PASSED** by the Council this \_\_\_\_ day of \_\_\_\_\_, 2014  
26  
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28 \_\_\_\_\_  
29 Council President  
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32 **APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2014  
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35 \_\_\_\_\_  
36 Mayor  
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39 **ATTEST:** \_\_\_\_\_  
40 Finance Director  
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44 **APPROVED AS TO FORM:**  
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Office of the City Attorney

Published: \_\_\_\_\_

# EXHIBIT A

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

FEBRUARY 20, 2014

### SUMMARY

Following the public hearing and deliberation on the proposed amendments to BMC 20.00.100 Lettered Streets Table of Zoning Regulations, the Planning Commission has determined that the proposed changes comply with and implement the goals and policies of the Bellingham Comprehensive Plan, and should be approved.

## I. FINDINGS OF FACT

### 1. Proposal Description

Pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.010 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building) (**Attachment A**).

### 2. Background Information/Procedural History

- A. In 1979, the Copper building was constructed at 2011 Young Street. The owner provided adequate on-site parking required under the BMC and subsequently the required number of parking for office uses has not changed since.
- B. In 1981, the property owner applied for a conditional use permit and a setback variance to construct a parking facility on the Halleck Street properties between A & B Streets (subject property see **Attachment A**). The Board of Adjustment denied the proposed use of the property as a parking facility based on access point issues and the possibility of vehicles stacking on streets.
- C. In 1996 the City Council approved a modification to the Lettered Streets Neighborhood boundaries and rezoned the subject properties from Residential Single to Residential Multi. At the public hearing comments were received that a parking lot on the subject property would benefit the neighborhood by providing additional parking to the Copper building and reducing parking over flow onto neighborhood streets.
- D. In July of 1996 the City Council adopted regulatory provisions to restrict the use of the subject property to a parking lot for the office use located at 2011 Young Street.
- E. The PCDD initiated the proposed amendment based on a request from the applicant made on May 29, 2013, to amend BMC 20.00.100 and remove the special regulations limiting development of the subject property to a parking facility for the Copper building.
- F. The zoning tables and maps of the approved Lettered Street Zoning are shown in **Attachment A**.

### **3. Public Comment**

A Public Hearing Notice was mailed to property owners, neighborhood representatives and Associations, and other interested parties. Notice also published in the Bellingham Herald. Two comments were received in support of the proposed amendment. Testimony was received at the Public Hearing.

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

The City issued a SEPA threshold determination of non-significance on January 15, 2014. Notice of the SEPA threshold determination was published in the Bellingham Herald on January 19, 2014.

### **5. Consistency with the Comprehensive Plan Amendment Decision Criteria**

Pursuant to BMC 20.22, Text Amendments do not have specific criteria for consideration but are reviewed for consistency with the City's Comprehensive Plan by the Planning Commission and City Council. The City's Comprehensive Plan identifies infill as a major growth strategy, particularly near employment opportunities in the Downtown Subarea. The Land Use and Housing Chapters of the Comprehensive Plan support infill development on vacant or underutilized land. Furthermore, the Economic Element of the Comprehensive Plan provides the following guidance for the subject proposal; "review land use regulations, development standards and design guidelines to ensure that the existing developed and remaining vacant or underutilized employment lands are used as efficiently as possible". The proposed text amendment is consistent with the Framework, Land Use, Housing and Economic Development Chapters of the Comprehensive Plan (See **Attachment B** for a list of goals and policies in support/opposition of the subject amendment).

## **II. CONCLUSIONS**

The Planning Commission concludes:

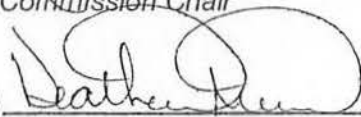
1. The proposed text amendment would ensure consistency between the Lettered Streets Neighborhood Plan, Area 8 zoning and overall goals and objectives within multiple elements of the Comprehensive Plan.
2. To implement the goals and policies of the comprehensive plan and ensure consistency with the Lettered Streets Neighborhood Plan, the special regulations within the zoning table for Area 8 of the Lettered Streets Neighborhood need to be amended.
3. The proposed amendment will allow reasonable use of the subject property consistent with the zoning privileges and regulations enjoyed by other property owners within the immediate vicinity.
4. The proposed amendment will be in the best interest of the residents of Bellingham by providing an infill development opportunity near existing services/employment while also maximizing use of underutilized undeveloped land.
5. The proposed amendment is consistent with the Growth Management Act planning goals and will ensure the subject regulations are revised in a manner consistent with the current community vision in an open and transparent public process through both the Planning Commission and City Council.

**III. RECOMMENDATION**

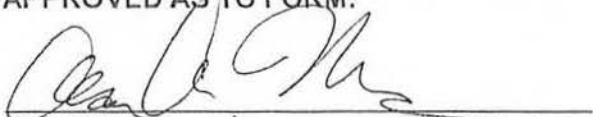
Based on the Findings of Fact and Conclusions, the Bellingham Planning Commission recommends that the City Council approve the text amendment removing the special regulation under Area 8 of the Lettered Streets Neighborhood as shown in the Zoning Table in Attachment C.

ADOPTED this 20TH day of February, 2014.

  
\_\_\_\_\_  
Planning Commission Chair

ATTEST:   
\_\_\_\_\_  
Recording Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

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## EXHIBIT B

**BMC 20.00.100 Lettered Streets Neighborhood Table of Zoning, Area 8**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
8	Residential Multi	Multiple, mixed (offices allowed)	1,500 sq. ft. per unit for residential	Screen at time of development for property abutting Halleck St. between A and B Sts.; steep slopes; view on properties facing or SW of Holly St.; design criteria for office and multifamily housing of two units or more; historic.	None	The property on Halleck St. between A and B Sts. shall only be developed with a parking facility for use by the office building at 2011 Young St. (Copper Building).

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## BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225  
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Email: [ccmail@cob.org](mailto:ccmail@cob.org) Website: [www.cob.org](http://www.cob.org)

## BELLINGHAM CITY COUNCIL NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a public hearing on **April 7, 2014 @ 7:00 PM**, 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:

**THE CONSIDERATION OF A PROPOSED TEXT AMENDMENT TO BMC 20.00.100 LETTERED STREETS TABLE OF ZONING REGULATIONS TO REMOVE A REQUIREMENT THAT THE PROPERTIES ON HALLECK STREET, BETWEEN A & B STREETS, SHALL ONLY BE DEVELOPED WITH A PARKING FACILITY FOR THE EXISTING OFFICE BUILDING LOCATED AT 2011 YOUNG STREET. THE CITY HAS ISSUED A SEPA DNS FOR THIS NON-PROJECT ACTION.**

Detailed information can be found at: <http://www.cob.org/government/public/boards-commissions/planning-materials.aspx>

**Staff Contact:** Ryan Nelson, Planner I (360) 778-8368 or [rnelson@cob.org](mailto:rnelson@cob.org)

Anyone wishing to comment on this topic is invited to attend; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to [ccmail@cob.org](mailto:ccmail@cob.org), or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, April 3, 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: March 7, 2014

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