



ATTACHMENT B

210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
Email: permits@cob.org Web: www.cob.org/permits

Land Use Application

Check all permits you are applying for in the boxes provided. Submit this application form, the applicable materials listed in the corresponding permit application packet(s) and application fee payment.

<input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Binding Site Plan <input type="checkbox"/> Clearing Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Critical Area Permit <input type="checkbox"/> Minor Critical Area Permit <input type="checkbox"/> Design Review <input type="checkbox"/> Grading Permit <input type="checkbox"/> Home Occupation <input type="checkbox"/> Institutional <input type="checkbox"/> Interpretation <input type="checkbox"/> Landmark – Historic Certificate of Alteration <input type="checkbox"/> Legal Lot Determination <input type="checkbox"/> Nonconforming Use Certificate	<input type="checkbox"/> Parking Adjustment Application <input type="checkbox"/> Planned Development <input type="checkbox"/> Rezone <input type="checkbox"/> SEPA <input type="checkbox"/> Shoreline Permit <input type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Subdivision-Short Plat/Lot Line Adjustment <input type="checkbox"/> Subdivision-Preliminary Plat <input type="checkbox"/> Subdivision-Final Plat <input type="checkbox"/> Variance <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input checked="" type="checkbox"/> Other: <u>Street Vacation</u>	Office Use Only Date Rcvd: _____ Case #: _____ Process Type: _____ Neighborhood: _____ Area Number: _____ Zone: _____ Pre-App. Meeting: _____ Concurrency: _____
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Project Information

Project Address Army Street ROW Zip Code 98225
 Tax Assessor Parcel Number (s) _____
 Project Description Climbing gym + eq

Applicant / Agent

Primary Contact for Applicant

Name Gabe Rogel
 Mailing Address 425 Ridgeway Dr
 City Bellingham State WA Zip Code 98225
 Phone 360-510-0250 Email gabe@ChalkboardClimbing.com

Owner (s)

Applicant

Primary Contact for Applicant

Name Same
 Mailing Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Email _____

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or inspection process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent Gabe Rogel Date 1/26/24
 City and State where this application is signed: Bellingham WA
 City State



Permit Center

210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
Email: permits@cob.org Web: www.cob.org/permits

STREET AND/OR ALLEY VACATION PETITION
(PLEASE TYPE OR PRINT CLEARLY IN BLUE OR BLACK INK)

The undersigned, owners of property abutting on the hereinafter described streets and/or alleys sought to be vacated, hereby petition to vacate: (legal description required)
Army Street Right of Way

and to make such orders and to take such action as may be necessary to accomplish said vacation. Proof of ownership is attached.

Abutting Property Owner #1

Address and Legal Description of Signator's Property _____
315 W Holly St, Bellingham

(Proof of ownership and tax statement attached)

Gabe Rogel
Signature of Property Owner

Gabe Rogel
Printed Name of above Signature

425 Ridgeway Dr
Mailing Address of Property Owner

Bellingham WA 98225
City State Zip

Abutting Property Owner #2

Address and Legal Description of Signator's Property _____
401 W Holly St, Bellingham

(Proof of ownership and tax statement attached)

John Meyer
Signature of Property Owner

John Meyer MEYER
Printed Name of above Signature

1400 Hubbell PL APT 1510
Mailing Address of Property Owner

Seattle WA 98101
City State Zip

Abutting Property Owner #3

Address and Legal Description of Signator's Property _____
1220 Central Ave, Bellingham

(Proof of ownership and tax statement attached)



Signature of Property Owner

Martha Bray

Printed Name of above Signature

3217 Eagleridge Way

Mailing Address of Property Owner
Bellingham WA 98226

City State Zip

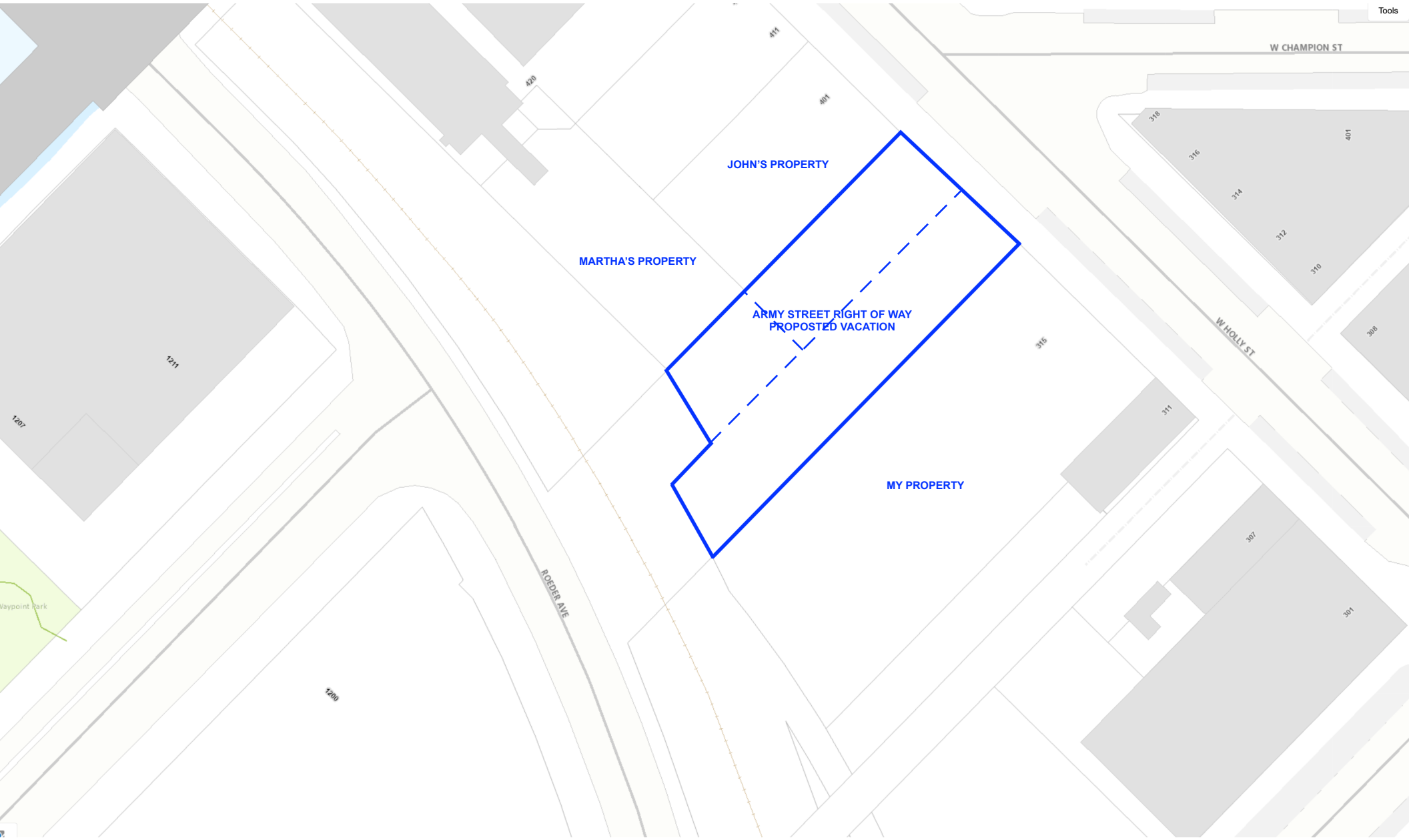
(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that apply:

This property is also subject to

- building permit (address _____)
- short plat or lot adjustment
- site plan review
- change in land use designation
- other (specify)

The City staff person most familiar with this application is Lindsay Kershner



JOHN'S PROPERTY

MARTHA'S PROPERTY

ARMY STREET RIGHT OF WAY
PROPOSED VACATION

MY PROPERTY

W CHAMPION ST

W HOLLY ST

ROEBER AVE

1211

1200

420

411

401

318

316

314

312

310

401

308

311

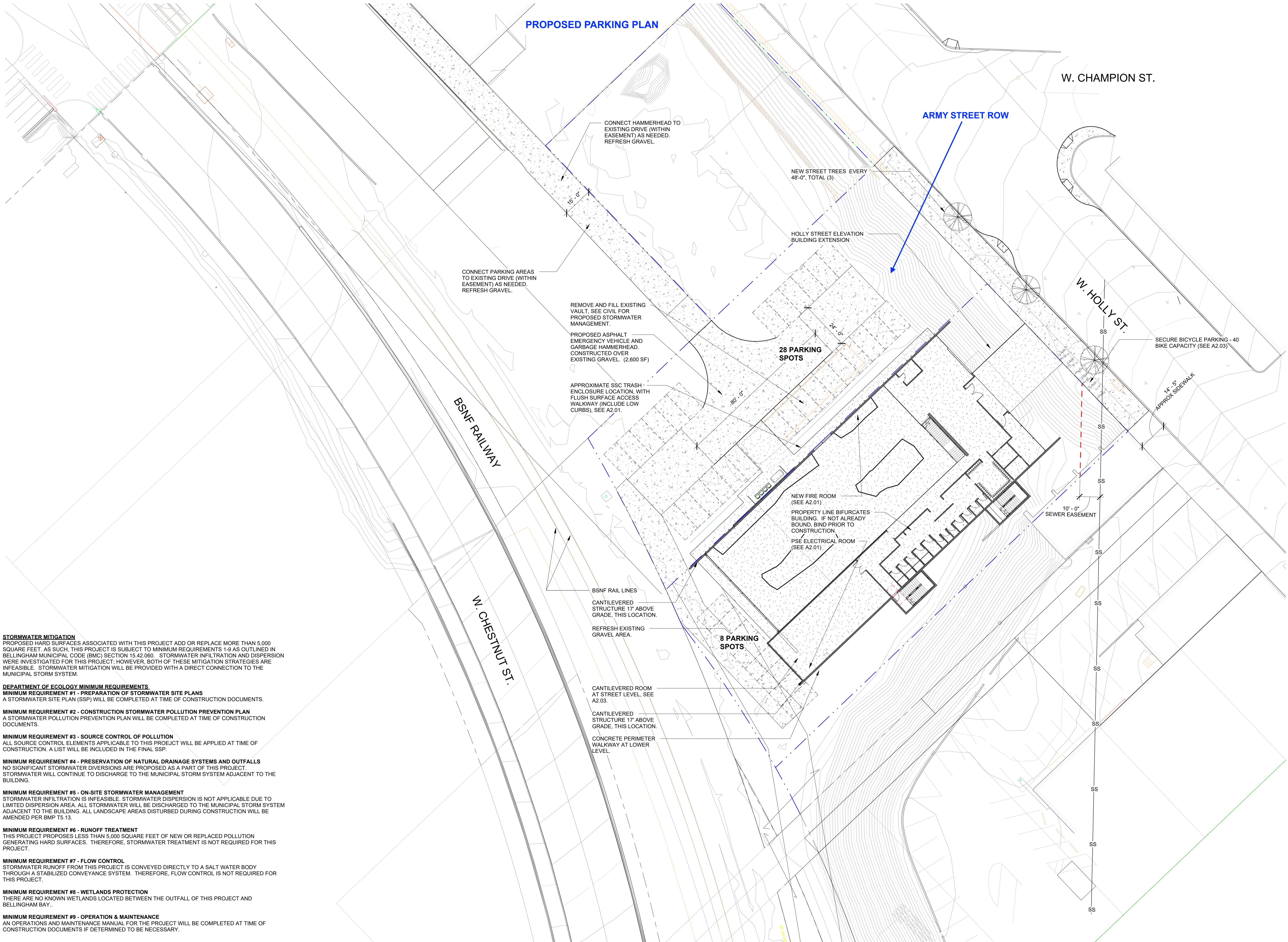
307

301

1202

Waypoint Park

PROPOSED PARKING PLAN



STORMWATER MITIGATION
PROPOSED HARD SURFACES ASSOCIATED WITH THIS PROJECT ADD OR REPLACE MORE THAN 5,000 SQUARE FEET. AS SUCH, THIS PROJECT IS SUBJECT TO MINIMUM REQUIREMENTS 1-9 AS OUTLINED IN BELLINGHAM MUNICIPAL CODE (BMC) SECTION 15.42.060. STORMWATER INFILTRATION AND DISPERSION WERE INVESTIGATED FOR THIS PROJECT. HOWEVER, BOTH OF THESE MITIGATION STRATEGIES ARE INFEASIBLE. STORMWATER MITIGATION WILL BE PROVIDED WITH A DIRECT CONNECTION TO THE MUNICIPAL STORM SYSTEM.

DEPARTMENT OF ECOLOGY MINIMUM REQUIREMENTS
MINIMUM REQUIREMENT #1 - PREPARATION OF STORMWATER SITE PLANS
A STORMWATER SITE PLAN (SSP) WILL BE COMPLETED AT TIME OF CONSTRUCTION DOCUMENTS.

MINIMUM REQUIREMENT #2 - CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN
A STORMWATER POLLUTION PREVENTION PLAN WILL BE COMPLETED AT TIME OF CONSTRUCTION DOCUMENTS.

MINIMUM REQUIREMENT #3 - SOURCE CONTROL OF POLLUTION
ALL SOURCE CONTROL ELEMENTS APPLICABLE TO THIS PROJECT WILL BE APPLIED AT TIME OF CONSTRUCTION. A LIST WILL BE INCLUDED IN THE FINAL SSP.

MINIMUM REQUIREMENT #4 - PRESERVATION OF NATURAL DRAINAGE SYSTEMS AND OUTFALLS
NO SIGNIFICANT STORMWATER DIVERSIONS ARE PROPOSED AS A PART OF THIS PROJECT. STORMWATER WILL CONTINUE TO DISCHARGE TO THE MUNICIPAL STORM SYSTEM ADJACENT TO THE BUILDING.

MINIMUM REQUIREMENT #5 - ON-SITE STORMWATER MANAGEMENT
STORMWATER INFILTRATION IS INFEASIBLE. STORMWATER DISPERSION IS NOT APPLICABLE DUE TO LIMITED DISPERSION AREA. ALL STORMWATER WILL BE DISCHARGED TO THE MUNICIPAL STORM SYSTEM ADJACENT TO THE BUILDING. ALL LANDSCAPE AREAS DISTURBED DURING CONSTRUCTION WILL BE AMENDED PER BMP T5.13.

MINIMUM REQUIREMENT #6 - RUNOFF TREATMENT
THIS PROJECT PROPOSES LESS THAN 5,000 SQUARE FEET OF NEW OR REPLACED POLLUTION GENERATING HARD SURFACES. THEREFORE, STORMWATER TREATMENT IS NOT REQUIRED FOR THIS PROJECT.

MINIMUM REQUIREMENT #7 - FLOW CONTROL
STORMWATER RUNOFF FROM THIS PROJECT IS CONVEYED DIRECTLY TO A SALT WATER BODY THROUGH A STABILIZED CONVEYANCE SYSTEM. THEREFORE, FLOW CONTROL IS NOT REQUIRED FOR THIS PROJECT.

MINIMUM REQUIREMENT #8 - WETLANDS PROTECTION
THERE ARE NO KNOWN WETLANDS LOCATED BETWEEN THE OUTFALL OF THIS PROJECT AND BELLINGHAM BAY.

MINIMUM REQUIREMENT #9 - OPERATION & MAINTENANCE
AN OPERATIONS AND MAINTENANCE MANUAL FOR THE PROJECT WILL BE COMPLETED AT TIME OF CONSTRUCTION DOCUMENTS IF DETERMINED TO BE NECESSARY.

SCHEMATIC DESIGN

REV	ISSUED FOR	DATE
1	LAND USE R1	08/26/23
2	LAND USE R2	03/15/23

NORTH

SCALE:
1" = 20'-0"

THE CHALKBOARD CLIMBING GYM

315 W HOLLY ST
BELLINGHAM, WA

SITE PLAN

PROJECT#:	202008.03
DRAWN:	CHECKER:
ISSUED:	01/03/2024

A1.01

191924 ROGEL APARTMENTS LLC for Year 2023 - 2024

[New Search](#)

[Details](#) |
 [Map](#) |
 [Pay Taxes](#)

Click on a title bar to expand or collapse the information.

[Expand All](#)

▼ Property

Account

Property ID:	191924	Abbreviated Legal Description:	NEW WHATCOM NW 100 FT OF LOTS 1-2 BLK 8-ALL TIDELAND LOTS 193-194-TOG WI LOT A CHAMPION STATION LLA AS REC AF 2017-1201645-SUBJ TO COVENANT TO BIND PROPERTIES AS DESC AF 2023-0201217
Parcel # / Geo ID:	3803300901800000	Agent Code:	
Type:	Real		
Tax Area:	0109 - BELLINGHAM 501 AH LIFT	Land Use Code	91
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T38N	Section:	30
Range:	R03E	Legal Acres:	0.5200

Location

Address:	315 W HOLLY ST BELLINGHAM, WA	Mapsco:	
Neighborhood:	5410020500	Map ID:	5JG_CBD
Neighborhood CD:	5410020500		

Owner

Name:	ROGEL APARTMENTS LLC	Owner ID:	582565
Mailing Address:	427 W 29TH AVE SPOKANE, WA 99203-1710	% Ownership:	100.0000000000%

[Exemptions:](#)



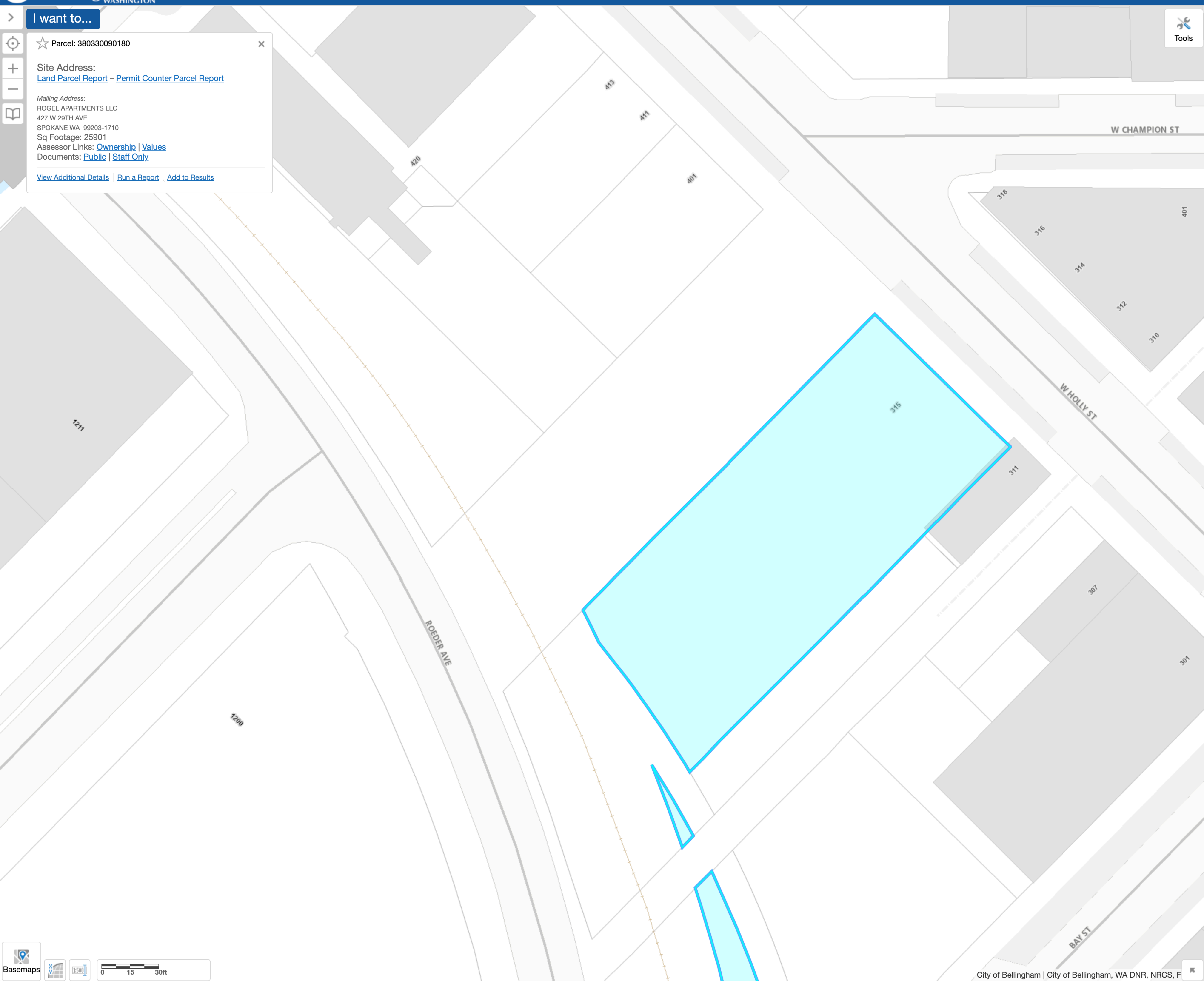
I want to...

☆ Parcel: 380330090180

Site Address:
[Land Parcel Report](#) - [Permit Counter Parcel Report](#)

Mailing Address:
 ROGEL APARTMENTS LLC
 427 W 29TH AVE
 SPOKANE WA 99203-1710
 Sq Footage: 25901
 Assessor Links: [Ownership](#) | [Values](#)
 Documents: [Public](#) | [Staff Only](#)

[View Additional Details](#) | [Run a Report](#) | [Add to Results](#)



Basemaps

74452 HOLLY STREET BI LLC for Year 2023 - 2024

[New Search](#)

[Details](#) | [Map](#) | [Pay Taxes](#)

Click on a title bar to expand or collapse the information.

[Expand All](#)

▼ Property

Account

Property ID:	74452	Abbreviated Legal Description:	FRAC OF LOT 6 BLK 17 CENTRAL WHATCOM-THAT PTN OF LOTS 177-178 NEW WHATCOM TIDELANDS LY ELY OF WLY LI OF SD LOT 6 EXT SWLY-SUBJ TO PERPETUAL ESMT TO CITY OF BELLINGHAM FOR FILL REC AF 847082
Parcel # / Geo ID:	3803300862010000	Agent Code:	
Type:	Real		
Tax Area:	0109 - BELLINGHAM 501 AH LIFT	Land Use Code	91
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T38N	Section:	30
Range:	R03E	Legal Acres:	0.1200

Location

Address:	401 W HOLLY ST BELLINGHAM, WA	Mapsco:	
Neighborhood:	5410020500	Map ID:	5JG_CBD
Neighborhood CD:	5410020500		

Owner

Name:	HOLLY STREET BI LLC	Owner ID:	584072
Mailing Address:	1400 HUBBELL PL APT 1510 SEATTLE, WA 98101-1910	% Ownership:	100.0000000000%

[Exemptions:](#)

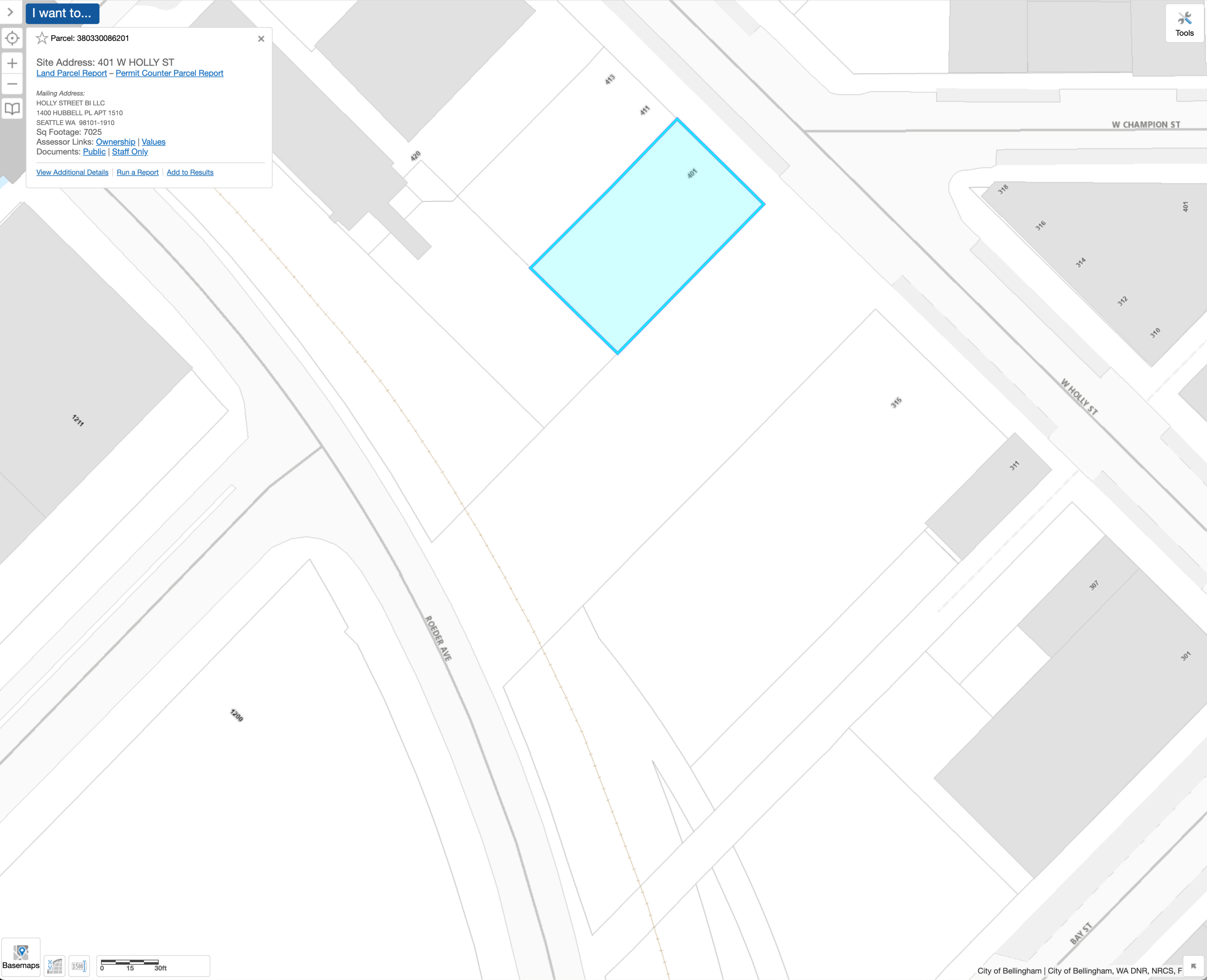
I want to...

☆ Parcel: 380330086201

Site Address: 401 W HOLLY ST
[Land Parcel Report](#) - [Permit Counter Parcel Report](#)

Mailing Address:
HOLLY STREET BI LLC
1400 HUBBELL PL APT 1510
SEATTLE WA 98101-1910
Sq Footage: 7025
Assessor Links: [Ownership](#) | [Values](#)
Documents: [Public](#) | [Staff Only](#)

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74423 WATERFRONT ALLEY LLC for Year 2023 - 2024

[New Search](#)

[Details](#) | [Map](#) | [Pay Taxes](#)

Click on a title bar to expand or collapse the information.

[Expand All](#)

▼ Property

Account

Property ID:	74423	Abbreviated Legal Description:	NEW WHATCOM TIDELANDS LOT 176-TOG WI VAC ELY 1/2 ALLEY ABTG
Parcel # / Geo ID:	3803300751940000	Agent Code:	
Type:	Real		
Tax Area:	0109 - BELLINGHAM 501 AH LIFT	Land Use Code	91
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T38N	Section:	30
Range:	R03E	Legal Acres:	0.1600

Location

Address:	W HOLLY ST BELLINGHAM, WA	Mapsco:	
Neighborhood:	5410020500	Map ID:	5JG_CBD
Neighborhood CD:	5410020500		

Owner

Name:	WATERFRONT ALLEY LLC	Owner ID:	117012
Mailing Address:	C/O MARTHA BRAY 3217 EAGLERIDGE WAY BELLINGHAM, WA 98226-7821	% Ownership:	100.0000000000%

[Exemptions:](#)

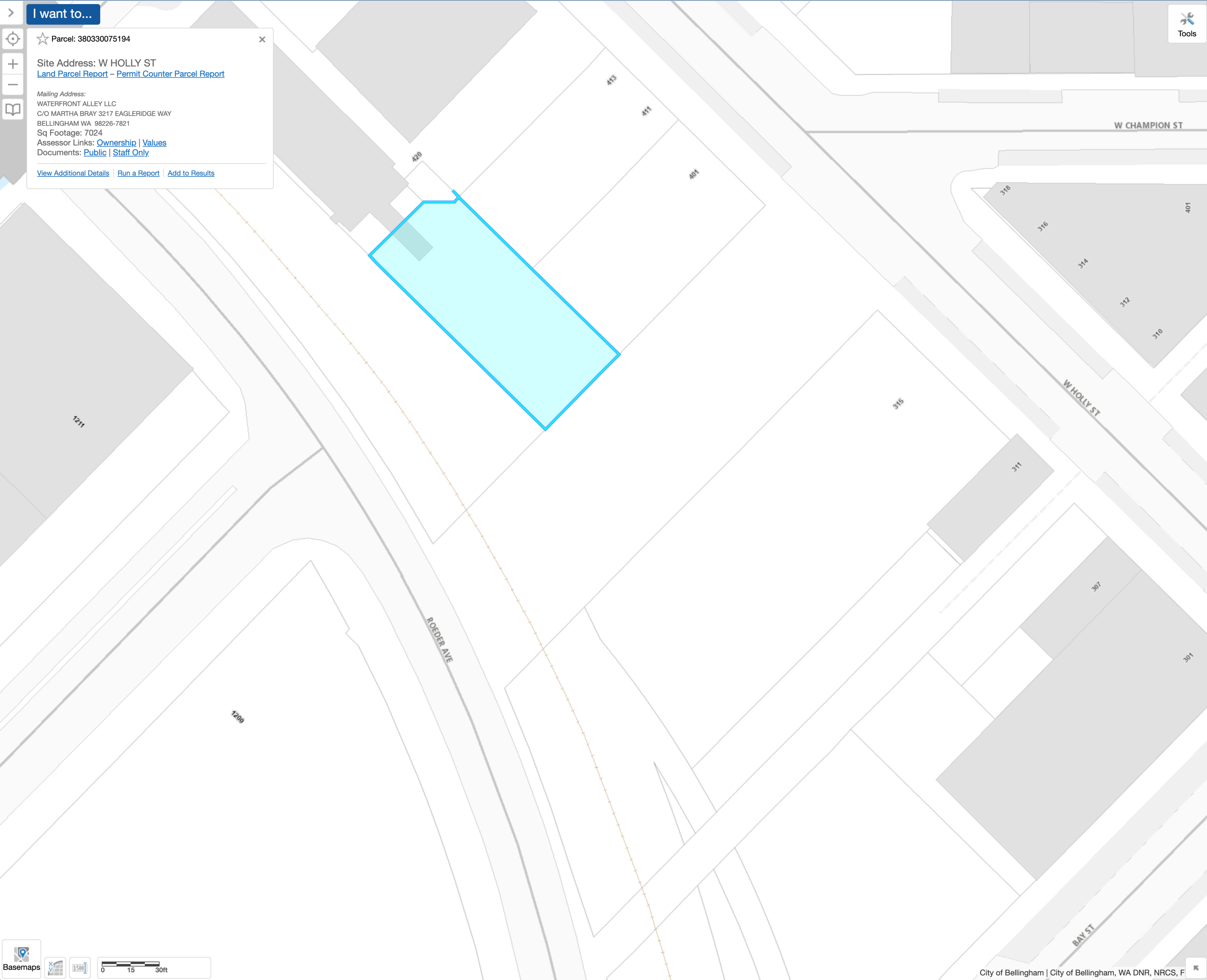
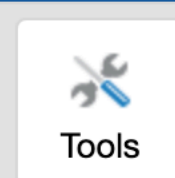
I want to...

☆ Parcel: 380330075194

Site Address: W HOLLY ST
[Land Parcel Report](#) - [Permit Counter Parcel Report](#)

Mailing Address:
 WATERFRONT ALLEY LLC
 C/O MARTHA BRAY 3217 EAGLERIDGE WAY
 BELLINGHAM WA 98226-7821
 Sq Footage: 7024
 Assessor Links: [Ownership](#) | [Values](#)
 Documents: [Public](#) | [Staff Only](#)

[View Additional Details](#) | [Run a Report](#) | [Add to Results](#)



Basemaps

STREET / ALLEY VACATION PROCEDURES & POLICIES: BMC 13.50

STREET VACATION PETITION: BMC 13.50.030-040

1. A street vacation is initiated by property owners or by a resolution of the City Council. If a street vacation petition is initiated by a property owner(s) it must be signed by the owners of more than two-thirds of the property abutting the street or alley to be vacated. (Abutting is defined in BMC 13.50.030 A.)
2. A street vacation petition shall include the following items as specified in BMC 16.50.040 B 1-5 (and 6 if applicable):
 - A signed vacation petition by the property owners that comprise more than two-thirds of the overall frontage on the subject right-of-way based on fronting footage;
 - For each property owner, a title report and/or Whatcom County tax statement that demonstrates ownership and providing a legal description of the property owned by the property owner;
 - A vicinity map showing the proposed vacation area and all abutting properties;
 - The vacation application fee as established by resolution; (A TRC fee of \$638.00 and a street vacation petition fee of \$4,131.00)
 - A brief narrative describing the purpose of the proposed vacation and future use of proposed vacation area; and
 - Any additional information or material that the city determines to be necessary to review the street vacation petition.

REVIEW PROCEDURES: BMC 13.50.060-150

1. Upon receipt of a completed street vacation petition, the Technical Review Committee fee of \$638.00, the PCDD schedules a Technical Review Committee meeting as specified in BMC 13.50.060.
2. The Technical Review Committee reviews the street vacation petition for compliance with the street vacation policies in BMC 13.50.110 and .120.
3. A City staff representative provides the Technical Review Committee recommendation on the street vacation petition to the petitioner as specified in BMC 13.50.060 B 3.
4. The petitioner determines how to proceed with the Technical Review Committee recommendation as specified in BMC 13.50.060 C.
5. The petitioner is responsible for paying the street vacation petition fee of \$4,131.00 prior to scheduling the public hearing before the Hearing Examiner. The timelines for scheduling a public hearing are specified in BMC 13.50.070.
6. Once all fees are paid, the PCDD initiates two separate actions:
 - Notifies private utility providers of the street vacation petition so that they can confirm whether or not they have facilities in the subject right-of-way; and
 - Set up an appraisal with a local certified MIA appraiser as specified below.
7. Prior to scheduling the public hearing, the petitioner pays for the appraisal itself and the fair market value of the subject right-of-way as specified below.
8. Notice of the public hearing; specifics on content, distribution and posting are provided

as specified in BMC 13.50.080.

9. The PCDD prepares a staff report for the public hearing pursuant to BMC 13.50.090.
10. The public hearing before the Hearing Examiner is held pursuant to BMC 13.50.100.
11. In a closed record hearing the City Council issues a final decision on the street vacation petition. This decision is made by approval of a street vacation ordinance according to BMC 13.50.150.

RIGHT-OF-WAY APPRAISAL: BMC 13.50.160

1. Appraisal of Subject Right-of-Way. As a condition precedent to the City Council's consideration of a resolution setting a date for a public hearing on the question of whether the subject right-of-way should be vacated, the petitioner shall pay for the cost of preparation of an appraisal of the area proposed to be vacated, and the city shall select an appraiser and order such appraisal. An appraisal and payment may not be required when, in the judgment of the planning department director, it is not needed to determine the fair market value of the area to be vacated.
2. Payment for Vacation. In no event shall a vacation request come before the hearing examiner for the public hearing until the appraised value of the subject right-of-way has been computed, incorporated into the ordinance, and deposited with the finance director. The amount deposited with the finance director may be adjusted by the planning department director if the petitioner and city staff have tentatively agreed to a lesser deposit amount or no deposit at all based on the value of the public amenity provided by the petitioner as part of the proposed vacation.
3. Return of Deposit. In the event city council does not approve the vacation, the deposited amount (exclusive of the application, public hearing, and appraisal fees) shall be refunded to the petitioner.

8/15/24

Dear City Council,

At the tail end of Covid, I began the permitting process for a full-amenity climbing gym in downtown Bellingham, at 315 West Holly Street. Included in the climbing gym, is a full cardio/weights training gym, a yoga studio and rooftop with bouldering, yoga platform and lounge areas, all with incredible views of Bellingham Bay, Mt. Baker and town.

Recently, I added two levels of residential units (32 apartments) atop the climbing gym, something the City has encouraged since the inception of this project.

My property sits adjacent to the Army Street Right of Way, which I am hopeful may be a good candidate for a street vacation.

I have very good relationships with the two property owners on the opposite side of the Army Street ROW. Both of these neighbors are supportive of my purchase of both sides of the ROW, which would be utilized as surface parking to accompany the apartments.

As a major gateway between Old Town and the Waterfront Redevelopment, my intention with this building, is to create a Bellingham landmark. Included in this vision, is to “clean up” the Army Street ROW with a paved parking area (including a fire truck turn-around for my building), curbing, landscaping and a stairway from the parking area to Holly Street. As Bellingham continues to grow, not only would this street vacation create parking, for much-needed downtown residential units, but this street vacation would allow this area, which has long been a bit of a no-man’s-land, to become aesthetically integrated into the old and new fabric of our downtown.

Please see my comments below (in blue), in relation to the street vacation policies. Thank you for your time and consideration here and I look forward to hopefully working together on this.

Sincerely,

Gabe Rogel

RESPONSES TO CITY CRITERIA TO STREET VACATION

A. The decision on a vacation petition is a legislative determination by city council based upon the complete record from the public hearing before the hearing examiner including the hearing examiner's findings of fact, conclusions of law, and recommendation. The city council shall consider the complete record and make its decision at a closed record hearing in accordance with BMC 1.26.050. The city council may, in its discretion, vacate a street or alley governed by this chapter if:

1. The vacation is in the public interest; and

The Old Town subarea plan supports the vacation and the vacation proposal maintains the view corridor. I am hopeful the City see's the project described above to be a major asset to our community and to the fabric of our downtown.

2. The subject right-of-way is not currently necessary for transportation or other right-of-way purposes, nor likely to be in the future. Transportation purposes are assumed to include vehicular, pedestrian, and other forms of transportation; and

This ROW is sandwiched between a steep hillside abutting Holly Street and the BNSF railroad tracks, making North/South vehicular/pedestrian circulation, near impossible and impractical. The new downtown circulation plan has North/South vehicular/pedestrian circulation very nearby at both Central Ave and Bay Street. This said, the proposed plan has pedestrian access via a stairway, from Holly Street to the railroad grade and proposed parking lot.

The ROW has a sewer main within it, and the proposed plan maintains a 20' public easement over the sewer main, whether left in place or moved in the future.

The ROW also has a unused stormwater vault within it, which the City has approved to be decommissioned, so long as the incoming and exiting stormwater lines are reconnected.

3. No existing parcel, lot of record, or tract will be denied all access as a result of the vacation of the subject right-of-way; and

No existing parcels or lots of record, will be denied access with the proposed street vacation.

4. If any portion of the street or alley abuts a body of fresh or salt water, the requirements of BMC 13.50.120 are met; and

N/A

5. The street or alley is not adjacent or leading to any park, open space, view, natural area, or other natural or artificial attraction.

As stated in the Old Town Subarea Plan, the Army Street ROW is a view area. My application for the street vacation does not propose to interfere with the view corridor.

July 17, 2024

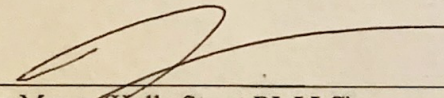
City of Bellingham
Attn: Lindsay Kershner
Permit Center
210 Lottie Street
Bellingham, WA 98225

RE: Acknowledgement of Street Vacation
Army Street Right-of-Way, Bellingham, Washington

Dear Ladies and Gentlemen:

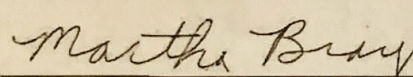
Sender Properties, LLC, a Washington limited liability company ("**Sender**"), owns that certain real property located at 315 W Holly Street in Bellingham. Holly Street BI, LLC ("**Holly Street BI**"), owns that certain real property located at 401 W Holly Street in Bellingham. Waterfront Alley, LLC ("**Waterfront Alley**"), owns that certain real property located at 1220 Central Avenue in Bellingham. The Owners' properties abut the Army Street Right-of-Way, which is subject to that certain Street and/or Alley Vacation Petition filed under City of Bellingham Petition No. VAC2024-0001 (the "**Petition**").

Holly Street BI and Waterfront Alley have been cooperating with Sender in connection with the Petition. Upon approval of the Petition by Bellingham City Counsel, the undersigned hereby acknowledge and agree that it is their intention to transfer any portion of the vacated right-of-way that they may obtain title to pursuant to RCW 35.79.040 to Sender.



John Meyer (Holly Street BI, LLC)

Date: 8.21.24



Martha Bray (Waterfront Alley, LLC)

Date: 8/1/24