

ORDINANCE NO. 2006-12-122

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING BELLINGHAM MUNICIPAL CODE (BMC) SECTIONS BMC 20.12.010.D(6), BMC 20.30.060.C(6), BMC 20.32.060.D(7), BMC 20.34.050.D(5) AND BMC 20.36.050.D(4) TO ALLOW TANDEM PARKING WHEN ENCLOSED WITHIN A STRUCTURE.

WHEREAS, this provision was initially identified by Planning staff as a priority code amendment in an evening Planning Commission work session on April 20, 2006 and an afternoon brown bag lunch presentation July 19, 2006, both publicly advertised; and

WHEREAS, this provision's value became more apparent as a historic preservation initiative to minimize garage mass on existing pedestrian oriented streets during review of the proposed rezone of Are 5 of the York Neighborhood; and

WHEREAS, though intended to be applied citywide in all zones, this provision is one of three Land Use Development Code amendments accompanying the rezone of Area 5 of the York Neighborhood, intended to further reinforce that neighborhood's efforts to preserve the historic character and pedestrian friendly environment in Area 5; and

WHEREAS, on September 13, 2006, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

WHEREAS, neighborhood meetings were conducted on July 13, 2006 and August 8, 2006 regarding the amendment's appropriateness in being applied to the Rezone of Area 5 of the York Neighborhood Plan; and

WHEREAS, the Bellingham Parking Commission reviewed the proposed amendment's application citywide in all zoning districts in a public work session on October 26, 2006, and raised no technical objections; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on November 9, 2006 on the proposed amendment with appropriate public notice provided, and thereafter made Findings, Conclusions and a Recommendation for adoption of the amendment with modifications; and

WHEREAS, the Bellingham Planning & Community Development Director supports the amendment modifications recommended by the Bellingham Planning Commission; and

WHEREAS, the Bellingham City Council held a public hearing December 4, 2006 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

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WHEREAS, the City Council finds that the amendment satisfies the requirements of BMC Chapter 20.22, and is consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and Visions for Bellingham;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code (BMC) subsection 20.12.010 D. Design Provisions relating to General Standards is amended as follows:

BMC 20.12.010 D. Design Provisions.

- 1-5. [UNCHANGED]
- 6. a. All required parking spaces shall be designed such that any vehicle parking in any space may enter and exit without interference or blocking any other vehicle parking in any other required space, except as allowed in 6.b.
- b. Tandem parking (2 cars maximum) is allowed when enclosed within a structure.
 - i. Tandem parking garages shall be set back a minimum of four feet (4') from the front face of a building.
- 7. [UNCHANGED]

Section 2. BMC subsection 20.30.060 C. Design Provisions relating to Residential Single Development is amended as follows:

BMC 20.30.060 C. Design Provisions.

- 1-5. [UNCHANGED]
- 6. a. All required parking spaces shall be designed such that any vehicle parking in any space may enter and exit without interference or blocking any other vehicle parking in any other required space, except as allowed in 6.b.
- b. Tandem parking (2 cars maximum) is allowed when enclosed within a structure.
 - i. Tandem parking garages shall be set back a minimum of four feet (4') from the front face of a building.
- 7. [UNCHANGED]

Section 3. BMC subsection 20.32.060 D. Design Provisions relating to Residential Multi Development is amended as follows:

BMC 20.32.060 D. Design Provisions.

- 1-6. [UNCHANGED]
- 7. a. All required parking spaces shall be designed such that any vehicle parking in any space may enter and exit without interference or blocking any other vehicle parking in any other required space, except as allowed in 6.b.
- b. Tandem parking (2 cars maximum) is allowed when enclosed within a structure.
 - i. Tandem parking garages shall be set back a minimum of four feet (4') from the front face of a building.

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Section 4. BMC subsection 20.34.050 D. Design Provisions relating to Commercial Development is amended as follows:

BMC 20.34.050 D. Design Provisions.

1-4. [UNCHANGED]

5. a. All required parking spaces shall be designed such that any vehicle parking in any space may enter and exit without interference or blocking any other vehicle parking in any other required space, except as allowed in 6.b.
- b. Tandem parking (2 cars maximum) is allowed when enclosed within a structure.
 - i. Tandem parking garages shall be set back a minimum of four feet (4') from the front face of a building.

Section 5. BMC subsection 20.36.050 D. Design Provisions relating to Industrial Development Chapter is amended as follows:

BMC 20.36.050 D. Design Provisions.

1-3. [UNCHANGED]

4. a. All required parking spaces shall be designed such that any vehicle parking in any space may enter and exit without interference or blocking any other vehicle parking in any other required space, except as allowed in 6.b.
- b. Tandem parking (2 cars maximum) is allowed when enclosed within a structure.
 - i. Tandem parking garages shall be set back a minimum of four feet (4') from the front face of a building.
5. [UNCHANGED]

Section 6. Unless there is a comprehensive update of the city's parking standards, a review of this tandem parking provision shall take place three (3) years from the date of adoption to determine its effectiveness and whether it should be retained, modified, or repealed.

Section 7. The Council adopts the October 26 and November 9, 2006 Findings of Fact, Conclusions and Recommendation of the Planning Commission as attached in Exhibit A.

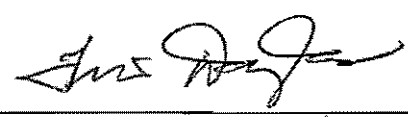
PASSED by the Council this 11 day of December, 2006.



Council President

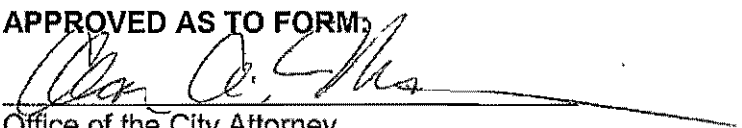
City of Bellingham
City Attorney
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APPROVED by me this 18th day of December, 2006.



Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
December 15, 2006

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EXHIBIT A

1 CITY OF BELLINGHAM
2 PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION
3 BASED ON 10/5/2006 AND 11/9/2006 PUBLIC HEARINGS
4

5 *Re: Amendments to the York Neighborhood Plan and Parking Standards in Bellingham Municipal*
6 *Code Chapter 20*
7

8
9 **SECTION 1 - OVERVIEW**

10
11 **SUMMARY**

12 Consideration of neighborhood plan amendments and amendments to the Land Use
13 Development Ordinance (Bellingham Municipal Code, Title 20) to:

- 14 • **ZON2006-00005:** Rezone Area 5 of the York Neighborhood from Multifamily Residential to
15 Single Family Residential,
- 16 • **ZON2006-00006:** Rezone publicly owned land (**Rock Hill Park**) from Multi-Family
17 Residential to Public,
- 18 • Amend **BMC 20.12.010.D.2, BMC20.30.060.C.8, BMC20.32.060.D.2, BMC 20.34.050.D.2,**
19 **BMC 20.36.050.D.2** and the Special Regulations of the York Neighborhood Zoning Table
20 (**BMC 20.00.21**) to require alley access in Area 5 of the York Neighborhood when an
21 abutting improved alley is available, and
- 22 • Amend **BMC 20.12.010.D(6), BMC 20.30.060.C(6), BMC 20.32.060.D(7), BMC**
23 **20.34.050.D(5) and BMC 20.36.050.D(4)** to allow tandem parking (one car parked behind
24 another) when enclosed within a structure in all areas of the city. This provision would allow
25 tandem parking citywide in all zones.
26

27 **MAJOR ISSUES**

- 28 1. Historic preservation & neighborhood character
- 29 2. "Garagescape" – A negative quality of some neighborhoods where there is an overwhelming
30 visual presence of garages on the street, clearly subordinating pedestrians below the auto.
- 31 3. "Walkability" – A quality of the neighborhood and its surroundings that encourages folks to
32 eschew their automobiles and take to the streets with a comfortable sense of well being.
- 33 4. Parking costs in terms of visual blight (parking lots and garagescape), the amount of land
34 dedicated to the automobile, and its relationship to providing affordable housing
35

36 **STAFF RECOMMENDATION**

37 Approval
38

39 **PLANNING COMMISSION RECOMMENDATIONS**

40 The Commission voted unanimously to recommend approval of the proposed zoning and
41 development code amendments with conditions (See **SECTION 9 – RECOMMENDATIONS**).
42
43

44 **SECTION 2 - BACKGROUND**

45 The York Neighborhood Association submitted a request on November 30, 2005 to amend the
46 zoning in Area 5 as part of the 2006 annual round of Comprehensive Plan amendments. On
47 May 1, 2006, City Council agreed to initiate consideration of the amendment and the Planning
48 Director agreed to sponsor the request upon finding that it met the following 3 conditions:
49

- 50 1. Consistency with Bellingham's Comprehensive Plan.

1
2 The proposed amendments are consistent with the Comp Plan Goals and Policies (see
3 Supporting Comprehensive Plan Goals and Policies in the Planning Commission Staff
4 Report (**Attachment 2**).

5
6 2. Ability to Accommodate Housing Growth.

7
8 Area 5 of the York Neighborhood is substantially built out. The rezone is only in housing
9 type (multifamily to single family); the underlying density of 1 unit per 3,000 square feet of
10 land is recommended to remain. The Land Supply Methodology adopted with the 2005
11 Comprehensive Plan allocated 9 net additional housing units to Area 5 of the York
12 Neighborhood, largely on the few existing vacant lots that remain. The proposed rezone will
13 not change this infill potential.

14
15 3. Broad-based Neighborhood Involvement and Support.

16
17 Working closely with Planning staff, the York Neighborhood Association conducted two
18 neighborhood meetings following a mailout to all property owners within Area 5 and within
19 500' of the subarea's perimeter. Over 40 people attended each meeting. The first meeting
20 was held to identify the main issues, discuss rezone and code amendment options, and
21 obtain general consensus on issues. The second meeting was held to discuss the findings
22 from the first meeting, discuss resultant rezone and code recommendations, and confirm the
23 level of consensus on the recommendations by means of a fill-in survey. Each of the
24 recommendations on the survey received a strong measure of support. The findings of the
25 survey are outlined in the Planning Commission Staff Report (**Attachment 2**).

26
27 The proposed code amendments for alley access and tandem parking are being brought
28 forward as a historic preservation initiative stemming from the zoning update of Area 5 of the
29 York Neighborhood Plan. The primary intent of the proposed code amendments is to preserve
30 the pedestrian oriented character of older neighborhoods. The amendments would 1) require
31 vehicular access from alleys in Area 5 of the York Neighborhood where abutting improved alleys
32 are available and 2) allow tandem parking (one car behind the other) when enclosed within a
33 structure. The tandem parking provision would be allowed citywide.

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35
36 **SECTION 3 - DOCUMENTS CONSIDERED**

- 37
38 • Planning Commission staff report and analysis.
39 • Bellingham Comprehensive Plan.
40 • York Neighborhood Plan

41
42
43 **SECTION 4 - PUBLIC PARTICIPATION**

44
45 The York Neighborhood Association solicited broad based neighborhood involvement and
46 support as outlined in Section 2, #3 above.

47
48 On October 26, 2006, the Bellingham **Parking** Commission reviewed the proposal to allow
49 tandem parking in a work session and raised no technical objections to the proposal.

1 On October 5, 2006, the Bellingham **Planning** Commission held a public hearing regarding the
2 York Neighborhood Plan amendments. Nearly 2 hours of public testimony followed the staff
3 presentation. The Commission then closed the public hearing, discussed this proposal, and
4 voted **unanimously** to recommend to City Council approval of the rezones and code
5 amendments to require vehicular access from alleys. However, they directed staff to bring
6 forward alternative options on November 9, 2006, on how to address rebuilding of
7 nonconforming uses and buildings in Area 5 in the event that one should be destroyed by
8 natural disaster.

9
10 On November 9, 2006, the Planning Commission opened the public hearing for testimony
11 regarding staff's proposed language to address nonconforming buildings and uses in Area 5 of
12 the York Neighborhood. Three members of the public testified following staff's presentation.
13 The Commission then closed the public hearing, discussed this proposal, and voted
14 **unanimously** to recommend to City Council approval of the proposed language with minor
15 modifications for better clarity (See **SECTION 9 – RECOMMENDATIONS**).

16
17 The Planning Commission then opened a new public hearing regarding the proposal to allow
18 tandem parking citywide. Two members of the public testified following staff's presentation.
19 The Commission then closed the public hearing, discussed this proposal, and voted
20 **unanimously** to recommend to City Council approval of the proposal with modifications (See
21 **SECTION 9 – RECOMMENDATIONS**).

22
23 The testimony from the hearings and the Commission's deliberations are summarized in the
24 minutes from the October 5, 2006 hearing and the continuation hearing on November 9, 2006.
25 (**Attachment 1**).

26
27 Written comments are part of the Commission's record and are included in the Planning
28 Commission Staff Report (**Attachment 2**).

29
30 ***Based upon the written record and public hearings, the Planning Commission makes the***
31 ***following:***

32
33
34 **SECTION 5 – FINDINGS OF FACT**

35
36 **5.1 Applicant**

37
38 York Neighborhood Association in sponsorship by the Planning Director

39
40 **5.2 Summary of Proposed Amendments**

41
42 The specific details of staff's recommended changes below are shown in the Planning
43 Commission Staff Report in **Attachment 2**.

44
45 **Recommendation #1:** Change the Comprehensive Plan designation of Area 5 of the York
46 Neighborhood Plan from "Multifamily" Residential to "Single Family" Residential, and update the
47 subarea narrative to reflect current conditions.

48
49 **Recommendation #2:** Amend the parking standards in Bellingham Municipal Code, Title 20, to
50 require alley access when available.

1 **Recommendation #3 and #4:** Amend BMC 20.00 – Zoning Tables, York Neighborhood, Area
2 5 to reflect the York Neighborhood Plan zoning change in Recommendation #1, and adopt the
3 alley access requirement per Recommendation #2.
4

5 **Recommendation #5:** Create a new subarea (Area 10) in the York Neighborhood Plan zoned
6 Public, consisting of those publicly owned properties within Rock Hill Park.
7

8 **Recommendation #6:** Amend BMC 20.00 – Zoning Tables, York Neighborhood, to create a
9 new subarea (Area 10) zoned Public, consisting of those publicly owned properties within Rock
10 Hill Park.
11

12 **Recommendation #7:** Amend the parking standards in Bellingham Municipal Code, Title 20,
13 to allow tandem parking when enclosed within a structure.
14

15 **SECTION 6 – NEIGHBORHOOD PLAN AMENDMENT CRITERIA** 16

17
18 **Planning Commission Action.** The following factors should be considered when reviewing
19 comprehensive plan and neighborhood plan amendment proposals:
20

21 **6.1 - Is the proposed amendment to the plan supported by or consistent with the existing**
22 **goals and policies of the comprehensive plan and the State Growth Management Act?**
23

24 The proposed amendments are consistent with the Comprehensive Plan Goals and Policies that
25 encourage infill development, historic preservation, and preservation of existing established
26 neighborhoods.
27

28 **6.2 - Have circumstances changed sufficiently since the adoption of the comprehensive**
29 **plan and/or neighborhood plan to justify the proposed change? If so, the circumstances**
30 **that have changed should be described in sufficient detail so that a finding of changed**
31 **circumstances can be made and a decision as to appropriateness of the proposed**
32 **neighborhood plan amendment can be reached based on information in the record.**
33

34 The York Neighborhood Plan has not been updated since it's adoption in 1982. Since then,
35 there has been greater emphasis (as identified in the 2005 Comprehensive Plan Goals and
36 Policies) placed on 1) cultural and historic preservation, 2) improving the livability of existing
37 established neighborhoods and 3) directing growth to the downtown, urban centers and urban
38 growth areas.
39

40 **6.3 - Have the underlying assumptions found in the comprehensive plan and/or**
41 **neighborhood plan upon which the land use designation, density or other provisions are**
42 **based changed, or is new information available which was not considered at the time the**
43 **plan was adopted? If so, the changed assumptions or new information should be**
44 **described in sufficient detail to enable the Planning Commission and City Council to find**
45 **that the land use designation or other sections of the plan should be changed. Examples**
46 **of the underlying assumptions include expected population growth, utility or roadway**
47 **capacities, available land supply, or demand for land zoned with the existing or proposed**
48 **land use designation.**
49

50 See answers to #2 and #4.
51

1 **6.4 - Does the proposed amendment promote a more desirable land use pattern for the**
2 **community as stated in the goals and policies in the comprehensive plan? Are there**
3 **environmental constraints (such as wetlands, steep slopes, significant stands of trees,**
4 **etc.) present on the site to such a degree that development of the site is economically or**
5 **physically unfeasible under the existing land use designation? If so, a description of the**
6 **qualities of the proposed plan amendment that would make the land use pattern more**
7 **desirable and/or would result in less environmental impact should be provided in**
8 **sufficient detail to enable the Planning Commission and City Council to find that the**
9 **proposed neighborhood plan amendment is in the community's long term best interest.**

10
11 The proposed amendments do promote a more desirable land use pattern for the community by
12 ensuring the preservation of a substantially intact neighborhood of pre-WWI single family
13 housing stock. Area 5 of the York Neighborhood is substantially built out. The rezone is only in
14 housing "type" (multifamily to single family); the underlying density of 1 unit per 3,000 square
15 feet of land is recommended to remain. The Land Supply Methodology adopted with the 2005
16 Comprehensive Plan allocated 9 net additional housing units to Area 5 of the York
17 Neighborhood, largely on the few existing vacant lots that remain. The proposed rezone will not
18 change this infill potential.

19
20 **6.5 - What impacts would the proposed amendment to the plan have on the current use of**
21 **other properties in the vicinity? What measures should be taken to ensure compatibility**
22 **with the uses of other property in the area?**

23
24 The proposed amendments to Area 5 will have minimal impacts on other properties in the
25 vicinity considering the subarea's lack of infill potential.

26 **SECTION 7 – REZONE AND OTHER CODE AMENDMENT CRITERIA**

27
28
29 The City may approve or approve with modifications an application for a rezone of property if:

30 **7.1 - It is consistent with the comprehensive plan or corresponds to a concurrent**
31 **comprehensive plan amendment application;**

32 The proposed rezones are consistent with the Comprehensive Plan Goals and Policies listed in
33 the Planning Commission staff report, and corresponds to a neighborhood plan amendment
34 application. The proposed rezones meet the adopted criteria for neighborhood plan
35 amendments (see above statements of fact) and would allow for appropriate infill development
36 and implementation of the Comprehensive Plan, which promotes development strategies with
37 Bellingham citizen's best interests at the forefront. It promotes infill that preserves not only the
38 York Neighborhood character, but also the character of all Bellingham neighborhoods while
39 achieving the infill and housing goals of the Growth Management Act.

40
41 **7.2 - It will not adversely affect the public health, safety or general welfare;**

42 No adverse affects to the above measures are anticipated as part of the proposed rezones.

43 **7.3 - It is in the best interests of the residents of Bellingham;**

44 The proposed rezones are in the best interest of Bellingham residents, consistent with
45 comprehensive plan goals and policies that emphasize 1) cultural and historic preservation, 2)
46 improving the livability of existing established neighborhoods and 3) directing growth to the
47 downtown, urban centers and urban growth areas. The proposed rezone to single family

1 residential promotes a more desirable land use pattern for the community by ensuring the
2 preservation of a substantially intact neighborhood of pre-WWI single family housing stock.

3 **7.4 - The subject property is suitable for development in general conformance with**
4 **zoning standards under the proposed zoning district;**

5 Area 5 of the York Neighborhood is substantially built out. The rezone of Area 5 is only in
6 housing type (multifamily to single family); the underlying density of 1 unit per 3,000 square feet
7 of land is recommended to remain. The Land Supply Methodology adopted with the 2005
8 Comprehensive Plan allocated 9 net additional housing units to Area 5 of the York
9 Neighborhood, largely on the few existing vacant lots that remain. The proposed rezone will not
10 change this infill potential. The rezone of Rock Hill Park from "Residential Multi" to "Public" is
11 merely a formality as the subject property is now publicly owned and designed/operated as a
12 park. Also see answer to (3) above.

13 **7.5 - Adequate public facilities and services are, or would be, available to serve the**
14 **development allowed by the proposed zone;**

15 No change is anticipated in demand on the facilities and services currently in place as a result of
16 the proposed rezones.

17 **7.6 - It will not be materially detrimental to uses or property in the immediate vicinity of**
18 **the subject property; and**

19 See answer to (4) above.

20 **7.7 - It is appropriate because either:**

21 **(a) Conditions in the immediate vicinity have changed sufficiently since the property**
22 **was classified under the current zoning that a rezone is in the public interest; or**

23 The York Neighborhood Plan has not been updated since its adoption in 1982. Since then,
24 there has been greater emphasis (as identified in the 2005 Comp Plan Goals and Policies)
25 placed on 1) cultural and historic preservation, 2) improving the livability of existing established
26 neighborhoods and 3) directing growth to the downtown, urban centers and urban growth areas.

27 **(b) The rezone will correct a zone classification or zone boundary that was**
28 **inappropriate when established; or**

29 **(c) The rezone will implement the policies of the comprehensive plan.**

30 See answer to (7)(a) above.

31
32 *Based upon the above findings, the Commission makes the following:*

33
34 **SECTION 8 – CONCLUSIONS**

35
36 **8.1** The proposed amendments to the York Neighborhood Plan are supported by the review
37 criteria in BMC 20.20.060.

38
39 **8.2** The proposed amendments to the York Neighborhood zoning designations are consistent
40 with the review criteria in BMC 20.19.030.

41
42 **8.3** The proposed amendments to the York Neighborhood (Area 5) zoning table to require
43 vehicular access from an alley is needed to facilitate pedestrian oriented housing designs and
44 preserve neighborhood character as recommended in the Comprehensive Plan Goals and
45 Policies.

1 8.4 The proposed amendments to the Land Use Development Ordinance to allow tandem
2 parking citywide is needed to further facilitate pedestrian oriented housing design and increase
3 diversity in housing types as recommended in the Comprehensive Plan Goals and Policies.
4

5 8.5 The proposed amendments are consistent with the Growth Management Act goals and
6 with Bellingham's Comprehensive Plan goals and policies related to infill, cultural and historic
7 preservation, improving the livability of existing established neighborhoods, improving the
8 pedestrian environment, and directing growth to the downtown, urban centers and urban growth
9 areas.
10

11 8.6 The proposed amendments promote a more desirable land use pattern for the community
12 by ensuring the preservation of a substantially intact neighborhood of pre-WWI single family
13 housing stock.
14

15 8.7 The proposed neighborhood plan amendments add policy recommendations to help
16 facilitate future amendments aimed at preserving existing historic character.
17

18 8.8 The Commission finds that the proposed amendments bear a substantial relation to public
19 health, safety and welfare; and will not be detrimental to property in adjacent areas. The
20 proposed amendments are consistent with the Growth Management Act and the countywide
21 planning policies. The comprehensive plan will be internally consistent, and the proposed
22 amendments will result in long-term benefits to the community as a whole and is in the best
23 interest of the community.
24

25 *From the above Conclusions, the Commission makes the following:*
26

27 **SECTION 9 – RECOMMENDATIONS**

28

29 The proposed changes to the York Neighborhood plan, York Neighborhood zoning
30 designations, and parking standards should be approved subject to the following conditions:
31

32 9.1 Add the following provision to Area 5 "Special Regulations" within the York Neighborhood
33 Table of Zoning Regulations (BMC 20.00.21):
34

35 "Nonconforming uses and buildings that are damaged or destroyed by sudden
36 accidental cause may be reconstructed to those configurations existing immediately
37 prior to the time the development was damaged, provided, a complete building permit
38 application for repair and reconstruction is submitted within 12 months of the
39 occurrence of the damage or destruction. The Planning Director may extend the
40 application deadline upon finding that the applicant is experiencing undue hardship
41 from unforeseen circumstances in meeting the deadline."
42

43 9.2 Amend the proposed text for tandem parking in each chapter of the Land Use
44 Development Code (BMC Chapter 20) to clarify that tandem parking is an exception to the
45 code provision that requires parking to be designed in a manner that won't interfere with
46 the maneuverability of other required parking.
47

48 9.3 Tandem parking garages shall be set back a minimum of four feet (4') from the front face
49 of a building, and
50

51 9.4 Tandem parking is allowed subject to a 3 year review after adoption.

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ADOPTED this 29 day of November, 2006.

Roger Stuber
Planning Commission Chairperson
Vice Chair

ATTEST: *Cheri Stewart*
Recording Secretary

APPROVED AS TO FORM:
Debra A. Thomas
City Attorney