

**CITY OF BELLINGHAM  
HEARING EXAMINER  
STAFF REPORT  
CASE # CUP2014-00006  
CONDITIONAL USE PERMIT: Service Care Expansion and New Facility  
August 13, 2014**

**Request**

A Conditional Use Permit to:

1. Expand and increase the intensity of a legally nonconforming Service Care use at 1127 N. Garden Street (the Dellinger House). The expansion includes increasing the legal number of occupants from 20 to 25 persons and reducing the existing lot area the use sits on by developing the open area to the south, and
2. Construct a new fifteen bedroom approximately 6,600 square foot Service Care building for an additional 25 persons. This new building will be located at 1125 N. Garden St south of the existing nonconforming Service Care use.

See **ATTACHMENT A**.

**Owner**

Garden Street Investments  
5489 Aldrich Road  
Bellingham, WA 98225

**Applicant**

Ali Taysi  
AVT Consulting  
1708 F Street  
Bellingham, WA 98225

**Address of Site / Legal Description**

1125-27 N. Garden Street  
Area 2 -- Sehome Neighborhood, Residential Multi, Multiple Zoning.  
Parcel # 380331217558  
Legal Description: New Whatcom Lots 15-16 Block 79.

**ATTACHMENTS**

**ATTACHMENT A:** Application, Site Plan, Floor Plans  
**ATTACHMENT B:** Statutory Authority  
**ATTACHMENT C:** Public Comments  
**ATTACHMENT D:** Comprehensive Plan Citations  
**ATTACHMENT E:** Dellinger House  
**ATTACHMENT F:** Police Department Emails

## **PUBLIC COMMENTS**

A Notice of Complete Application was issued on June 10, 2014 and a Notice of Application was issued on June 12, 2014. Comments received are available in **ATTACHMENT C**. Neighbors generally commented on damage to property values, unemployment, the quality of the notice, program management, fear of crime and restricting neighbors near the house, adequacy of the current zoning, site and building size, closeness to WWU, downtown, daycares, and vulnerable people, their history with the site and its occupants, behavior guarantees, warning signs, limits on number of offenders, design of the new building, site maintenance, recidivism, resident's effects on the community, community responsibility, and taxes.

## **Background Information**

The 12,500 square foot subject site is located in Area 2 of the Sehome Neighborhood **ATTACHMENT B**. The underlying zoning is Residential Multi, Multiple with a 1,000 square feet of lot area per unit density.

The northeastern half of this parcel includes the Dellinger House, addressed at 1127 N. Garden. It was built in 1906 as a single-family home. It is eligible for listing on the National Register of Historic Places, **ATTACHMENT E**.

The Dellinger House is currently being used as a Department of Corrections Work Release facility for 25 persons. A new 15-bedroom building at 1125 N. Garden Street is proposed to be used for a 25-person expansion of the work release facility. The new building would be substantially dependent upon the resources of the Dellinger House.

An existing carriage house, south of the Dellinger House, is also used for Work Release offices. It is proposed to be demolished. A historic rock wall along Garden and Chestnut Streets provides a strong delineation of this site. The two platted lots underlying this proposal are consolidated by an addition to the Dellinger House, which crosses their mutual lot line. This addition is also proposed for demolition.

## **Dellinger House - Use History (based on limited city records)**

- 8/2/1950: Planning Commission grants conversion from a single family residence to a duplex.
- 4/2/1972: This building used as a 'rooming house with 20 occupants, not including owner or manager, not an Apartment House'.
- 12/8/72: According to City records, a Certificate of Occupancy (CO) was issued for a 'boarding house'. Use limited to 20 people plus one manager. Legal description includes Lots 15-16, Block 79 New Wjhatcom.
- 9/14/1977: Variance to convert duplex to triplex is denied.
- 10/8/1980: A letter from the Planning Division states that the underlying "Residential High Density Zone" allows boarding and rooming houses.
- 3/1/1981: File note states this site used for work release. The Police Department determined it was a 30-person rooming house. No formal complaints or enforcement actions are in the record.

- 4/27/1982: Ordinance 9024 makes "Boarding and Rooming Houses" a Conditional Use in the zone underlying this site (Residential, Multi, Multiple). The existing use of this site becomes nonconforming, but legal.
- 3/10/2006: Ordinance 2006-03-018 creates "Service Care" definition and makes it a Conditional Use in Residential, Multi, Multiple zoning designations.

This staff report includes analyses of the intensification of the existing nonconforming Service Care use in the Dellinger House and creation of a new Service Care use on the lot south of the Dellinger House, 1125 N. Garden Street.

#### State Environmental Policy Act (SEPA)

This proposal is categorically exempt under SEPA. Review is not required under **BMC 16.20.090** Categorical exemptions – Minor new construction states "The following exempt levels for minor new construction are established under WAC 197-11-800(1): A. The construction or location of any residential structures of up to nine dwelling units. ... E. When located anywhere except the CBD neighborhood, the construction of a parking lot designed for up to 20 automobiles." This proposal is for the construction of one dwelling unit and six new (twelve total) parking spaces. Staff is recommending construction of eleven parking spaces, which is sufficient for this use according to Karen Stoos, the resident manager (**ATTACHMENT A**).

#### Critical Areas

The City of Bellingham's City IQ geographic information system does not show any Critical Areas in the vicinity of this project.

#### Residential-Multiple Design Review (RMDR)

RMDR is required for new construction consisting of residential development of three or more dwelling units. A dwelling unit is a single unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation (**BMC 20.08.020**) Service Care facilities only include one kitchen, are a single "dwelling unit", and are exempt from RMDR.

Nonetheless, the applicants have voluntarily applied for RMDR so that they could possibly convert the 1125 N. Garden St new building to apartment units in the future. The Hearing Examiner does not have authority on administrative design review permits and the RMDR analysis is on hold due to a request for additional information.

#### Parking

The tenants at this facility are not allowed to have automobiles (**ATTACHMENT A**). Therefore, the parking requirement for Service Care is "One for each staff person working at any time. Provisions shall be made for an adequate drop off area located off the street." (**BMC 20.12.010 (f) iii.**). However, **BMC 20.16.020L.2.c.ii.** states "The hearing examiner shall determine the required number of off-street parking spaces" for a Service Care Conditional Use Permit. The on-site manager states that the new building, in combination with the existing facility, generates a daily demand for six parking stalls for regular employees. They note that intermittent staff will generate an additional parking demand of five more parking spaces. Year 2002 - 2013 air photos,

available on the City IQ system, all show three vehicles in the existing spaces off the Forest/Garden alley, verifying the on-site manager's analysis.

The site currently includes six parking spaces that back out onto the Forest/Chestnut alley and an approximately 11 foot wide vegetated setback between this parking lot and the E. Chestnut Street sidewalk.

**BMC 20.12.010 D. 4.** requires "a. For single-family dwelling units, open parking spaces may be located within required interior side yard and rear yards. b. For all other uses, no portion of any open parking facility except an ingress/egress lane shall be located within five feet of any property line except when an alley is used for direct maneuvering. ..." A five foot setback adjacent to property lines is required. There is exactly enough room in the 105' lot length for ten 8.5' wide parking spaces (five per lot) and four 5' parking setbacks (two in the center adjacent to the Lot 15/Lot 16 lot line and two on the exterior property lines. Applicants may add parking beyond that required by replacing the landscaping with a fence (**BMC 20.12.010 D. 4. c.**) The landscaping adjacent to E. Chestnut Street provides a good setback from the edge of the E. Chestnut Street sidewalk. (**Applicable Comprehensive Plan citations: LU-148, 149, and 150 CDP-41 to -47. ST&C Policy 3.2**)

## CODE ANALYSIS

**A. BMC 20.14.020 A.** states "Any existing use lawfully established prior to the passage of the ordinance codified in this chapter which is not permitted in the use district in which it is located is hereby declared a nonconforming use and not in violation of this title."

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**Staff Response:** The Dellinger House was lawfully established prior to the passage of the ordinance codifying Service Care Uses and making them Conditional in the Residential Multi, Multiple zone. The use of this building for Service Care is a nonconforming use and not in violation of this title. However, the original 1982 Certificate of Occupancy for this use only approved a 20-person boarding house, excluding owner or manager. At some time the occupants increased to 25. This increase in use did not receive city approval and can only occur by approval of the Hearing Examiner and by a new Certificate of Occupancy.

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**B. BMC 20.14.020 B. 1.** states "A nonconforming use shall not be relocated, expanded, enlarged, or increased in intensity unless such activity is approved through issuance of a conditional use permit... "

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**Staff Response:** If the open area south of the Dellinger House is built upon, Dellinger House will lose use of this open space and screening/vegetation will be lost. For instance, the taller trees on this site visually reduce the size of both the Dellinger House and the duplex to its south, as well as providing all of the values of larger vegetation in an urban area. The Service Care use of the Dellinger house would increase in intensity by being on a smaller lot. A new Conditional Use Permit to allow the increase in intensity is required to occupy the south half of the Dellinger House's property with another use.

**C. BMC 20.14.020 E.** states that the hearing examiner may grant a CUP allowing a nonconforming use to increase in intensity; provided that:

1. The use may not expand beyond the site, lot, or parcel as defined by the legal description on the certificate of occupancy for a nonconforming use, or as owned or leased by the nonconforming use as of the date it became nonconforming in the event there is no certificate of occupancy;

**Staff Response:** The Dellinger House's nonconforming use is not proposed to expand beyond its original site.

2. Uses which are nonconforming due to the number of residential units may not add additional units;

**Staff Response:** The site is not nonconforming to the number of units and additional units are not proposed for the Dellinger House.

3. The proposed modification will not result in further infringement of the provisions of this title; modifications shall comply with all regulations (other than use restrictions) including but not limited to lot coverage, yard, height, open space, density provisions, or parking requirements unless waived by the hearing examiner through variance as provided by this title;

**Staff Response:** The Dellinger House, built in 1906 and prior to zoning, is legally nonconforming to some of the requirements of the Land Use Code, including setbacks. No increase to the exterior of the Dellinger House is proposed.

4. The nonconforming use must be a permitted use within at least one of the general use types;

**Staff Response:** Service Care is a permitted Conditional Use in the underlying zone, Residential Multi, Multiple (**BMC 20.16.020 L. 2.**)

5. The use must not be an industrial use in a residential single or residential multi duplex district. For the purpose of this section, "industrial use" shall mean any use which is permitted only in industrial general use type districts.

**Staff Response:** The proposed use is not an industrial use.

Bellingham's Comprehensive Plan Goals and Policies within **ATTACHMENT D** guide staff's analysis of the following code provisions.

**BMC 20.16.010 B.** states that "Certain uses may be allowed in certain general use types by a conditional use permit granted by the hearing examiner, provided such use is specified under the conditional use subsection of the appropriate general use type handbook and it is clearly shown that:

1. The proposed use will promote the health, safety, and general welfare of the community.

**Staff Response:** There is a great deal of information in **ATTACHMENTS A and C** as to the potential, feared, and actual impacts of the existing Service Care facility, and much speculation on the long-term effects from adding another

building for this use. Staff recommends that possible deleterious and documented effects of this use should be mitigated whenever they could potentially impact the community. If successful, these mitigations should neutralize any direct effects of this use.

Transitional housing is intended to provide a safe and structured option to help individuals re-enter the community, which is a significant benefit to the community as a whole, and if proven would promote the health, safety, and general welfare.

The applicants argue that this use will lower recidivism. A study provided by the applicant (**ATTACHMENT A**, "Does Participation in Washington's Work Release Facilities Reduce Recidivism?" November 2007) states that work release facilities reduce recidivism 2.8%, 1.8 % for felony recidivism, and have no effect on violent felony recidivism. Additionally, the study states that another public benefit is the lower per-offender cost on the taxpayers of the State of Washington.

Another study (**ATTACHMENT C**, "Work Release: Recidivism and Corrections Costs in Washington State" December 1996) did not find statistical significance between the use of work release and no work release on recidivism. After reviewing both studies, staff believes the question of "Does Work Release reduces recidivism?" is not easy to parse. The more recent 2007 study, however, appears to be more rigorous and documents that recidivism is lower with work release participants.

Based on the resident manager Karen Stoos' testimony **ATTACHMENT A** and the information supplied by the Bellingham Police Department **ATTACHMENT F** -- that there is virtually no crime generated by the residents of this facility - this proposal appears to promote the health, safety, and general welfare of the community, but if only non-violent felon offenders are allowed into this program. (**Applicable Comprehensive Plan citations CDG-1 & CDG-3**)

2. The proposed use will satisfy the purpose and intent of the general use type in which it is located.

**Staff Response:** The purpose of the Residential, Multiple general use type is "... primarily intended to accommodate the highest concentrations of people within the city. The regulations found within this chapter are intended to provide a framework for a desirable living environment for the people living within and adjacent to areas designated RM." (**BMC 20.32.020 A. 1.**) This proposal will include a higher density living arrangement than a standard development on this site, on average. In general, this living environment will be more desirable for the offenders living within this proposal. (**Applicable Comprehensive Plan citations VB-2, -4, -25; FLU-2 & -4; and Infill Strategy 1**)

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3. The proposed use will not be detrimental to the surrounding neighborhood."

**Staff Response:** As discussed above and below, properly conditioned, this use should have little or no detrimental impact on the surrounding neighborhood. Based on the record, it appears that this use could be increasing the adjacent arrest and conviction rate, and neighborhood safety. (**Applicable Comprehensive Plan citations VB-4 & FLU-1**)

**BMC 20.16.010.E.** notes the hearing examiner shall consider the following factors as to whether the proposed use will:

1. Be harmonious with the general policies and specific objectives of the comprehensive plan.

**Staff Response:** The proposal accommodates growth while retaining a compact form (**VB 2**). The proposal's building design will physically complement the neighborhood character if properly conditioned. Also if properly conditioned, should continue to be mostly un-noticed by neighbors (**VB 4**). The proposal continues to maintain the Dellinger House, and will remove an incompatible historic addition (**VB 5**).

This proposal will encourage the efficient use of land (**LU - 99**). A full range of urban facilities and services exists in this area to serve this development (**LU - 102, LU - 103**)

This area of the Sehome Neighborhood provides access to excellent transit, a large commercial area, and job resources needed by the residents of this facility. The multi-family designation has been applied in this urban center where high levels of transit service are present and in areas near employment and commercial centers. The capacity of public facilities and services was also considered when applying this site's multi-family designation. (**LU - 126**)

**FLU-2** states that "Bellingham's land use pattern should accommodate carefully planned levels of development that promotes efficient use of land, reduces sprawl, encourages alternative modes of transportation, safeguards the environment, promotes healthy neighborhoods, protects existing neighborhood character, and maintains Bellingham's sense of community". Properly conditioned, this development should accomplish all of these goals. This will facilitate development on an existing lot of record and make better use of the remaining land supply (**Infill Strategy 1**). Although it is possible to demolish the Dellinger House and place twelve residential units on this site (one unit per 1,000 s.f. of lot area), these twelve units would, on the average, accommodate no more than 15 - 25 persons. This proposal would accommodate 50 persons who do not drive and appear to have no significant off-site physical impact. However, the 'offender' stigma may have an off-site social impact if not properly conditioned.

2. Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services.

**Staff Response:** This proposal does not interfere with the expansion of roads, utilities, or services. It would create an on-street parking pocket which will expand the usability of North Garden Street.

3. Be designed so as to be compatible with the essential character of the neighborhood.

**Staff Response:** The Sehome Neighborhood's character is cited in **ATTACHMENT D**. This description provides the physical and social character of the neighborhood:

- a. Physical Character analysis: The physical character of the neighborhood involves excellently preserved older buildings and high quality designed infill buildings. Any work on the Dellinger House should meet the requirements for alteration of buildings as supplied by the National Parks Service Secretary's Standards for Rehabilitation, available at <http://www2.cr.nps.gov/tps/standards/rehabilitation.htm>.
- b. The new building to the south should undergo Residential Multiple Design Review and be designed to be compatible with the Dellinger House to its north as well as surrounding properties. ( **LU - 100**)

Social Character Analysis: The social character of the neighborhood should be preserved by minimizing and/or eliminating the effects of this facility on the surrounding area to the extent that most neighbors, again, do not know this is a Service Care facility and neighborhood safety is no different, and/or the neighborhood is safer. This can be done by directly addressing specific impacts as provided by neighbors in the public comment section. Specifically:

The program operators should provide an anti-harassment program that eliminates front porch users' whistling, cat calls, requests for beer, and inappropriate banter. Sufficient parking, as recommended above, should be provided on site. A parking pocket should be created along Garden Street to eliminate deliveries that block streets. The site managers should make sure that the requirements of the resident's handbook, **ATTACHMENT C**, are followed. As well, there should be a contact telephone number for complaints visible from the alley and Garden Street. The supervision level should not be reduced - if there are budget cuts, then the number of offenders should be cut. The applicants should supply a lighting study to determine areas adjacent to these buildings that may be unsafe, and a plan to address lighting without glare in these areas. Windows in the new building should not look down on and/or directly in to property to the south. The total number of offenders on site at any one time should be limited to 50 for both buildings and no more than 25 for the building to the south. The historic stone wall along Garden and Chestnut Streets should be maintained. The southerly setback to the duplex immediately south of this site should be as wide as possible.

If these conditions are incorporated into this CUP, then the proposal should preserve and protect the unique character of the existing neighborhood. (**FLU-1**)



Staff also notes that the Sehome Neighborhood Board of Directors "voted not to oppose the project" (**ATTACHMENT C**). They stated that the 25-year track record of the halfway house has been very good, and that they expected it to continue to be so. They wanted to go on the record with their support.

4. Be adequately served by public facilities and utilities including drainage provisions.

**Staff Response:** A pre-application review by city staff **ATTACHMENT A** determined that there are no significant public facility or utility issues, including drainage provisions.

5. Not create excessive vehicular congestion on neighborhood collector or residential access streets.

**Staff Response:** This proposal generates few vehicular trips in comparison with the traffic in this area and similar buildings because residents are not allowed vehicles (**ATTACHMENT A**). In compensation for the traffic this proposal will generate, a Traffic Impact fee will be paid to improve transportation. The proposed delivery pocket along N. Garden Street should begin to minimize blockages due to deliveries to this site and next door, as well as create a slightly safer environment for bicyclists. **Applicable Comprehensive Plan citations: ST&C Policy 5.1**

6. Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefor, or by the inaccessibility of the property or structures thereon.

**Staff Response:** Public comment has been received regarding possible increases in crime due to the proposed use, however no factual data linking the existing use or proposed use to crime has been submitted. However, evidence provided by the applicants **ATTACHMENT A** and confirmed by the Police Department **ATTACHMENT F** shows that there has been little or no crime resultant from the existing Service Care use in its 32-year history. Evidence indicates that this facility seems to reduce crime and/or increase convictions in the vicinity.

To maintain this trend, the Police Department should do a complete Crime Prevention Through Environmental Design review at the time of building permit application for the 1125 N. Garden St building. All requirements of the Police Department should be met by the applicants. As well, the Police Department should continue to screen, and have veto rights over, all residents of this facility. Violent offenders, who appear to not benefit from this program and may endanger neighbors, should not be allowed to be part of this program. Because bicycles have been stolen from this site, the applicants should provide secure bicycle parking at the rate of one bicycle per two residents (25 lockable bicycle spaces that are visible from a building). **Applicable Comprehensive Plan citations: FLU-1 & -2**

7. Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations.

**Staff Response:** Staff does not anticipate such detrimental influences. Smoking will not be allowed (**ATTACHMENT A**). Lighting should be glare shielded.

8. Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

**Staff Response:** This proposal will eliminate large evergreen trees. Evergreens should be planted to compensate. As much vegetation as possible should be saved. Street trees along Garden and Chestnut should be maintained or, if lost, replanted at the rate of one street tree for each fifty feet of frontage. The delivery curb cut should be moved south to save the street tree near 1125 N. Garden Street - Although the neighbor to the south is concerned about this curb cut, it is available to the public, can be used by all neighbors, and will increase safety. **Applicable Comprehensive Plan citations Infill Strategy 1, LU-99, LU-100, CDG-1, & ST&C Policy 5.2.**

### **General Conclusions**

The use of this site for Service Care is an allowed Conditional Use in the underlying zoning, Residential Multi, Multiple. Commenters have stated that this site is too small, the proposed building too big, the use is incompatible with nearby housing, and the proposal is inconsistent with area zoning. They also state that the use will have more of an effect on this area than a use that is outright permitted and that expanding a prison facility in a neighborhood should not be allowed just to save money and be convenient.

Staff agrees that economies of scale will reduce costs to the public for a larger facility on this site, but strongly argue that the potential off-site impacts are the most significant issue of this proposal. If potential offsite impacts are minimized, as discussed above, the site is large enough to provide for this use. Staff also notes that the site could hold twelve housing units in a much larger single building. As well, large buildings are fairly common nearby, such as several churches within a few blocks and the Alamo Apartments one block south.

Staff does not believe, in our current society, that it is possible to isolate this facility's offenders from temptation. The entire purpose of this facility is to guide offenders back into society, which would be difficult if the facility were isolated.

A commenter noted that any impact from the work release facility (crime) is inconstant with the requirement that the use promote health and safety. Staff does not agree. Development must be balanced such that the proposal as a whole promotes public health and safety.

Staff does not believe that public notice was inadequate. The notice language was "To construct a fifteen bedroom Service Care facility for Work Release, housing male and female offenders in a closely supervised program", which seems to correctly describe the proposal.

Properly conditioned, this facility should have few or no damaging offsite impacts. Nonetheless, the Hearing Examiner should require re-review of this use within a year of construction of the new building.

As designed and conditioned, the proposal should not be detrimental to the area, and appears to meet CUP and Nonconforming Use regulations.

**Staff Recommendation: Approval with Conditions**

Staff recommends the Hearing Examiner grant a Conditional Use Permit with the following conditions:

1. The applicants shall submit for and the Hearing Examiner shall conduct a hearing to review this proposal no more than one year after the new 1125 N. Garden Street building receives its Certificate of Occupancy. The Hearing Examiner may amend and add conditions based on public comments and the conditional use criteria.
2. Minimize and/or eliminate the effects of this facility on the surrounding area to the greatest extent possible. The goal of these conditions are to ensure compatibility between the full service care facility and the neighborhood:
  - a. The program operators shall provide an anti-harassment program acceptable to the Planning Division and Police Department that eliminates front porch users' whistling, cat calls, requests for beer, inappropriate banter, and other harassment. Offender's noise shall not leave the site.
  - b. The site managers shall insure compliance with rules of the Bellingham Work Release Orientation Handbook (**ATTACHMENT A**).
  - c. The site manager shall post a contact telephone number for complaints, on permanent signs visible from the alley and from Garden Street.
  - d. The current level of offender supervision (four permanent fulltime 24 hour-per-day staff members per 25 offenders) shall not be reduced. If this level is reduced, the number of offenders shall be proportionally reduced.
  - e. The total number of offenders on site at any one time shall be limited to 50 for both buildings and no more than 25 resident in the building at 1125 N. State Street.
3. Design: In order for these buildings to be compatible with the essential character of the neighborhood:
  - a. Changes to the exterior of the Dellinger House shall meet the National Parks Service Secretary's Standards for Rehabilitation, available at <http://www2.cr.nps.gov/tps/standards/rehabilitation.htm>.
  - b. The new building to the south should meet the standards of Residential Multiple Design Review (**Bellingham Municipal Code 20.25**) and be compatible with the historic design of the Dellinger House to its north. This new development shall

- enhance the existing character of historic areas through compatible design and respect of the setting, form, scale, and style of surrounding buildings.
- c. Windows in the new building shall not look down on and/or directly in to property to the south.
  - d. Provide eleven parking spaces along the alley adjacent to both lots by placing a fence along the south property line adjacent to the alley and another along the joint Lot 15/Lot 16 property line. The landscaped/historic stone wall near Chestnut Street should be preserved.
  - e. The historic stone wall along Garden and Chestnut Streets shall be maintained except for an opening for the new building.
  - f. The southerly setback from the proposed building shall be as wide as possible.
  - g. Save the large evergreen trees on this site, or plant and maintain similar species.
  - h. Street trees shall be maintained or if lost, replanted at the rate of one street tree for each fifty feet of frontage.
  - i. The delivery pocket shall be moved south to save the street tree.
  - j. Lighting from this site shall be shielded to minimize glare offsite.
4. Police/CPTED
- a. The applicants shall provide a professional Crime Prevention Through Environmental Design (CPTED) for review at the time of the 1125 N. Garden building's permit application. It shall be reviewed by the Police Department. The applicants shall meet all Police Department requirements.
  - b. The applicants shall provide a lighting plan that creates a safe glare-free level of lighting on and off site.
  - c. The Police Department shall continue to screen, and have veto rights over, all residents of this facility. Only non-violent offenders shall be allowed to use this program.
  - d. Supply secure bicycle parking at one bicycle/two residents. Stalls shall be visible from a building and placed along a commonly-used internal walkway.
  - e. The facility shall be licensed by the State of Washington.

Prepared By:

Approved By:

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Jacquelyn Lynch  
Planner II

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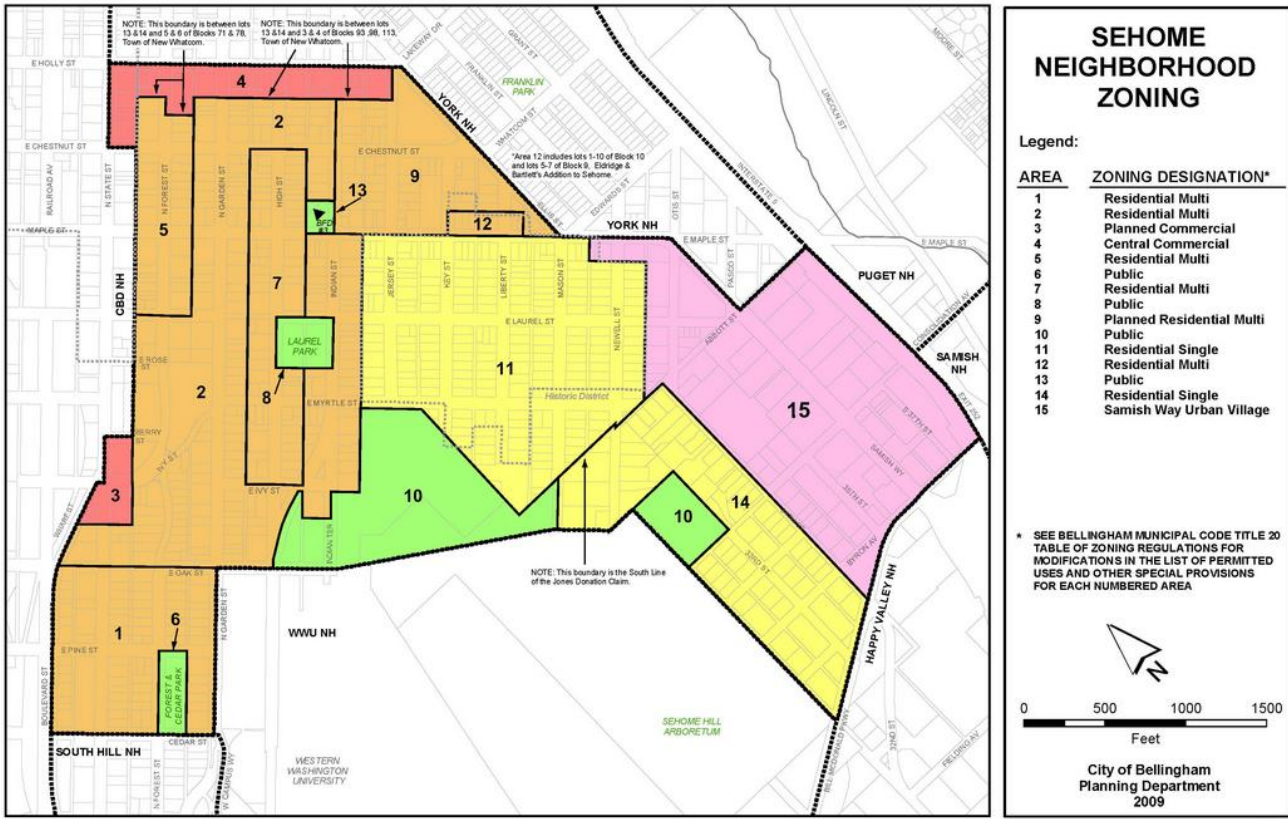
Kurt Nabbefeld, Senior Planner  
Planning and Community  
Development Department

**ATTACHMENT B Statutory Authority**

**ZONING CODE PROVISIONS**

**20.00.160 Sehome Neighborhood table of zoning regulations. Area 2**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
2	Residential Multi	Multiple	1,000 sq. ft. per unit.	View, clearing, historic.	None	None



**20.12.010 Parking, B. 3.**

USE	PARKING SPACE REQUIREMENT
(a) Residential ...	
iii. Boarding House	One for every two bedrooms. ...
(f) Miscellaneous Uses	
iii. Day Care, Service Care, and Day Treatment Centers	One for each staff person working at any time. Provisions shall be made for an adequate drop off area located off the street.

**20.08.020 Specific definitions.** ... “Dwelling unit” means a single unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**20.14.020 Uses.**

- A. Any existing use lawfully established prior to the passage of the ordinance codified in this chapter which is not permitted in the use district in which it is located is hereby declared a nonconforming use and not in violation of this title.
- B. A nonconforming use shall not be relocated, expanded, enlarged, or increased in intensity unless such activity is approved through issuance of a conditional use permit as provided by subsection (E) of this section. Such prohibited activities shall include without being limited to:
  1. Any activity which would require a building permit other than repair or replacement of existing structures or improvements.
  2. Extension of a nonconforming use to any building or other structure or land area other than one occupied by such use on the effective date of the ordinance codified in this chapter (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming).
  3. Extension of a nonconforming use within a building or other structure to any portion of the floor area that was not occupied by such use on the effective date of the ordinance codified in this chapter (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming); provided, however, that a nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
  4. Operation of a nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of the ordinance codified in this chapter (or on the effective date of a subsequent amendment thereto that results in such use becoming nonconforming), any performance standards established for the district in which the use is located.
  5. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking area or from installing any device, equipment, or structure whose sole purpose is to reduce any adverse environmental impact emanating from the nonconforming use.
- C. The hearing examiner may grant a conditional use permit for a period not more than five years permitting a nonconforming use to change to another use not permitted in the use district in which it is located, provided the owner clearly demonstrates (1) that the structure, because of its particular design, cannot be reasonably used to house a permitted use, (2) that the proposed use

will be more compatible with the permitted uses of the use district than was the existing use. The hearing examiner may condition such permit if it finds that provisions have to be taken to safeguard adjoining properties from detrimental effects that might result from the proposed use.

D. The hearing examiner may extend such conditional use permit for an additional period or may declare such use a permanent nonconforming use, provided the owner clearly demonstrates that the structure cannot be reasonably used for a permitted use because of its particular design. In determining whether to grant such an extension, and if so, for what period, the hearing examiner shall take into account the following:

1. If the hearing examiner finds that the nonconforming use's contribution to the welfare of the community at its present site outweighs detriment to the neighborhood, then the hearing examiner may declare such use a permanent nonconforming use.
2. If the hearing examiner finds that the detriment to the surrounding properties outweighs the nonconforming use's contribution to the general welfare of the community, then a period should be set which provides (a) a reasonable allowance of time for amortization of investments in the building and improvements, while (b) minimizing future detriment to the surrounding properties.
3. If the hearing examiner finds that the detriment to the surrounding properties significantly outweighs any deprivation of the property owners' rights in the nonconforming uses caused by termination of such use, the hearing examiner may order that the use be terminated within a period of one year or longer.

The hearing examiner may otherwise condition the use so as to minimize detriment to the neighborhood. A time period shall be set so that the public benefit exceeds any private loss. No further extension shall be granted.

E. The hearing examiner may grant a conditional use permit allowing a nonconforming use to expand, enlarge, or increase in intensity; provided, that:

1. The use may not expand beyond the site, lot, or parcel as defined by the legal description on the certificate of occupancy for a nonconforming use, or as owned or leased by the nonconforming use as of the date it became nonconforming in the event there is no certificate of occupancy;
2. Uses which are nonconforming due to the number of residential units may not add additional units;
3. The proposed modification will not result in further infringement of the provisions of this title; modifications shall comply with all regulations (other than use restrictions) including but not limited to lot coverage, yard, height, open space, density provisions, or parking requirements unless waived by the hearing examiner through variance as provided by this title;
4. The nonconforming use must be a permitted use within at least one of the general use types; and
5. The use must not be an industrial use in a residential single or residential multi duplex district. For the purpose of this section, "industrial use" shall mean any use which is permitted only in industrial general use type districts. [Ord. [2002-10-069](#) § 46; Ord. 9251 §§ 1, 2, 1983; Ord. 9024, 1982].

#### **20.16.010 General provisions.**

A. Certain uses because of their unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties and other similar reasons, are classified as conditional uses.

B. Certain uses may be allowed in certain general use types by a conditional use permit granted by the hearing examiner, provided such use is specified under the conditional use subsection of the appropriate general use type handbook and it is clearly shown that:

1. The proposed use will promote the health, safety, and general welfare of the community.
2. The proposed use will satisfy the purpose and intent of the general use type in which it is located.

3. The proposed use will not be detrimental to the surrounding neighborhood.

C. Nonconforming uses may be allowed to expand, enlarge, or increase in intensity by a conditional use permit granted by the hearing examiner; provided, that the added impacts from the proposed modification are shown to be consistent with the standards set forth in BMC [20.14.020\(E\)](#) and in subsections (B)(1) and (3) of this section.

D. Prior to the granting of such permit, the hearing examiner shall hold a public hearing as provided herein and such permit shall only be issued if it shall be evident that all conditions for that particular use have been satisfied. Any request for a conditional use permit or variance which is part of a consolidated permit process as provided in BMC Title [21](#) shall be reviewed under the procedures of said title.

E. In applying the standards set forth in subsection (B) of this section the hearing examiner shall consider the following factors as to whether the proposed use will:

1. Be harmonious with the general policies and specific objectives of the comprehensive plan.
2. Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services.
3. Be designed so as to be compatible with the essential character of the neighborhood.
4. Be adequately served by public facilities and utilities including drainage provisions.
5. Not create excessive vehicular congestion on neighborhood collector or residential access streets.
6. Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefor, or by the inaccessibility of the property or structures thereon.
7. Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations.
8. Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

F. The hearing examiner shall not waive or reduce the minimum requirements of this title or any other title of the city code, unless upon proper variance petition.

G. Any conditional use permit that is issued shall certify the location, nature, and extent of the use, together with all conditions that are imposed and any other information deemed necessary for the issuance of said permit. A copy of this permit shall be kept on file and if at any time after implementation of the permit it is found that the property no longer complies with the conditions therein specified, then the owner shall be declared in violation of this title and shall be subject to its penalties.

H. An application for a conditional use permit which has been denied in whole or part shall not be resubmitted for a period of two years from the date of such denial, provided a conditional use application may be resubmitted if it is "sufficiently different."

An application is "sufficiently different" when one of the following has been altered:

1. The application is for a different use.
2. The site area on a square foot basis has enlarged or decreased by at least 50 percent.
3. If the use has remained the same, when the total floor area on a square foot basis of all structures on the site has decreased by at least 50 percent.
4. The application satisfactorily addresses concerns identified by the hearing examiner as part of the public hearing preceding denial of the permit in whole or in part.

I. The director, may, if requested by the applicant, administratively consider and approve, one-time, nonaccumulative additions, modifications or changes when the intent of the hearing examiner, or specific conditions required by the hearing examiner, shall not be reduced or eliminated, and the modifications meet all of the following criteria:

1. The alterations result in an improved development plan for both the use itself, and the neighborhood.



2. Any alterations to structures constitute less than a 10 percent change on a square foot basis of the total floor area as originally approved.
3. The alterations will not infringe upon any requirements of this title.
4. The alterations will not have significant impact beyond the site.

Notification of such determination shall be forwarded to the city council and hearing examiner.

[Ord. [2004-09-065](#); Ord. [2002-10-069](#) § 47; Ord. 10719 § 3, 1996; Ord. 9591 § 1, 1986; Ord. 9251 § 3, 1983; Ord. 9024, 1982].

### **20.16.030 Standards generally.**

Conditional use proposals must satisfy, as a minimum, the standard building and sign regulations specified in the general use type development handbook in which they are located, as well as the special requirements detailed in the previous subsection. In addition, conditional use proposals must satisfy the general parking and landscaping requirements found in Chapter [20.12](#) BMC.

### **20.16.020 Conditional uses. L. 2. Service Care.**

a. Definition. A group residence licensed by the state operated with full-time supervision for housing resident persons who, by reasons of their mental or physical disability, addiction to drugs or alcohol or family and social adjustment problems, require a transitional nonmedical treatment program for rehabilitation and social readjustment. For the purposes of this title, a nonmedical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. The use of medication by any resident shall be incidental to that person's residence in the facility and shall not be a criterion for residence in the facility. Programs providing alternatives to imprisonment, including prerelease, work-release and probationary programs which are under the supervision of a court, state or local agency are included in this definition.

i. Foster Home. A home which provides regular care other than with a permanent live-in supervisor for up to four developmentally disabled adults, or up to four adults in need of protection who are recipients of state or federal financial assistance services, or up to four foster children under the age of 18 (or up to six on an interim basis) or up to three expectant mothers in a residential structure of the person or persons under whose direct care and supervision the people are placed.

ii. Group Home. The care of more than four but not more than 10 people.

iii. Child Care Facility. The care of more than 10 children under the age of 18 years.

b. Conditional in the residential single, residential multi, and neighborhood commercial designations.

c. Special Requirements.

i. The facility must be licensed by the state of Washington.

ii. The hearing examiner shall determine the required number of off-street parking spaces.

### **20.25.020 Applicability.**

The following areas and developments are subject to design review under this chapter. No building or sign permit shall be issued for projects regulated under this chapter until design review approval has been issued. The provisions of Chapter [20.14](#) BMC regarding nonconformance establish which of the standards and criteria in this chapter apply to developed sites. In addition, some standards in this chapter specify the level of development that requires full compliance.

A. Multifamily Residential Projects. The following developments shall obtain design review approval when located in any use district except within the city center design review district,

institutional general use types that are governed by an adopted institutional master plan, the Fairhaven design review district or in an urban village design district:

1. New construction consisting of or resulting in:
  - a. Single-family attached residential development consisting of three or more attached units;
  - b. Residential development consisting of three or more dwelling units on a site;
  - c. Accessory buildings for any of the developments listed above.

#### **20.32.020 Purpose and intent.**

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##### A. Generally.

1. The residential multi (RM) general use type is primarily intended to accommodate the highest concentrations of people within the city. The regulations found within this chapter are intended to provide a framework for a desirable living environment for the people living within and adjacent to areas designated RM.
2. The standard regulations within this section are intended to achieve a minimum acceptable level of adequacy for a livable environment. The optional regulations are available for use by the innovative designer or builder to create opportunities for design and site flexibility, while maintaining or surpassing the adequate living environment that the standard regulations would produce. ...

D. Conditional Uses. Certain uses have been designated as conditional uses because they may directly benefit or provide services to families within the immediate area or because they are uses of a community nature which may function best if located within RM areas. Because such uses are usually more intense than the principal uses, review and scrutiny is required to determine if the proposal would cause substantive detriment to the quality of life within the RM area. [Ord. 9024, 1982].

## ATTACHMENT D: Comprehensive Plan Citations

Area 2 is zoned Residential Multi and includes portions of Forest, Garden, High and Indian Streets running northeast and southwest, and Chestnut, Maple, Laurel, Myrtle, and Ivy Streets running northeast and west. The topography of Area 2 is characterized by relatively level benches broken by steep hillside areas. The slope of the terrain provides views over the southern end of downtown and the bay. With proximity to WWU and its dramatic topographic setting and views, the area reflects its historical past and retains numerous significant residential, religious, community and commercial buildings. A number of historic homes in the area have been converted into apartments, condos or used as rental housing. Many of these houses were built by city founders, industrialists and early business people, and these and other historically significant buildings and districts in the area may be eligible for listing on the National Register of Historic Places.

The area has a mix of historic grand and modest late 19th and early 20th century single-family houses, interspersed with substantial historic multi-family apartment buildings, as well as some post-modern multi-family structures that pre-date design review. Some of the neighborhood's oldest buildings are in this area, which contribute to the overall historical and architectural significance. Historic buildings and many of the later developments dating from the 1950s through the 1990s in the area all range in condition from good to poor.

With the adoption of the City's Multifamily Design Handbook, new multi-family buildings are required to meet design guidelines. As a result, the design and construction quality of multi-family buildings in Bellingham have improved substantially.

### The Sehome Neighborhood Plan Area 2

Area 2 is zoned Residential Multi and includes portions of Forest, Garden, High and Indian Streets running northeast and southwest, and Chestnut, Maple, Laurel, Myrtle, and Ivy Streets running northeast and west. The topography of Area 2 is characterized by relatively level benches broken by steep hillside areas. The slope of the terrain provides views over the southern end of downtown and the bay.

With proximity to WWU and its dramatic topographic setting and views, the area reflects its historical past and retains numerous significant residential, religious, community and commercial buildings. A number of historic homes in the area have been converted into apartments, condos or used as rental housing. Many of these houses were built by city founders, industrialists and early business people, and these and other historically significant buildings and districts in the area may be eligible for listing on the National Register of Historic Places.

The area has a mix of historic grand and modest late 19<sup>th</sup> and early 20<sup>th</sup> century single-family houses, interspersed with substantial historic multi-family apartment buildings, as well as some post-modern multi-family structures that pre-date design review. Some of the neighborhood's oldest buildings are in this area, which contribute to the overall historical and architectural significance. Historic buildings and many of the later developments dating from the 1950s through the 1990s in the area all range in condition from good to poor.

With the adoption of the City's Multifamily Design Handbook, new multi-family buildings are required to meet design guidelines. As a result, the design and construction quality of multi-family buildings in Bellingham have improved substantially.



*Row of historic houses along Forest Street in Area 2. Portions of Area 2 were historically developed to include a mix of single- and multi-family housing forms. City of Bellingham photo.*

New development on either side of Forest Street in Area 2 is guided by the City Center Master Plan / Design Guidelines.



*The historic Alamo Apartments on Maple Street and Garden Street. Photo courtesy Bert Monroe.*

District 2 of the WWU Institutional Master Plan (IMP) is located in the southeastern portion of Area 2 near the intersection of East Oak and High Streets. A WWU administrative support building (Alumni House) is currently located in this district. The IMP includes a recommendation that a rezone of District 2 to Institutional should be evaluated when the Sehome Neighborhood Plan is updated in order to further support WWU Academic and Administrative services. The Sehome Neighborhood has not formally evaluated the rezone recommendation during the processing of the 2011 Neighborhood Plan update. Discussions between the Sehome Neighborhood and WWU will need to occur prior to pursuing this recommendation with the City.

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## **AREA 2 LAND USE DESIGNATION: MULTI-FAMILY RESIDENTIAL, HIGH DENSITY**

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### **Relevant Bellingham Comprehensive Plan Goals and Policies**

**VB 2** – Bellingham's way of accommodating growth while retaining a compact form is to emphasize infill. Private and public development decisions continue to reinforce a clear distinction and separation between urban and rural areas. Bellingham retains and strengthens its well-defined compact form and allows sufficient sites to accommodate projected growth, including some growth to the north.

**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 5** – A large number of historic structures remain, providing a sense of place and history for existing and future citizens. Incentives assist in retaining and restoring historic structures and encouraging new development, which is complementary in terms of architectural style and scale. These incentives may include property tax breaks, zoning and building code flexibility for adaptive uses, and density or other bonuses that encourage good design.

**VB 25** – Bellingham’s regulations encourage and provide incentives for innovative housing and mixtures of housing types that preserve natural resources and consolidate open space.

**VB 43** – Citizens who require social services that address homelessness, abuse and a range of disabilities can find the services they need in Bellingham.

**FLU-1** It is the City’s overall goal to preserve and protect the unique character and qualities of the existing neighborhoods. All policies, proposed development code and zoning changes should be reviewed with this goal in mind.

**FLU-2** Bellingham’s land use pattern should accommodate carefully planned levels of development that promotes efficient use of land, reduces sprawl, encourages alternative modes of transportation, safeguards the environment, promotes healthy neighborhoods, protects existing neighborhood character, and maintains Bellingham’s sense of community.

**FLU-4** Affordable, attractive, stable and diverse residential neighborhoods should be encouraged while providing for a variety of housing opportunities.

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

### **Policy Section K, General Land Use**

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

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

**LU - 101** Development regulations should provide for an appropriate level of flexibility while balancing community goals, neighborhood character issues and the need for predictability in decision making. Measures that could be used to provide flexibility include:

- planned unit development provisions,
- clustering provisions,
- floating zones or overlay zones
- administrative variances for minor variations in dimensional requirements such as building setback or parking requirements (not density).

**LU - 102** New urban development should be allowed only where the full range of urban facilities and services exists or can be provided.

**LU - 103** All new housing developments should be arranged in a pattern of connecting streets and blocks with sidewalks and trails to allow people to get around easily by foot, bicycle, bus or car.

### **Section M, Comprehensive Plan and Neighborhood Plan Land Use Designation Policies**

**LU - 126** There are eight general land use categories (designations) on the comprehensive plan map and in the neighborhood plans. Single Family Residential; Multifamily Residential;

Commercial; Industrial; Mixed Use; Urban Village; Institutional; and Public. The comprehensive plan recognizes that allowing or encouraging a mix of different types of land uses is an important strategy to achieving infill goals while maintaining and developing distinctive and efficient urban neighborhoods. ...

- **Multi-Family Residential** – This designation should be applied to areas with higher concentrations of people within the City while encouraging a desirable living environment for the people living within and adjacent to this district. It is also intended to provide for a compatible mixture of residential housing types, typical accessory uses, public and semi-public uses, office uses, and some limited neighborhood commercial uses in appropriate areas. The low, medium and high density ranges in the single family designation are used in this category as well.

The multi-family designation should be applied in or near urban centers and corridors where high levels of transit service are present or likely, and/or in areas near employment and commercial centers. The capacity of public facilities and services should also be considered when applying multi-family designations.

The multifamily low, medium and high residential density designations listed above are summarized as follows:

**Low Density** = 7,201 + sq.ft. per dwelling unit (5 or less units per acre)

**Medium Density** = 3,600 to 7,200 sq.ft. per dwelling unit (6 to 12 units per acre)

**High Density** = 0 to 3,599 sq.ft. per dwelling unit (more than 12 units per acre)

## **Section O. General Parking Policies**

**LU - 148** Develop strategies to reduce the impacts of parking areas on urban form, pedestrian mobility, and the natural environment.

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

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

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

### **3.1 General Community Design Goals**

**CDG-1** Promote improvement in the quality of public, residential, commercial and industrial development and maintain a high quality environment by ensuring that new construction and site development meets high standards.

**CDG-3** Allow for growth and diversity through standards that are adaptable to a variety of conditions.

### **4.1 General Design Policies**

**CDP-1** Buildings in transition areas between residential and non-residential areas should

consider the context of both areas.

#### **4.5 Parking Lot Design Policies**

**CDP-41** Through landscaping and screening, reduce the apparent size of parking lots and improve the appearance of parking lots for pedestrians and residents.

**CDP-42** Encourage side and rear yard parking by restricting parking in front yards. Require extensive screening in front yard parking areas.

**CDP-43** Protected pedestrian walkways should be provided between the sidewalk and the building entrance and through large parking lots to the building entrance.

**CDP-44** Allow on-street parking to count towards off-street requirements in selected mixed use areas to encourage compact, pedestrian oriented development and to lessen the size and impacts of large parking lots.

**CDP-45** Landscaping and/or screening walls should be required to reduce the visual impact of large parking lots associated with residential and commercial uses.

**CDP-46** Ensure that an adequate number of properly constructed, signed and striped handicapped accessible parking spaces are provided.

**CDP-47** Parking areas adjacent to different use districts should be located and buffered to minimize their impact upon those adjacent areas.

#### **Relevant Sehome Neighborhood Goals, Policies, And Proposals**

**SND Goal 1:** Significant historic resources in the neighborhood are identified, preserved, restored, rehabilitated and/or adaptively reused.

**SND Goal 2:** Historic character of the neighborhood is preserved and enhanced, and the integrity of contributing buildings in the National Historic District areas is maintained and augmented.

***SND Policy 2.2:*** *Property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation, and to appropriately repair, restore and rehabilitate their properties.*

***SND Policy 2.3:*** *New development enhances the existing character of historic areas through compatible design and respect of the setting, form, scale, and style of surrounding buildings.*

***SND Policy 2.5:*** *Encourage infill that does not replace historic housing stock.*

**SND Goal 5:** All new development is of high quality design.

***SND Policy 5.1:*** *Renovation and/or replacement of older, non-historic multi-family and commercial buildings using the Multifamily Design Handbook is encouraged.*

***SND Policy 5.2:*** *Architectural creativity that is complementary to surrounding character is encouraged.*

#### **HOUSING GOALS, POLICIES AND PROPOSALS**

**ST&C Goal 3:** Creatively address neighborhood parking needs.

**ST&C Policy 3.1:** *As needed, the neighborhood will consider the implementation of creative parking solutions such as the Sehome Residential Parking Zone (RPZ) Program.*

**ST&C Policy 3.2:** *New and re-developed multi-family housing and commercial developments should be required by the City to provide adequate on-site parking.*

## **GARDEN STREET**

Garden Street is a secondary arterial connecting commuters to WWU and is a primary transportation route for residents of the Sehome and South Hill neighborhoods, with a volume of 7,100 vehicles per day.<sup>1</sup> Garden Street also has a high volume of pedestrian and bicycle traffic, and though it has been widened in the past it retains a fairly narrow profile it accommodates transit bus traffic and parallel parking on one side of the street. While the roadbed generally accommodates the varied mix of transportation modes, some drivers travel at speeds over the posted 25 mph limit, causing safety concerns for pedestrians, bicyclists and other vehicles. Of particular concern is the section between Holly and Oak Streets.

**ST&C Policy 5.1 :** *Improve pedestrian and bicyclist safety on Garden Street between Holly and Oak Streets.*

**ST&C Proposal 5.1:** The neighborhood will work with adjacent property owners and Public Works to investigate the feasibility of planting street trees in the landscaping strip along Garden Street as a traffic-calming measure.

**ST&C Proposal 5.2:** The neighborhood will work with Bellingham Public Works and WWU to physically improve pedestrian crossings.

**ST&C Proposal 5.3:** The neighborhood will work with the Police Department to investigate ways to enforce compliance with 25 mph on Garden Street.

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<sup>1</sup> According to 2010 traffic counts.