

ORDINANCE NO. 2008-03-022

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING LAND USE AREAS 10, 10A, 11 AND A PORTION OF 14 OF THE LETTERED STREETS NEIGHBORHOOD; AMENDING LAND USE AREAS 6, AND PORTIONS OF 10 AND 14 OF THE CBD NEIGHBORHOOD; AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20) FOR PURPOSES OF ADOPTING THE OLD TOWN SUBAREA PLAN AND ASSOCIATED DEVELOPMENT AND DESIGN STANDARDS.

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated primarily in compact "urban centers" (or "villages") as described in the Community Growth Forum report, while preserving the character of existing single family neighborhoods (FLU-15); and

WHEREAS, the Comprehensive Plan directs that master plans be developed for each of the proposed urban centers (FLU-18); and

WHEREAS, urban centers are to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate well-located open spaces; attractive, well-connected street systems; and a balance of retail, office, residential and public uses (FLU-18); and

WHEREAS, Old Town is identified in the Comprehensive Plan as a priority urban village and one that requires additional regulatory changes in order for redevelopment to occur; and

WHEREAS, the City Council adopted the Bellingham Comprehensive Plan on June 5th, 2006; and

WHEREAS, the City of Bellingham adopted 23 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the CBD and Lettered Streets Neighborhood Plans; and

WHEREAS, the City has a process to amend the Comprehensive Plan via adoption of subarea plans in accordance with BMC 20.20.050 and BMC 21.10.150, and

WHEREAS, in accordance with the Growth Management Act and BMC 20.20.050 A.1., initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea or neighborhood plan is exempt from the one time a year amendment limitation and may be processed at any time during the year; and

WHEREAS, Old Town has been the subject of several community plans for more than a decade, culminating in the creation of the Old Town Subarea Plan and associated development and design standards; and

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WHEREAS, the City Council docketed the master planning of Old Town on the Planning Department's work program as part of implementing the Bellingham Comprehensive Plan and City Center Master Plan; and

WHEREAS, four neighborhood meetings were conducted in 2005 on the vision and goals for Old Town, and a final neighborhood meeting was conducted on September 26, 2007 regarding the proposed amendments; and

WHEREAS, Planning staff worked closely with residents, businesses, interested parties, and potentially affected interests within and adjacent to the subarea to identify and obtain general public consensus on main issues, and formulate specific proposals to address them; and

WHEREAS, on October 22, 2007, 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, in accordance with the Growth Management Act, the State of Washington was notified in October, 2007 of the City's intent to adopt a subarea plan and development standards for Old Town; and

WHEREAS, the Bellingham Planning Commission conducted public hearings on November 8, 2007 and January 17, 2008 on the proposed Neighborhood Plan and Land Use Development Code Amendments with appropriate public notice provided, and held three additional work sessions on November 16, and December 6 and 20, 2008, and thereafter made Findings, Conclusions and a Recommendation for adoption of the Subarea Plan and associated development regulations; and

WHEREAS, the Bellingham City Council held a public hearing February 25, 2008 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

WHEREAS, the City Council finds that the Old Town Subarea Plan and associated neighborhood plan amendments to the Comprehensive Plan satisfy the requirements of BMC Chapter 20.20.060, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the CBD and Lettered Streets Neighborhood Plans; and

WHEREAS, the City Council finds that the accompanying Land Use Development Code Amendment satisfies the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the CBD and Lettered Streets Neighborhood Plans; and

WHEREAS, a resolution adopting a fee schedule payable to the Lake Whatcom Watershed Property Acquisition Program in exchange for floor area development bonuses in the Old Town Overlay District accompanies this ordinance;

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NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Old Town Subarea Plan document, as shown in **Attachment A**, is hereby adopted as a component of the Central Business District and Lettered Streets Neighborhood Plans.

Section 2. A new chapter is added to the Bellingham Municipal Code as shown in **Attachment B**.

Section 3. BMC 20.08.020 F. is amended as follows:

BMC 20.08.020 - Specific Definitions

F. 1. [Unchanged]

2. [Unchanged]

3. **Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a site divided by the site area. Site area includes right-of-way and public spaces when dedicated to the public or permanently established for public use concurrently with a proposed development. For the purposes of calculating FAR, the total gross floor area **includes** the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including elevator shafts and stairwells on each floor and service and mechanical equipment rooms; **but excluding** exterior decks and balconies, all floor area with a ceiling height not more than three feet above the adjacent finished ground level, and structured parking (including garbage facilities therein).

4. **Foster Home:** See "Service Care . . . Foster Home."

5. **Freeway Oriented Sign:** See "Sign, Freeway Oriented."

Section 4. The Lettered Streets Neighborhood Plan, V. Subarea Descriptions and Land Use Designations Chapter, are amended as follows:

Lettered Streets Neighborhood Plan

V. Subarea Descriptions and Land Use Designations

Areas 1 through 9 [Unchanged]

Area 10

The Old Town Subarea Plan includes land within the Lettered Streets and the CBD Neighborhoods on either side of Whatcom Creek, with Area 10 comprising the portion of the Lettered Streets Neighborhood within the Subarea Plan boundary. The Subarea Plan is intended as a policy document for an overlay zone that will guide future development within the subarea. See Appendix A – Old Town Subarea Plan for details.

Area 10 Land Use Designation: Commercial

Areas 12 through 15 [Unchanged]

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Section 5. The Lettered Streets Neighborhood Plan Land Use Map is amended to consolidate Areas 10, 10A, 11 and a portion of 14 into Area 10 as shown on **Attachment C.**

Section 6. BMC 20.00.010 Lettered Streets Neighborhood Table of Zoning Regulations is amended as follows:

20.00.10 – Lettered Streets Neighborhood Table of Zoning Regulations (BMC 20.00.10)

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 through 9	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
10	Commercial	N/A	N/A	N/A	None	Development shall comply with all standards in BMC 20.35.050 – Old Town Overlay District.
12 through 15	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]

Section 7. BMC 20.00.010 Lettered Streets Neighborhood Zoning Map is amended to consolidate Areas 10, 10A, 11 and a portion of 14 into Area 10 as shown on **Attachment D.**

Section 8. The Central Business District Neighborhood Plan Land Use Map is amended to create a new “Area 22” consisting of portions of Areas 6, 10, and 14 as shown on **Attachment E.**

Section 9. The Central Business District Neighborhood Plan, Subarea Descriptions and Land Use Designations Chapter is amended to add a new “Area 22” as follows:

Central Business District Neighborhood Plan

Subarea Descriptions and Land Use Designations

Areas 1-21 [Unchanged]

Area 22

The Old Town Subarea Plan includes land within the Lettered Streets and the CBD Neighborhoods on either side of Whatcom Creek, with Area 22 comprising the portion of the CBD Neighborhood within the Subarea Plan boundary. The Subarea Plan is intended as a policy document for an overlay zone that will guide future development within the subarea. See Appendix A – Old Town Subarea Plan for details.

Area 22 Land Use Designation: Commercial

Section 10. BMC 20.00.003 CBD Neighborhood Table of Zoning Regulations is amended to add a new Area 22 as follows:

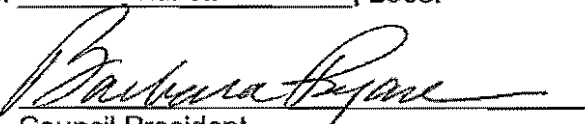
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Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 through 21	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
22	Commercial	N/A	N/A	N/A	N/A	Development shall comply with all standards in BMC 20.35.050 – Old Town Overlay District.


Section 11. BMC 20.00.003 CBD Neighborhood Zoning Map is amended to create a new "Area 22" consisting of portions of Areas 6, 10, and 14 as shown on **Attachment F**.

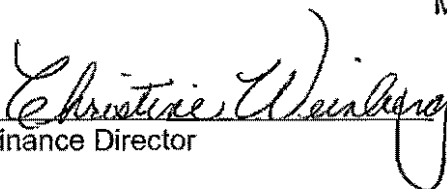
Section 12. The Council adopts the Findings of Fact, Conclusions and Recommendation of the Planning Commission included with this ordinance as **Attachment G**.

PASSED by the Council this 31st day of March, 2008.

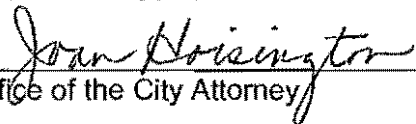

 Council President

APPROVED by me this 7th day of April, 2008.


 Mayor

ATTEST: 
 Finance Director

APPROVED AS TO FORM:


 Office of the City Attorney

Published:

April 4, 2008

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 City Attorney
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ATTACHMENT A

OLD TOWN SUB-AREA PLAN
City of Bellingham, Washington



Planning & Community Development Department
Adopted by Ordinance No. _____

Prepared by the City of Bellingham Planning & Community Development Department, with assistance from GGLO Inc., Artifacts, AHBL, Property Counselors and Christensen Design Management.

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1. INTRODUCTION

1.1. PURPOSE OF THE SUB-AREA PLAN

This document provides a policy framework for managing growth and development in Bellingham's Old Town district, and for preserving and enhancing its natural and historical resources. The Plan's purpose is to guide development toward thoughtful redevelopment that achieves the vision for Old Town. It will be used to help reclaim and revitalize this historic and underutilized area of Bellingham's City Center.



The goals and policies within this document are applicable to only those areas within the Old Town Boundary, see Old Town Sub-Area Plan map on Page 6. While important, implementing policies and strategies affecting adjacent neighborhoods would require neighborhood plan amendments.

1.2. RELATIONSHIP TO THE 2005 COMPREHENSIVE PLAN

The City of Bellingham Comprehensive Plan was updated in 2005. The Plan calls for the creation of urban villages, or centers to accommodate the City's anticipated growth. Urban centers are to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate well-located open spaces; attractive, well-connected street systems; and a balance of retail, office, residential and public uses (FLU-18).

The Comprehensive Plan's Framework Urban Center Policies call for urban centers to:

- Have an appropriate mix of commercial, service and residential uses,
- Maintain the character and livability of adjacent residential neighborhoods,
- Serve as a neighborhood focal point,
- Attract and encourage non-motorized trips,
- Include a central park, plaza, village green or other public

- space, and
- Minimize the impacts of parking.

The Comprehensive Plan directs that Master plans be developed for each of the proposed urban centers (Policy FLU-18). Each plan must specify land uses and densities, street and utility layouts, lot arrangements, housing types, village square or plaza locations, streetscape amenities, the relationship of buildings to the street, parking structures or lots, protection of critical areas, pedestrian and bicycle facilities, and other items deemed necessary to ensure compatibility with surrounding areas.

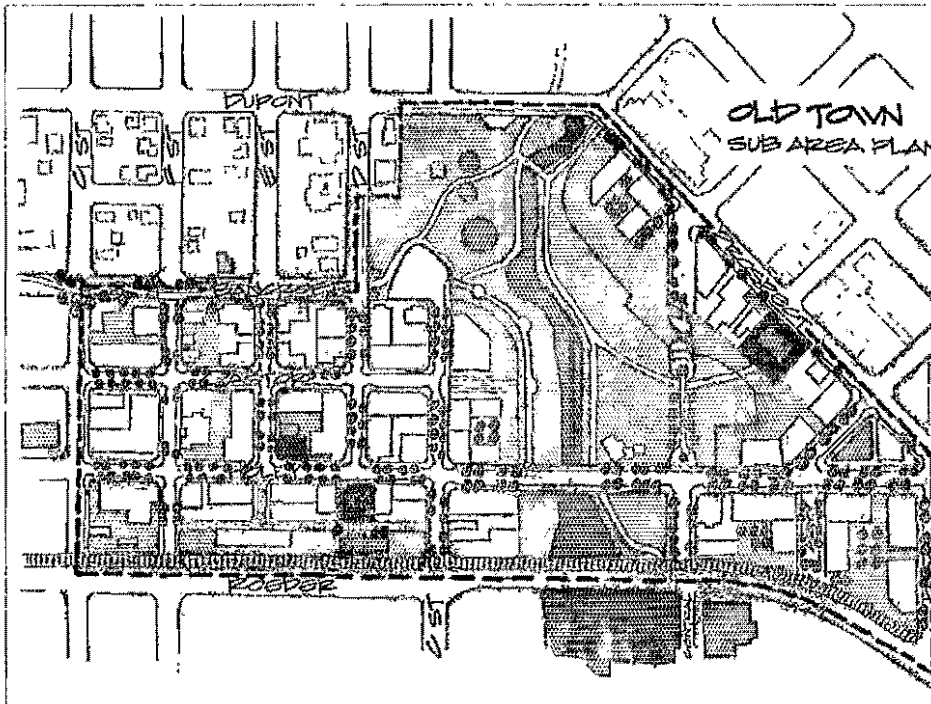
Old Town is identified in the Comprehensive Plan as a priority urban village and one that requires additional regulatory changes in order for redevelopment to occur.

1.3. THE PLANNING PROCESS

1.3.1 Related Planning Processes

Old Town has been the subject of several community plans for more than a decade. Those plans include the:

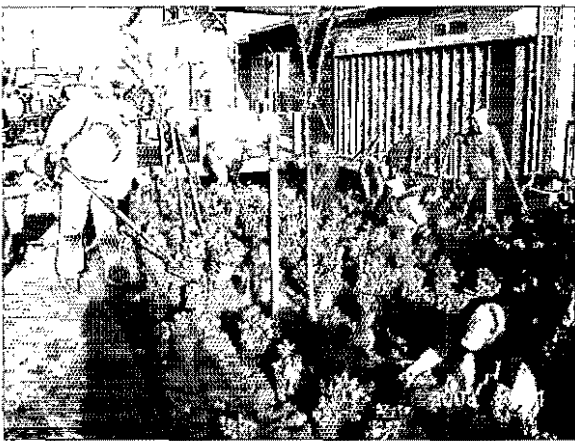
- Regional Urban Design Assistance Team (R/UDAT) report,
- Whatcom Creek Waterfront Action Program (WCWAP),



Boundary The Old Town Sub-Area Plan boundary follows Roeder Avenue at Bay Street north to G Street east to Bancroft, south to D Street, east following Maritime Heritage Park to Dupont Street, south to Prospect, south to Bay Street and west to Roeder .

- Downtown Development Workshop recommendations,
- City Center Master Plan (CCMP), and the
- Community Forum on Growth Management.

These planning efforts involved various forms of community input and involvement. Each process identified Old Town as an underutilized area and a vital link between the Central Business District, the waterfront and adjacent residential neighborhoods. The Community Growth Forum Report



recommended that Old Town be a priority 'urban village'. Preservation of neighborhood character, historic resources and public views have been identified as priorities for the area.

1.3.2 Public Investment

Since 1996, local business owners, many community organizations and the City of Bellingham have been working to implement WCWAP. Nearly \$8 million dollars in local, state and federal funds have been invested in Old Town over the last 10 years. Public improvements focused on improving amenities such as Maritime Heritage Park, streetscapes along Central and Holly, Holly Street Landfill cleanup and restoration of Whatcom Creek estuary. Minimal private sector investment has followed public investment to date. As with urban centers region-wide, markets for mixed use, urban infill, and redevelopment are maturing. Since 2004, property transactions within the Old Town area indicate a level of interest in redevelopment, yet the Neighborhood Plan is outdated for this area and does not reflect the new goal of establishing an urban village.

1.3.3 Old Town Planning Process

The City hosted several community meetings in 2005 and 2007 to seek input about how Old Town should redevelop in the future. During these meetings the public identified Old Town's character-defining features, view corridors and vistas. They discussed preferred land uses, building heights and building designs. Several ideas generated from these meetings were used to update the City Center Design Standards and Bellingham's Comprehensive Plan in 2006.

This Plan is the culmination of these public processes. Following this introduction, Old Town's rich natural and historic context is described followed by the public vision for Old Town in the future. Policies and implementation strategies for Old Town's Development Character, Circulation, Streetscape and Parking, and Parks and Plazas are then articulated in greater detail, providing specific guidance for new development.

1.4. CONTEXT

1.4.1 Natural and Historic Setting

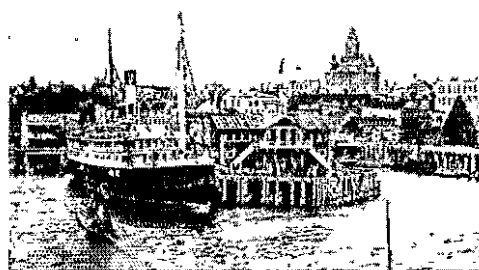
Whatcom Creek has for centuries been the most attractive area for human presence on Bellingham Bay. Consequently, Old Town has a rich archaeological area in the city. Fresh water, shelter and abundant salmon attracted native peoples and the creek was a watering stop for early European exploring expeditions, sailors, whalers and fur traders.

In December of 1852, the creek attracted the area's first settlers intent on harnessing the falls to drive sawmill blades. Indian treaty wars, a gold rush and political boundary disputes all left marks on the fledgling efforts to build a township around the mouth of Whatcom Creek.

Distinctly within the urban downtown Bellingham area, Old Town clings for definition to its natural setting. Its

boundaries are for the most part determined by natural edges - edges between land and water and between uplands and lowlands. The district largely fits within a half bowl landform that rises from the course of Whatcom Creek on all sides except the west, where it is open to Bellingham Bay.

The "Old Town" of Whatcom was situated below the natural bluff on the north side of Whatcom Creek beginning in the 1850s. On top of the bluff a block houses were built as well as Captain George Pickett's house in 1856. This was a high point topographically for viewing incoming ocean going vessels.



Most of the early buildings were of wood construction with the majority erected during the Fraser River Gold Rush, including the brick 1858 T. G. Richards supply house that still is standing today. Once the Holly Street viaduct was constructed, Old Town expanded to

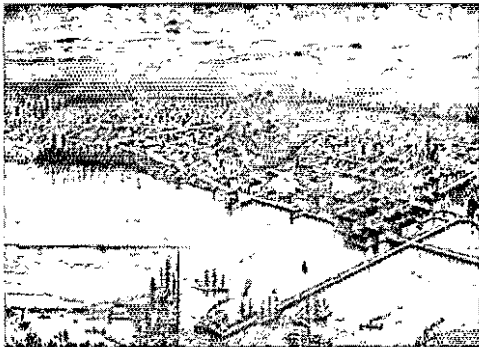
CHAPTER ONE

INTRODUCTION

include the buildings on the south side of the creek just before the border of the town of Sehome.

Bellingham's Front Door

The deeper water in the channel of Whatcom Creek accommodated the largest vessels visiting Bellingham Bay



and helped to establish Old Town as the primary point of entry into the city. For decades the Colony Wharf, which ran from Whatcom Falls directly out along the creek channel to deep water, was the main entry portal into the city. The Colony Pier axis with Holly Street

marked the historic centerpoint of Bellingham. The Holly Street crossing of Whatcom Creek is the perceived epicenter of Old Town.

Early in the twentieth century, the creek channel was dredged and a formal passenger terminal for ferry service was built on pilings at mid channel. The terminal, which became Citizen's Dock, faced onto Roeder Avenue where it was outside the arching viaduct of the busy Great Northern rail line. Later, the Great Northern Passenger Depot was built just north of Whatcom Creek. Together, the two passenger arrival points reinforced Old Town's role as Bellingham's front door. Visitors, immigrants, tourists and returning locals all fed the Holly Street corridor where one of the city's busiest streetcar lines operated.

Early Years

The street grid and building lot patterns of Old Town reflect its early years as a town built over mudflats on long piers reaching from the foot of the shoreline bluff to deep water. The heart of Old Town was burned in a fire in 1885, destroying 17 buildings. With the mudflats becoming buried under layers of landfill, increasingly larger buildings were constructed, and the stilted character of streets and sidewalks gave way to graded rights of way and streetscapes that blended smoothly into the neighboring commercial and residential areas.

At the turn of the twentieth century, lower Holly Street just north of the Whatcom Creek Bridge hosted an opera house, several hotels, restaurants, saloons, markets and retail shops. Upper floors accommodated newcomers and waterfront workers. Along Astor and Bancroft streets between Holly Street and the bluff, smaller residential buildings and houses sat intermittently amid industrial yards and plank workshops. The northern banks of the creek were given over to water-dependent business mostly related to timber milling and wood products. Construction below the bluff was light framed lumber on shallow pilings built without stone or masonry foundations.

Historic Buildings and View Points

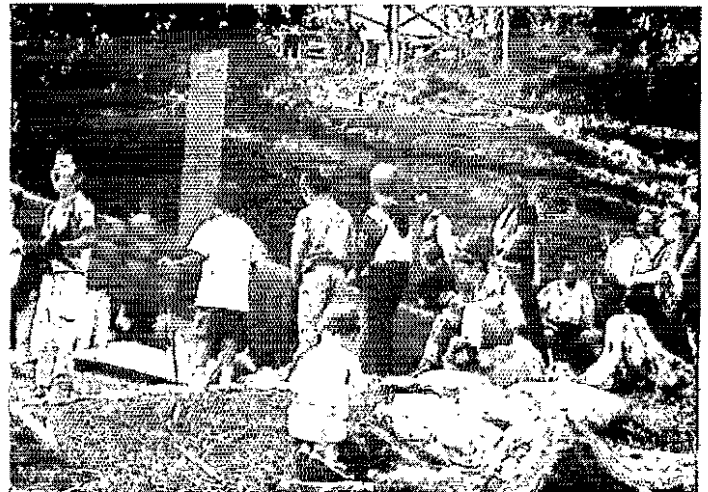
The bluff (along Prospect St) created an early platform for the city's most prominent public buildings, including City Hall (1892). The looming drama of formidable architectural landmarks built along the crest of the bluff was an impressive and memorable attribute of Old Town, particularly for people arriving by water or rail for the first time. Today, the topographical contrast continues to create important views and visual perspectives, particularly in regard to the landmark Old City Hall building.

Character Shift

As the automobile, surface roads and state highways took over as the most common system of transportation, Old Town faded as Bellingham's arrival point. By the mid 1920s, large areas were filled

to extend the shoreline further into the bay on both sides of Whatcom Creek. Ambitious industrial facilities with large workforces began dominating the bay's shoreline and Old Town's character shifted to reflect its transitional role between the downtown's commercial district and the working waterfront.

By the late 1930s, the streetcar line had disappeared and Holly Street and Roeder Avenue became busy industrial routes for both cars and heavy trucks. The wood frame architecture north of the creek deteriorated rapidly and the busy urban landscape thinned to just a few sturdy masonry buildings, such as the Great Northern Railroad Station. As the wood frame structures disappeared, so did the lot lines. Blocks were



consolidated into open industrial yards and building sites for warehouses and simple steel frame industrial buildings.

1.4.2 Old Town Today

Today, Old Town is bordered by Bellingham's downtown to the south, the Lettered Streets and Columbia neighborhoods to the east and north, and the waterfront and Bellingham Bay to the west.

Present densities within Old Town are low. Old Town today is interspersed with vacant land, large footprint industrial structures, parcels of public open space and a relatively low residential population. Little in the way of new uses, quality new construction or targeted adaptive reuse and preservation has occurred in Old Town compared to other areas in Bellingham.

Old Town has a number of existing attributes that make it a great urban village candidate:

- Existing street grid layout
- Variety of topography and land forms
- Historic structures and history
- Proximity and connection to Downtown, Waterfront and Lettered Streets and Columbia Neighborhoods
- Existing diverse uses
- Underdeveloped with large parcels under single ownership
- Existing parks and open space

- Served by public transit
- Proximity to schools and services
- Existing infrastructure and recreational areas
- Whatcom Creek

1.4.3 Redevelopment Potential

All parcels in Old Town were evaluated for potential redevelopment, based upon physical characteristics of the lots, condition of existing structures, size of lot under single ownership and redevelopment interests of property owners.

Utilizing this analysis, it is estimated that between 860 and 1 120 housing units, and up to 400,000 square feet of commercial space could be added by 2022.

2. VISION

The Old Town area is envisioned as a community in which people can live, work, and play. It's designed to maintain important characteristics such as view corridors and vistas, natural features, historic resources, small businesses and yet provide for additional housing and business opportunities. Old Town is envisioned as an 'urban village' that nearby residents of downtown and Lettered Streets call their own.

Old Town is a place that preserves and respects its historic features. The Old City Hall (Whatcom Museum), Territorial Courthouse, Great Northern Passenger Station, Oakland Block, Lottie Roth Block, and Pickett House are area highlights. Some of the remaining historic buildings are situated so as to create terminal views – "views to the past" – thereby garnering the area's historic context a more significant presence.

Historically, development in Old Town has been marked by maritime, railroad, light industrial, downtown commercial, residential, and marine estuary influences. The area has experienced many changes over time that are reflected in the character and diversity of building and infrastructure. Residents and users have expressed a strong interest in preserving and enhancing the unique characteristics of this diverse area.



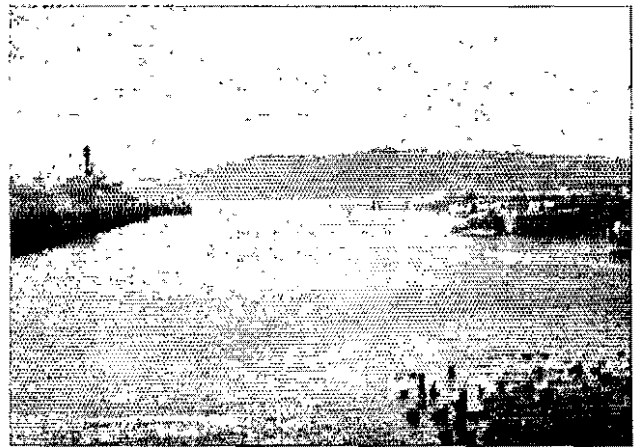
A diverse mix of uses will be encouraged to emphasize and build upon the eclectic nature that exists today. People envision live/work and artist studios, theatres, antique shops, cafes and restaurants, theatres, maritime uses, and a variety of housing opportunities.

What has always drawn people to this area is its connection to the water from Whatcom Creek to the Bay. Strong pedestrian connections to the waterway and waterfront redevelopment area draw people to enjoy the water. Whatcom Creek and Maritime Heritage Park, another area treasure, continues to serve as a respite and trail link to nearby neighborhoods.

Pre-automobile, Old Town was a busy, bustling place where people lived in or nearby and walked to work, shop, have a drink, or see a show. In honor of this tradition, design guidelines and public amenities will ensure new development will have strong pedestrian focus creating better connections within the area, and to downtown, the waterfront, and the Lettered Streets Neighborhood.

2.1. FRAMEWORK POLICIES

- Encourage a healthy mix of diverse and eclectic residential and commercial uses,
- Guide development to engage the pedestrian by providing active streetscape uses, and a safe, convenient, and interesting network of walkable streets,
- Ensure new development responds to view corridors, landmark buildings, and the natural environment,
- Provide a level of predictability for stakeholders within and outside Old Town, and
- Encourage redevelopment to occur in Old Town.



CHAPTER THREE

DEVELOPMENT CHARACTER

3. DEVELOPMENT CHARACTER

Old Town falls within the purview of the City Center Design Standards (CCDS). However, building and site design guidelines that are specific to Old Town should be developed to ensure new development has a strong pedestrian focus.



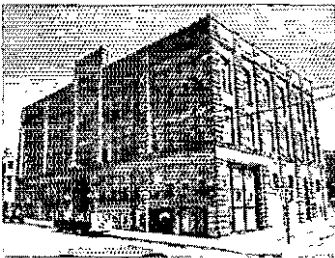
3.1. DEVELOPMENT CHARACTER POLICIES

3.1.1 *Land Use Policies*

1. Allow a mix of residential and commercial uses in Old Town to make the district a desirable place to live, work and play.
2. Require ground floor commercial uses along Holly Street, Bay Street, Prospect Street, and Champion Street.
3. Encourage the development of below grade and under building structured parking.
4. Allow for small handicraft, marine, and manufacturing uses, but discourage large industrial uses that are incompatible with residential and pedestrian dominated environments.
5. Preserve and highlight landmark buildings to the greatest extent possible.

Landmark buildings

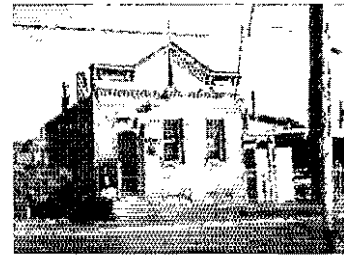
Significant evidence of Bellingham's early history survives in several landmark buildings located in Old Town. In regards to the Old Town Sub-area Plan, a "Landmark" building is defined as a building, structure, or site identified through a public visioning process as having historical, aesthetic, or cultural significance to the character of Old Town. There are a number of historically significant or potentially eligible historic properties within Old Town that are not shown here.



Lottie Roth Block



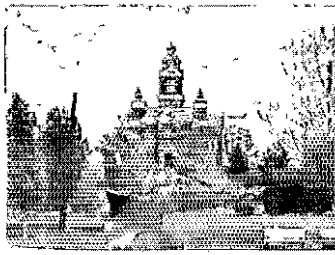
Pickett House



Territorial Courthouse



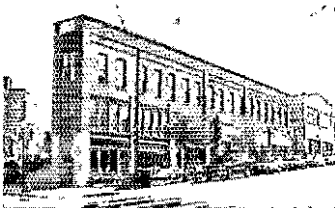
Great Northern Passenger Station



Old City Hall



Granary Building



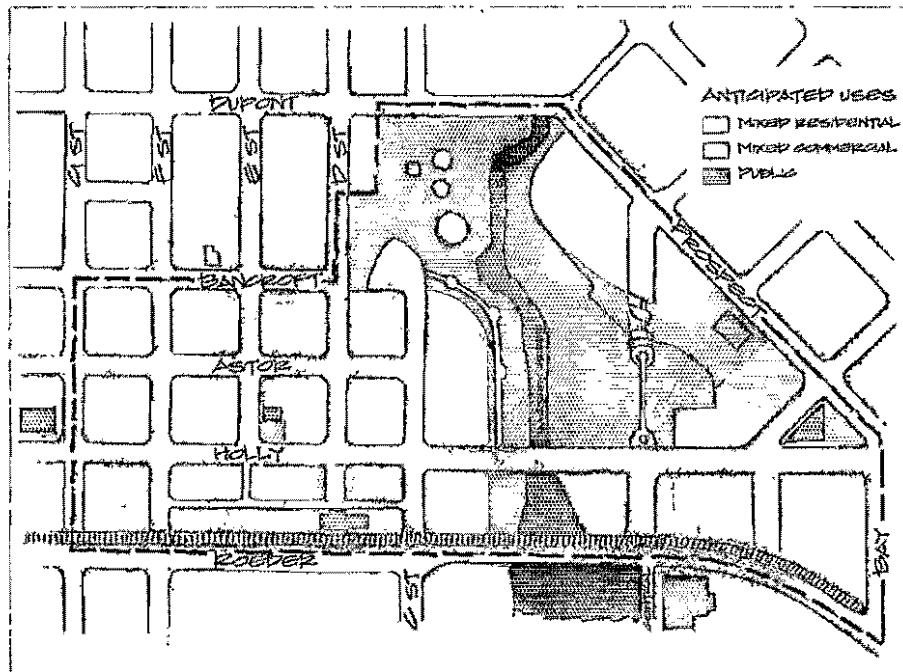
Oakland Block

Financial incentives for historic buildings: Some of the Landmark buildings that were identified through the public process are listed in the National Register of Historic Places (administered by the National Park Service). National Register listing may make properties eligible for State and federal grants, federal tax credits, and building code relief.

A few of the Old Town Landmark buildings have additional designation of being listed in the Bellingham Historic Register (administered by the City of Bellingham). This listing offers incentives to owners through Special Tax Valuation, Adaptive Use Permits and building code relief.

3.1.2 Building Design Policies

1. The City Center Design Standards and design review process should be employed.
2. Buildings heights should be lower in priority view corridors and when adjacent to certain landmark buildings and Whatcom Creek.
3. Design buildings to allow light to the street and create a human scale at the street edge by requiring an upper story setback.
4. Stoops and porches should be incorporated into buildings with ground floor residential uses.
5. Include modulation on the face of buildings and in rooflines to break up building bulk and long walls and rooflines.
6. Celebrate building corners with unique design features at Prospect, Central, Whatcom Creek, and F Streets where they intersect with Holly Street.
7. Merge modern materials of the present with traditional building forms from the past to reference the historic Old Town.
8. Create an active edge along Old Village Trail, Maritime Heritage Park and public plazas by



incorporating access, activity areas and interesting design features into new and redeveloped buildings.

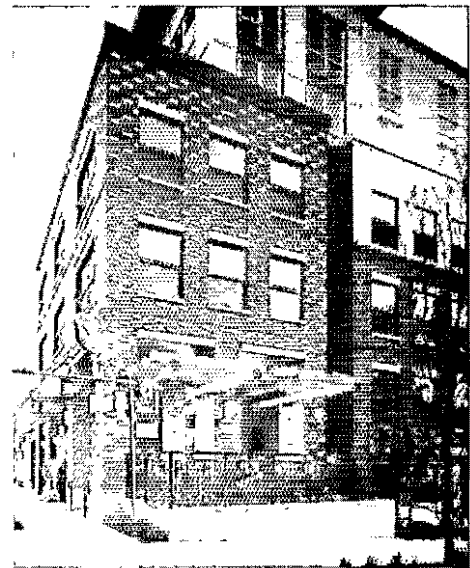
9. Establish building heights such that:
 - Priority public views to the water are identified and maintained.
 - New construction does not overpower landmark buildings.
 - Redevelopment opportunities become feasible and more desirable.
 - The scale of buildings creates a comfortable pedestrian environment.
 - Quality new construction and structured parking are feasible.
 - Buildings step down as they approach Whatcom Creek estuary.
 - A clear unobstructed view of Whatcom Museum along Astor Street is maintained.

3.1.3 Site Design Policies

1. Design sites to create an interesting pedestrian environment.
2. Discourage surface parking lots, but when required they should be located behind the building.
3. Locate buildings adjacent to sidewalks except where setback to accommodate plazas, outdoor dining, wider sidewalks or to

highlight building entrances. Building setbacks may be particularly desirable along Holly Street to accommodate these amenities.

4. Locate eateries, outdoor cafes and plazas on the southwest to maximize light, warmth and comfort.

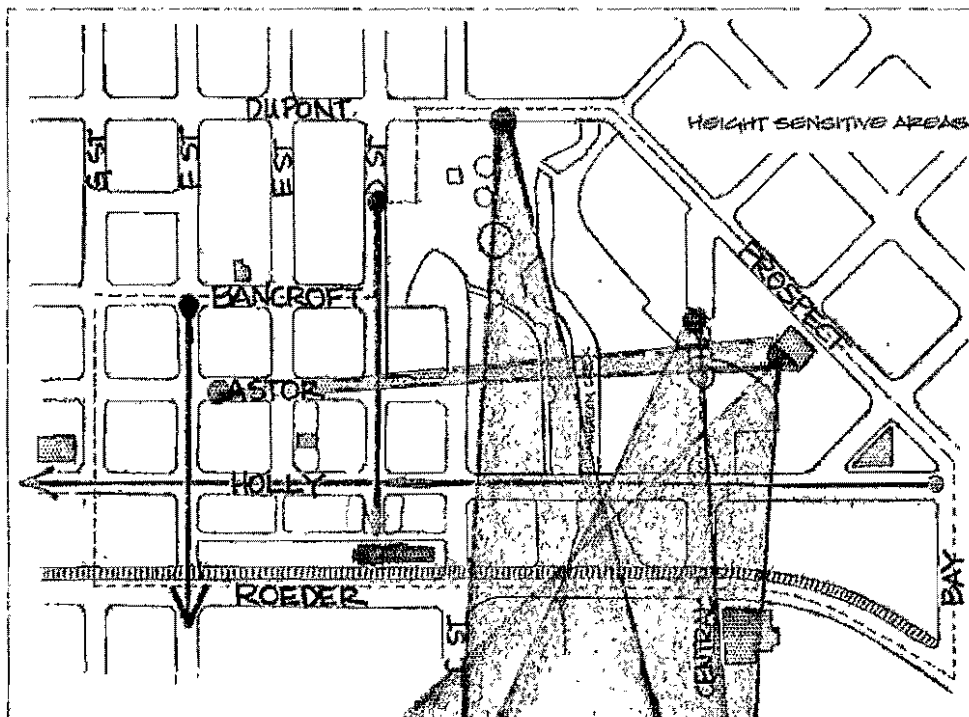


Height Sensitive Areas

Noteworthy vistas and view corridors contribute to Old Town's character. Preservation of these views was identified as a priority by the public. Priority public view corridors include:

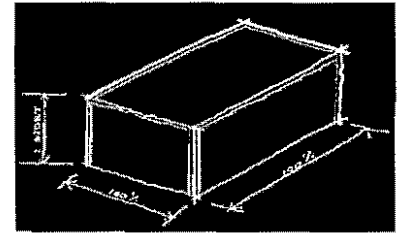
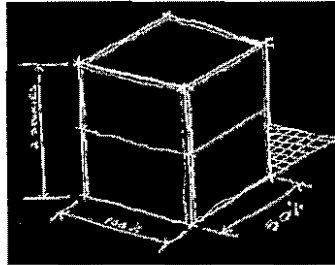
- F Street View to Bellingham Bay and Islands
- Astor Street View Corridor to Whatcom Museum
- D Street View to Great Northern Passenger Depot
- Dupont Street Overlook view out Whatcom Waterway to Bellingham Bay
- Maritime Heritage Park Overlook view out Whatcom Waterway to Bellingham Bay and Islands
- Museum Overlook view to Bellingham Bay and Islands
- Holly Street view Corridor to St. Paul's Church

Height limits should be reduced adjacent to the one story Territorial Courthouse and Great Northern Passenger Depot.



3.2. DEVELOPMENT CHARACTER IMPLEMENTATION STRATEGIES

1. Develop a Floor Area Ratio (FAR) system with maximum height limits.
2. Incorporate a FAR bonus system to allow increases in FAR in exchange for the creation or preservation of public amenities such as affordable housing, and construction of LEED™/Built Green certified buildings.
3. Restrict height limits within identified view corridors.
4. Investigate the possibility of forming a public/private partnership to preserve the Great Northern Railroad Passenger Depot and make it accessible to the public. The timber framed freight house, adjacent to the train station, could convert to affordable artist studios or work places.
5. Solicit redevelopment proposals for residential and commercial opportunities at the City owned property (600 W Holly) in an effort to activate Maritime Heritage Park and promote redevelopment.
6. Adopt development regulations and design standards that are consistent with and implement the policy recommendations of this sub-area plan.



Floor Area Ratio Definition: The gross floor area of a building (s) on a site divided by the site area.

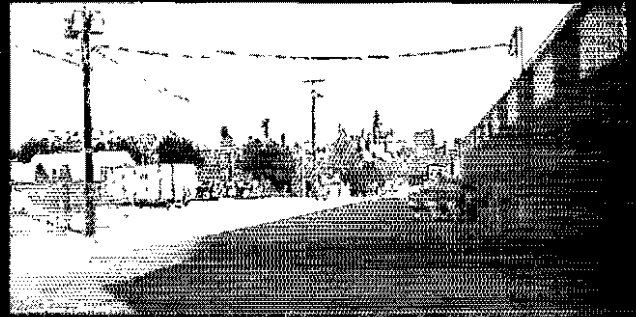
For example, if the building above has a total of 10,000 SF and the site area is 10,000 SF, then the FAR would be 1.0.

If you know the FAR and you want to calculate how much gross floor area one could build, multiply the FAR (1.0) by the site area (10,000 SF).



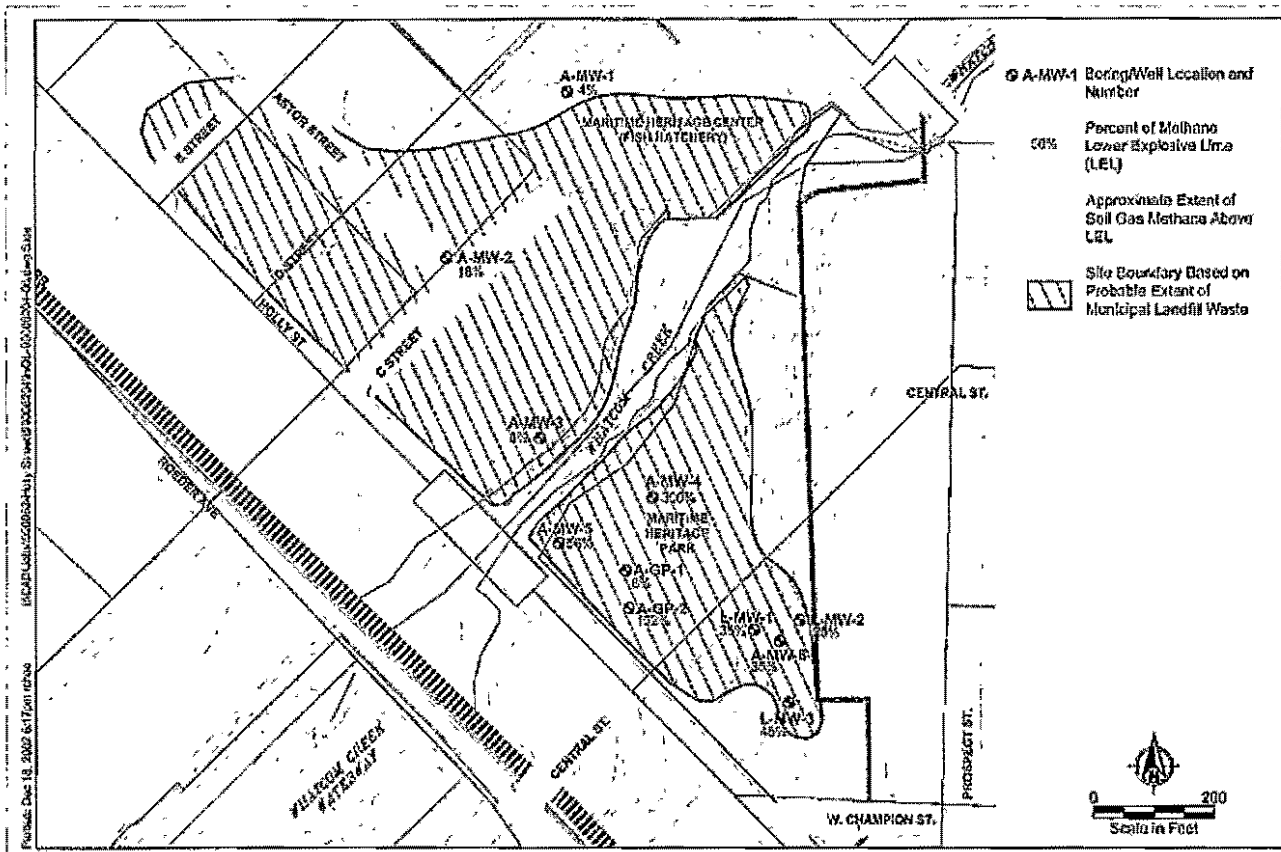
Astor Street View Corridor

The Old City Hall, Whatcom Museum, is an important landmark building in Old Town. Clear unobstructed views of it should be preserved from the west sidewalk as redevelopment occurs along Astor Street by stepping buildings back and selecting appropriate street trees.



Holly Street Landfill Boundary

The 13-acre Holly Street Landfill is regulated by the Department of Ecology under a Consent Decree with the City and other property owners. Restrictive covenants on all the properties within the landfill boundary require certain measures be followed to protect human health and the environment.

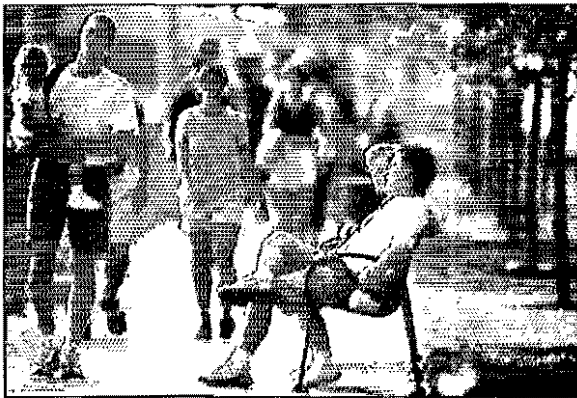


CHAPTER FOUR

CIRCULATION, STREETScape AND PARKING

4. CIRCULATION, STREETScape AND PARKING

The existing street grid layout with small blocks and multi-modal connections provides excellent networks for access and circulation. Old Town's proximity to downtown, waterfront and Lettered Streets and Columbia Neighborhoods, as well as public transportation service along Holly, Champion and Dupont streets, keeps Old Town well connected to other parts of the City. However, certain improvements to corridors and connections are needed to enhance pedestrian access and create a safe, convenient, and interesting network of walkable streets.



Pedestrian connections within Old Town that need to be enhanced include the Old Village Trail, the non-arterial streets and connections to the waterfront. The Old Village Trail is envisioned to be primarily for foot traffic and bicyclists with minimal interruption from local vehicular traffic.

Connections to the waterfront at the railroad crossing on F, C and Central streets need improvement. Wayfinding signs along the trails leading to Old Town would strengthen connections between Old Town and residential neighborhoods to the north and east.

The street right-of-ways within the Old Town area account for 18 of the 53 total acres. The streets serve the purpose of moving vehicles but also become an important part of the public realm as

residential densities increase. As there are many demands on this real estate, the street design should reflect the differences between arterials and non-arterials with an emphasis on creating a multi-modal transportation system.

As Old Town becomes more walkable, adequate parking needs to be provided in a manner that does not detract from the desire to create a pedestrian-oriented streetscape. A high priority should be placed on creating shared parking facilities since they have a greater capacity than single use reserved parking. Striking a balance between wider sidewalks for the pedestrian and on street parking is critical.

4.1. CIRCULATION, STREETScape AND PARKING POLICIES

4.1.1 Circulation Policies

1. Follow Old Village Trail Plan guidelines when redeveloping property along the Bancroft Street right-of-way to promote and enhance it as a pedestrian and bicycle connection.
2. Incorporate pedestrian-friendly interfaces within redevelopment properties along the Old Village Trail with features such as an entries and windows.
3. Street right-of-ways should not be vacated.
4. Maintain the two-way street system.
5. Provide safe and comfortable pedestrian and bicycle crossings

over the train tracks and as many connections to the waterfront as feasible.

6. Fire access staging should be on street rights-of-ways. The primary fire access streets are Holly, Astor, Prospect and Bay. Along Astor street where the drive lanes are only 10 feet wide, the staging area should be incorporated at the mid-block with driveway access.
7. Driveway access should be from the non-arterials when feasible.
8. Bike routes should be developed on Roeder and Dupont for through traffic.
9. Transit stops should be conveniently spaced and prioritized over on-street parking.

4.1.2 Streetscape Design Policies

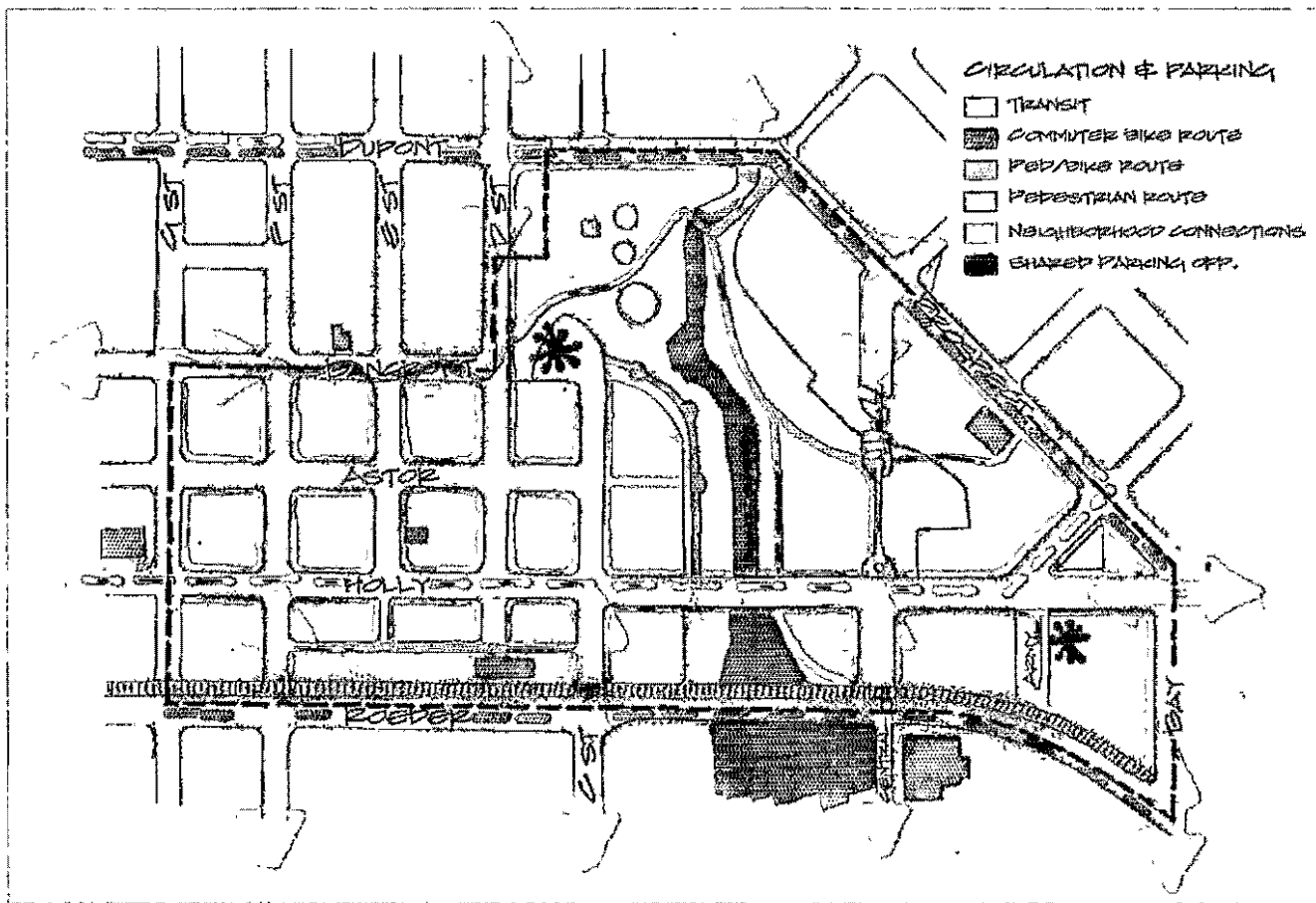
1. Preserve the street grid to maintain public view corridors to landmark buildings and the Bay.
2. Install pedestrian improvements, such as wider sidewalks, pedestrian scale lighting, street furnishings, and street trees.
3. Property and business owners should weed, sweep and provide general maintenance in sidewalk areas.
4. Select street trees that minimize impacts to views such as columnar species.
5. Continue Central Avenue/Holly Street design details throughout the Old Town area. Details include street lamps, tree wells,

CHAPTER FOUR

CIRCULATION, STREETScape AND PARKING

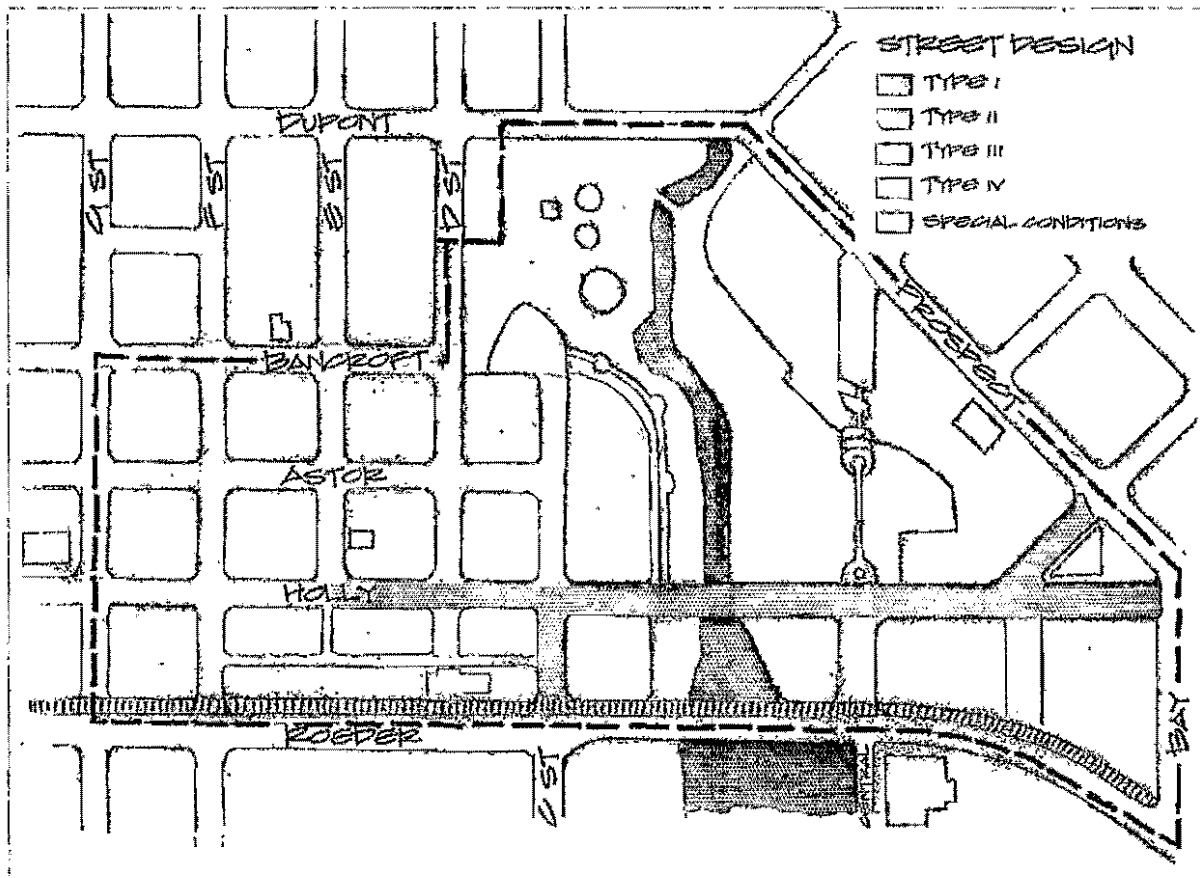
Circulation and Shared Parking Opportunities

A emphasis is placed on creating a multi-modal transportation system. Old Town is well connected and easily accessible to nearby neighbors. Shared parking opportunities (structures) exist where sites are already in public ownership.



Street Design

Old Town has an existing network of streets that should not be vacated. Holly Street and F Street are main arterials serving the area and the greater City and should be maintained. Other streets within the area should be designed for local access. The right-of-way widths vary between 60 feet and 80 feet and, therefore, the street design will vary.



CHAPTER FOUR

CIRCULATION, STREETScape AND PARKING

- concrete paving and brick paving.
6. Prospect and Bay Street represent a transition to the Arts District and should incorporate design standards established for the Arts District.
 7. Incorporate stormwater features that are compatible with attractive pedestrian environment when appropriate and feasible.
 8. Incorporate weather protected transit shelters.
 9. Provide distinct artistic features in areas such as the Holly Street Bridge.

4.1.3 *Parking Policies*

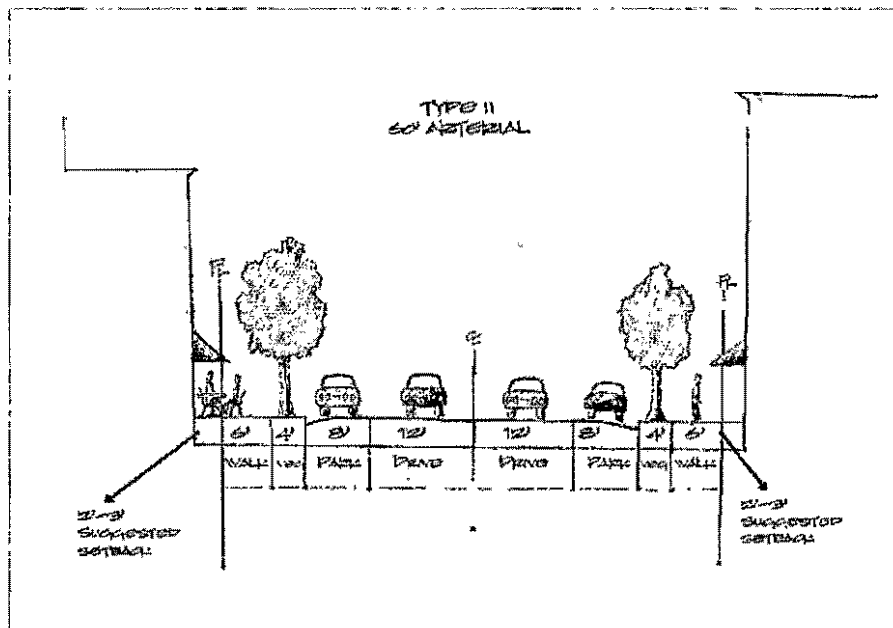
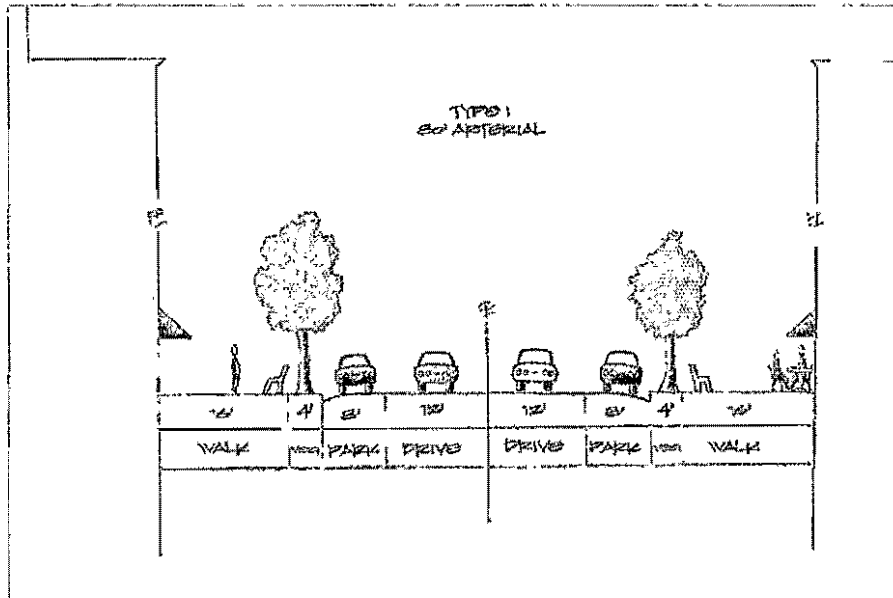
1. Reduce existing parking requirements to a standard that is appropriate for an urban village.
2. Create on-street parking for visitors and customers, and discourage on-site surface parking lots.
3. Consider establishing a Residential Parking Zone in adjacent neighborhoods if the spillover from Old Town to nearby residential areas becomes problematic.
4. When feasible, use shared parking facilities to promote and encourage the development of commercial/office uses.
5. Consider public/private partnership opportunities for shared parking structures.

4.2. **CIRCULATION, STREETScape AND PARKING IMPLEMENTATION STRATEGIES**

1. Install a special sidewalk pattern, artistic feature, and pedestrian crossing at Holly and D Street to connect the Train Station, Historic Courthouse and the Picket House to celebrate Old Town's history.
2. Coordinate with the waterfront planning to improve the intersections at Roeder and F Street, C Street and Central Avenue to provide safer pedestrian, bicycle and vehicle crossings.
3. Create a pedestrian and bicycle connection through the 600 W. Holly site (former Astor Street right-of-way) to the boardwalk along Whatcom Creek.
4. Maintain a visual connection (at a minimum) at Army Street to the waterfront looking south from Holly.
5. Install physical constraints on Bancroft Street to allow only low speed local motor vehicle access (residents, visitors, and service vehicles), and post signs warning entering motorists of the street's unique characteristics.
6. Require new development to bring sidewalks and streets up to recommended standards.
7. Property and business owners should create a streetscape maintenance program.

Type I and Type II Streets

Holly Street is the main arterial serving the area. It should be maintained as an arterial and have a 12 foot wide drive lane. The cross sections below do not reflect intersection design where left turn lanes may be required. These cross sections should be used as a guide for setting street standards for the area.

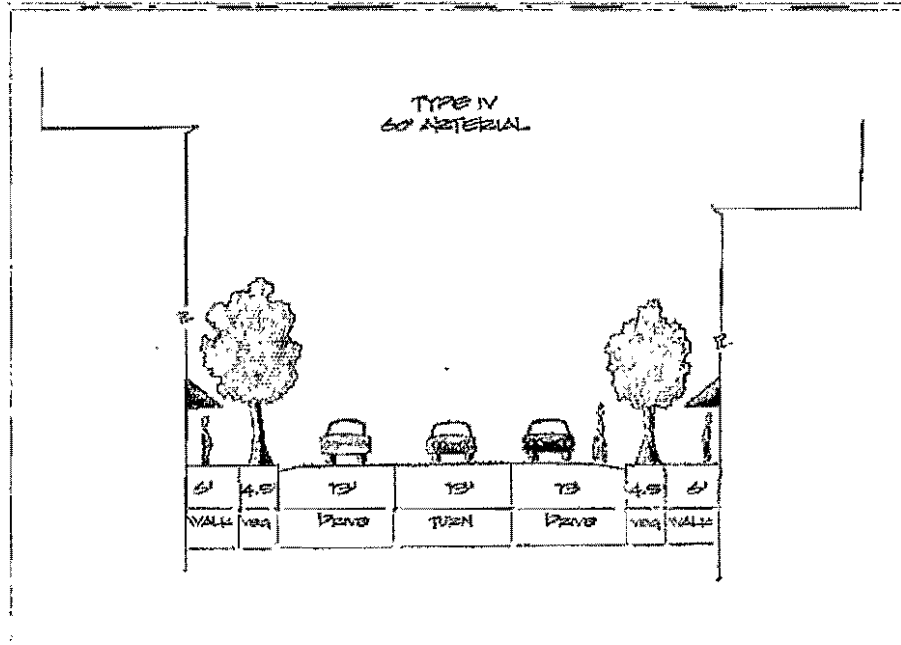
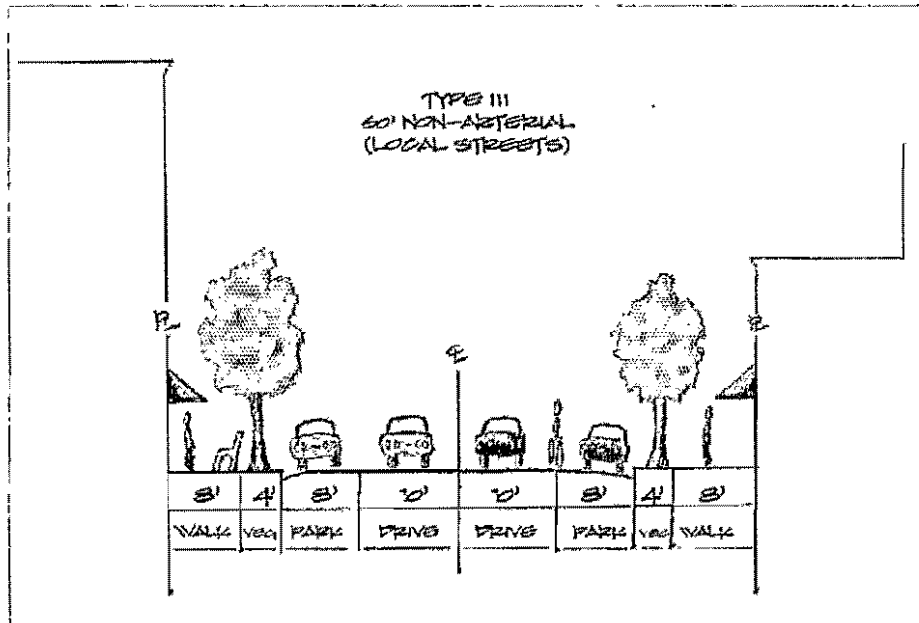


CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING

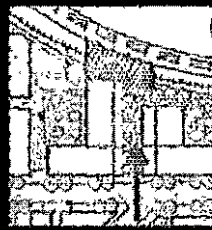
Type III and Type IV Streets

The Type III non-arterial streets (local) should maximize sidewalks and on-street parking and the drive lanes should be reduced to encourage slow-moving traffic. Type IV cross section illustrates the intersection at Holly and F Streets where turn lanes are needed. A minimum of 10 foot sidewalks should be installed to promote safe and comfortable pedestrian routes to the waterfront area. Cross sections should be used as a guide for setting street standards for the area.



Army Street Opportunity

The location and site features, such as steep topography make this site a candidate for a public/private partnership. Shared public parking could be accommodated below grade of Holly street with mixed uses above. A pedestrian way, as shown in the rendering below, would allow for a pedestrian connection or at a minimum a view connection to the waterfront. This right-of-way could be vacated in order to develop parking as long as the view corridor to the waterfront area remains.

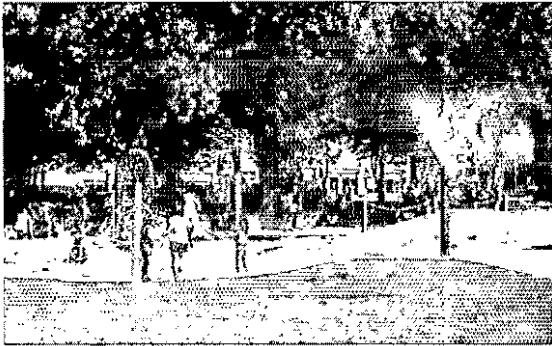


CHAPTER FIVE

PARKS, PLAZAS, AND WATER CONNECTIONS

5. PARKS, PLAZAS and WATER CONNECTIONS

Existing parks and natural features provide a strong public core to the Old Town district. However, small public gathering places and additional recreational programs and amenities are needed to enhance Old Town's public realm.



Sitting at the heart of Old Town, Maritime Heritage Park (MHP) is the primary park in Old Town serving the district, downtown, and the community at large. MHP bears little resemblance to its former incarnations as a lumber mill, municipal dump and sewage treatment plant. Today it is home to a fish hatchery, wonderful creekside trails, an amphitheatre, several artworks, a classroom, and an expansive green open space. Over the last decade, significant improvements have been made to the Park, yet it's still not used as the community gathering place it could become.

Efforts by the City and non-profit groups such as the Nooksack Salmon Enhancement Association, have created greater public access along the waters edge and to the water. A boardwalk, trails and overlooks provide for walking, biking, fishing, and leisure activities. Additional public access is needed along Whatcom Creek Estuary between Holly and Roeder.

The Great Northern Railroad Passenger Depot and the Whatcom Territorial

Courthouse are two of Old Town's historic highlights, both of which provide opportunities for new public space. To highlight these historic resources and increase the number of public gathering places in Old Town, lands adjacent to these buildings could be enhanced to form public plazas.

5.1. PARKS, PLAZAS AND WATER CONNECTIONS POLICIES

1. Encourage businesses, neighbors and the community to promote more use of Maritime Heritage Park by providing more programming such as concerts at the amphitheatre, concessions, markets and movies.
2. Provide additional public places and recreational amenities for nearby residents and employees of all demographics, such as play areas, dog walks, and public squares and plazas.
3. Facilitate restoration of the Great Northern Railroad Passenger Depot and open it to the public.
4. Support the hatchery and educational programs at Maritime Heritage Park.
5. Continue to provide, maintain and increase public access opportunities along Whatcom Creek waterway.

5.2. PARKS, PLAZAS AND WATER CONNECTIONS IMPLEMENTATION STRATEGIES

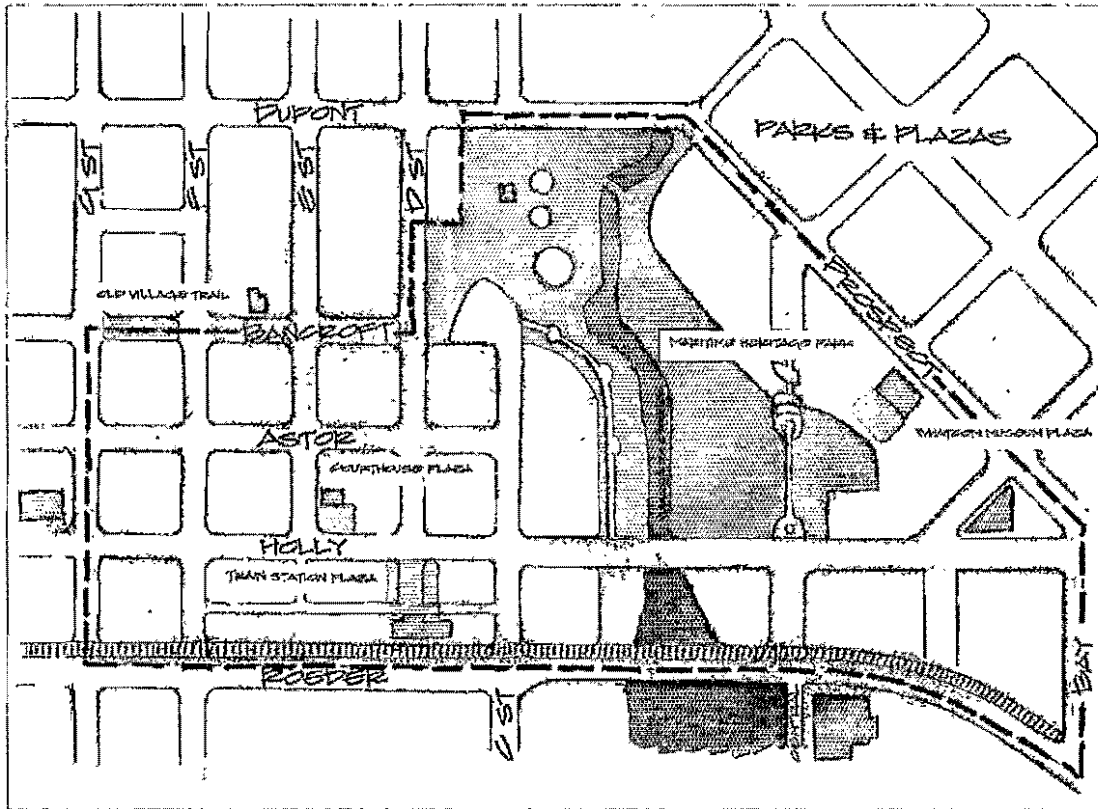
1. Work with private property owners and stakeholders to design and

create public spaces in front of the Great Northern Railroad Passenger Depot and the Whatcom Territorial Courthouse. Consider incorporating a transit and/or circulator stop at the Depot site.

2. Require new development to face parks, new plazas and trails.
3. Require ground floor commercial uses when immediately adjacent to the public plazas.
4. Add children's play equipment to Maritime Heritage Park and other amenities and programming.
5. Continue educational programming in the classroom building.
6. Conduct an analysis of parkland, projected growth, demand and needs to inform decisions on park uses and amenities.
7. Create a public gathering space at the Whatcom Museum overlooking Maritime Heritage Park. Incorporate the cultural and natural history of the area.
8. Improve the alley between the Whatcom Museum and Syre building with lighting and artwork to draw people to and from the Arts District.
9. Identify and maintain visual connections to the estuary from the Park.
10. Acquire property along the Whatcom Creek waterway to allow for public access and habitat restoration.
11. Identify bike parking needs and add capacity as required.

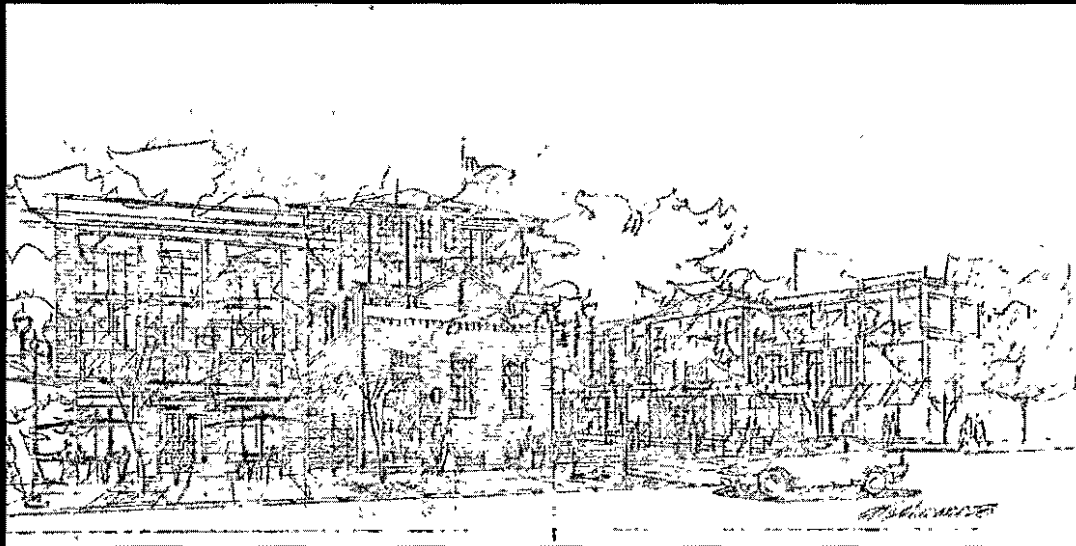
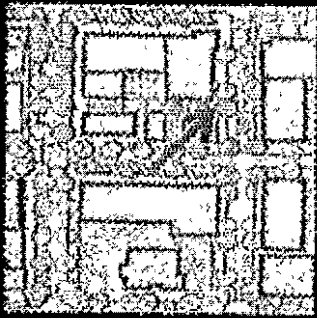
CHAPTER FIVE

PARKS, PLAZAS, AND WATER CONNECTIONS



Territorial Courthouse Plaza

The oldest brick building in the state, the Whatcom Territorial Courthouse, is now owned by the Whatcom Historical Society. The Society is working to secure funding to renovate and preserve this building. By allowing development rights to be transferred from this property to another parcel within Old Town or by designating park impact fees, a plaza south of the Courthouse should be developed. The plaza would not only provide a public gathering place, it would also enhance the visibility of the Courthouse honoring its importance as an historic landmark building. A special opportunity exists to use this space to highlight the history of the area or to honor a long time family owned business in the area, Northwest Recycling.

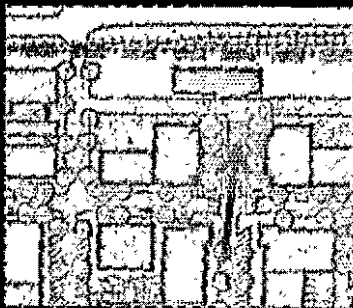


CHAPTER FIVE

PARKS, PLAZAS, AND WATER CONNECTIONS

Great Northern Railroad Passenger Plaza

The Great Northern Railroad Passenger Depot is one of Old Town's historic highlights, which provides a link to Old Town's past. A public plaza should be created in front of the station. The plaza should be flanked with ground floor retail uses and outdoor dining should be encouraged. Plaza design details and programming should be dependent on the future use of the train station.



CHAPTER SIX

CAPITAL FACILITIES

6. CAPITAL FACILITIES

Old Town has a number of key capital facilities already in place including Maritime Heritage Park, trails, water, sewer, storm and streets. It is anticipated that little in the way of very large capital improvements are needed.



While the water, sewer and storm systems are in place and service is more than adequate to serve the projected growth, the streets, particularly the non-arterial local streets are in need of upgrades. The streets lack sidewalks in much of the area and will need to incorporate design elements as outlined in Chapter 4.

6.1. CAPITAL IMPROVEMENT PROGRAM

6.1.1 Initial Phase

The City should participate in funding infrastructure improvements that will kick start early redevelopment opportunities. These investments should be made where publicly owned assets will also benefit. Candidates include improvements to C Street, Astor Street and Maritime Heritage Park. A portion of this Sub-area falls within the Local Infrastructure Financing Tool boundary, which could be one potential source of funding.

The City should work with utility companies and property owners to

Capital Improvement Costs and Revenues

The costs and sources of revenues below are estimates only and reflect costs and fees in 2007 dollars.

Non-Arterial (Local Streets)

Estimated Cost	\$5,000,000
Sources of Revenue	
City (LIFT, REET, Other)	\$2,000,000
Private	\$3,000,000
Total Revenue	\$5,000,000

Arterial Upgrades (F and Holly Streets)

Estimated Cost	\$4,500,000
Sources of Revenue	
City (TIF, REET, Other)	\$2,600,000
Traffic Impact Fees	\$1,900,000*
Total Revenue	\$4,500,000

Parks, New Plazas & Trails

Total Cost	\$2,500,000
Source of Revenue	
City (PIF, REET, Grants, Other)	\$2,500,000
Total Revenue	\$2,500,000

* Traffic Impact Fees generated from potential build-out in Old Town through 2022.

Note: The cost of under grounding power lines and utilities is not included.

determine costs, feasibility, and potential sources of undergrounding utilities.

6.1.2 Future Phases

Costs of sidewalks, undergrounding utilities such as power lines and improving non-arterial street should be undertaken primarily by the developer on a case by case basis or through a Local Improvement District (LID). The estimated costs of these improvements, minus undergrounding utilities, were incorporated into the economic analysis of the proposed Floor Area Ratio.

Costs of roadway and intersection improvements to major arterials such as Holly and F streets should be shared by other development through Transportation Impact Fees and other City sources as these streets are impacted by growth in the downtown, waterfront and growth in general.

Park impact fees from development in this area are one potential source of funding for Maritime Heritage Park amenities, acquisition and development of new plazas and trail improvements in the area. These fees, along with other REET, grants and other City sources should be considered as an option for securing the land as well as construction needed for creation of the public plaza areas adjacent to the Territorial Historical Courthouse and the Great Northern Passenger Depot.

ATTACHMENT B

20.35.000 Subarea Plans, Overlay Districts and Development Agreements

20.35.010 Applicability and Purpose.

Applicability and Purpose. Regulations specified within this chapter shall apply to subareas, overlay districts and other zoning districts or areas established by the City to implement the requirements of the Growth Management Act and the Bellingham Comprehensive Plan. Should the provisions of this Chapter conflict with any other provision of the BMC, except the Critical Areas Ordinance, the Shoreline Master Program, and the Stormwater regulations, the provisions of this Chapter shall apply.

20.35.050 Old Town Overlay District

20.35.055 Applicability

- A.** Regulations specified within this Chapter shall apply to the use of land within the Old Town Overlay District.
- B.** The Old Town Overlay District designation shall be considered a "Commercial" general use type (zoning) designation.
- C.** Should the provisions of this Chapter conflict with any other provision of the BMC, except Critical Areas Ordinance, Shoreline Master Program and Stormwater regulations, the provisions of this Chapter shall apply.

20.35.060 Establishment of Boundaries

The boundaries of the Old Town Overlay District are hereby delineated as follows and shown in **Figure A**. Boundaries within street right-of-ways are delineated along platted centerlines unless specified otherwise.

Beginning at the intersection of G & Bancroft Streets and proceeding SE down Bancroft Street to D Street, then NE along D Street to Clinton Street, then SE along Clinton Street to mid block between C and D Street, then NE along mid-block between C and D Street to Dupont Street, then SE along Dupont Street to Prospect Street, then south along Prospect Street to Bay Street, then SW along Bay Street to Chestnut Street, then NW along Chestnut Street to the intersection of Central and Roeder Avenue, then continuing NW along the NE side of Roeder Avenue to G Street, then NE along G Street to the point of beginning.

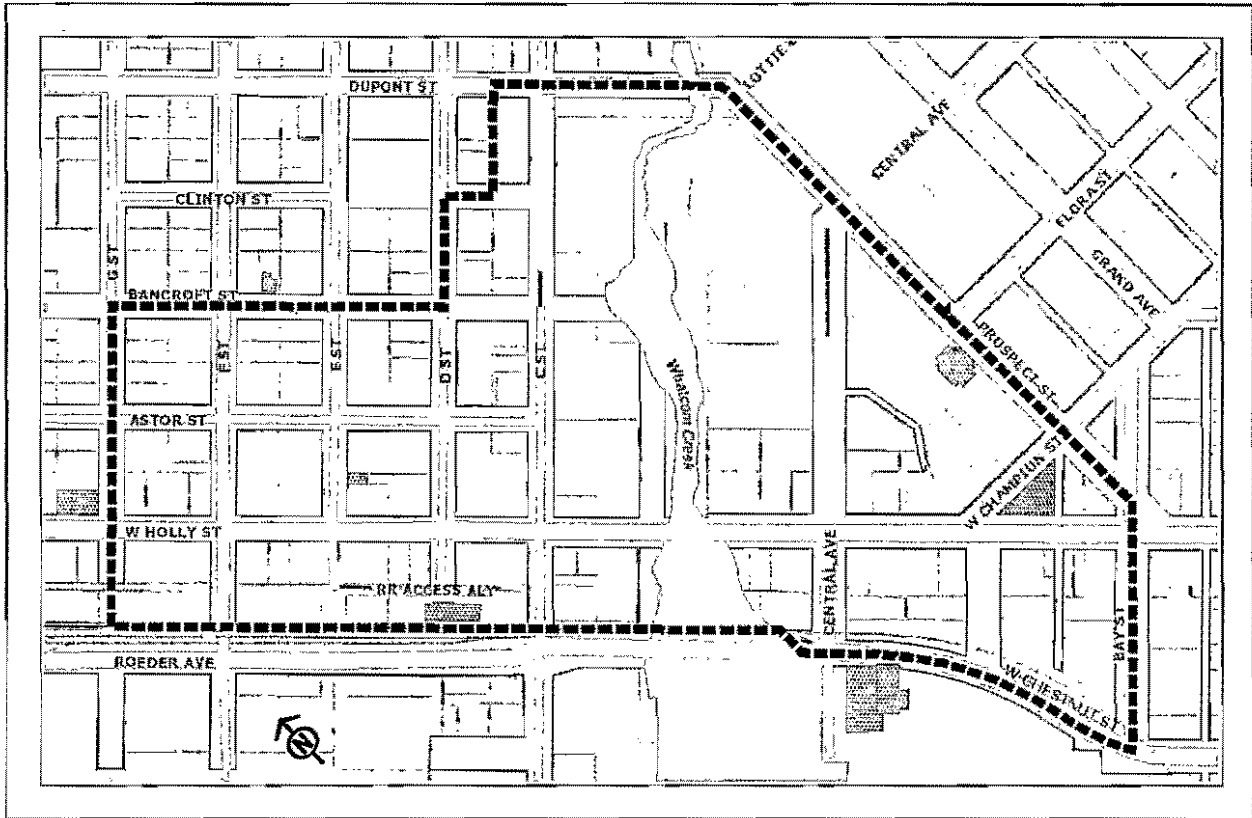


Figure A: Old Town Overlay District

20.35.065 Permitted Uses

A. The following uses are permitted:

1. **Retail establishments**
2. **Motorcycle and scooter sales**
3. **Offices and other commercial services**
4. **Banks and other financial institutions**
5. **Residential uses**
6. **Personal and business services**
7. **Commercial recreation**
8. **Eating and/or drinking facilities**
9. **Repair shops** for small equipment and items
10. **Handicraft manufacturing** (jewelry, pottery, glass, furniture, etc.)
11. **Theaters, art galleries and art studios**
12. **Public buildings and uses**
13. **Passenger terminal facilities**
14. **Private clubs and lodges**
15. **Schools, Art Schools and Institutions of Higher Education**

16. **Hotels, motels and resident inns**
 17. **Day care**
 18. **Service care, day treatment and child placing agencies**
 19. **Medical care centers**
 20. **Neighborhood clubs and activity centers**
 21. **Public parks**
 22. **Parking facilities**
 23. **Community Public Facilities**
 24. **Uses similar to the above.**
- B. Uses Permitted with Conditions.** The following uses are allowed provide they are established and operated in accordance to the applicable conditions.
1. **Boat sales;** limited to properties southwest of Holly Street.
 2. **Boat repair;** complete minor boat and engine repair is permitted, however hull work is prohibited. Limited to properties southwest of Holly Street.
 3. **Automobile sales;** when business activities are conducted entirely within an enclosed showroom.
 4. **Live/Work;** including professional, artist, technical and trades, provided that noise, smell and other impacts are internalized within an enclosed structure.
 5. **Small product manufacturing;** provided that noise, smell and other impacts are internalized within an enclosed structure. This category includes manufacture and assembly of light and small items made from previously prepared materials such as office machines, small motors, cabinets, electronic equipment, electrical devices, and signs.
 6. **Mini storage facilities;** when the floor area is less than 50% of the floor area of other permitted use(s) on site.
 7. **Freight terminals and warehousing;** when associated with rail transportation (limited to properties abutting Roeder Avenue, and shall not be expanded to properties abutting Holly Street).
 8. **Manufacture of food and beverage;** provided that noise, smell and other impacts are internalized within an enclosed structure.
 9. **Outdoor storage of product** when:
 - a. Accessory to a permitted use on site and does not exceed 50 percent of the area of the permitted use on a square foot basis,
 - b. Located on properties southwest of Astor Street and between D Street and Whatcom Creek and
 - c. Located to the rear of buildings and screened by landscaping or an architectural wall (not blank wall) at least six feet in height when installed. If appropriate, some viewing of activity may be allowed through gaps in screening.
 10. **Warehousing and wholesaling of products;** when in conjunction with retail sales of the same product on site.

- 11. **Public Utilities;** exclusive of storage yards.
- 12. **Wireless Communications Facilities;** subject to the provisions of Chapter 20.13.
- 13. **Care shops for small animals** (house pets such as dogs, cats, etc.); keeping of 3 or fewer animals overnight is permitted as an accessory use if animals are kept in an enclosed structure, and noise, smell and other impacts are internalized within an enclosed structure.

C. Uses Permitted by Conditional Use Permit. The following uses may be allowed if approval can be obtained, based upon standards and requirements for conditional uses as specified in BMC 20.16.

- 1. **Church**
- 2. **Service stations;** for automobiles.
- 3. **Wireless Communication Facilities,** subject to the provisions of BMC 20.13.

D. Uses not permitted.

- 1. **Retail establishments selling the following products:**
 - a. Recreational vehicles
 - b. Heavy farm and construction equipment
 - c. Feed, grain, and farm supplies
 - d. House trailers and mobile homes
- 2. **Drive up window facilities** such as bank tellers, food and beverage services, laundry pick up, etc.
- 3. **Adult entertainment**
- 4. **Jails and correctional facilities**
- 5. **Automobile wrecking**
- 6. **Car washes**
- 7. **Day labor hiring halls**

20.35.070 - Development Regulations

- A. **Minimum Site Area.** None.
- B. **Maximum Density.** None.
- C. **Building Height.** The maximum building height within the Old Town Overlay District shall be 75 feet (Height Definition #1), except as provided in **Section .070 F** and as follows:
 - 1. To encourage a response to topography on sloping property, a building may be divided into modules and stepped with height measured on a per module basis.
 - 2. Height may be increased to 130' (Height Definition #1) on those properties identified on **Figure B**, except as provided in **Section .070 F** and shown on **Figure D**.
 - 3. Height is limited adjacent to historic buildings as shown on **Figure C**.

4. Height is limited within views to cultural and geographic features of significance as shown on **Figure D** and **Figure E**. Height limits within view corridors are measured to the highest point of a building or structure. Encroachment above the height limit into view corridors by rooftop objects such as mechanical equipment, elevator and stair shafts, smokestacks and ventilators is prohibited. Any exceptions are limited to those outlined in **Section .070 F.1**.

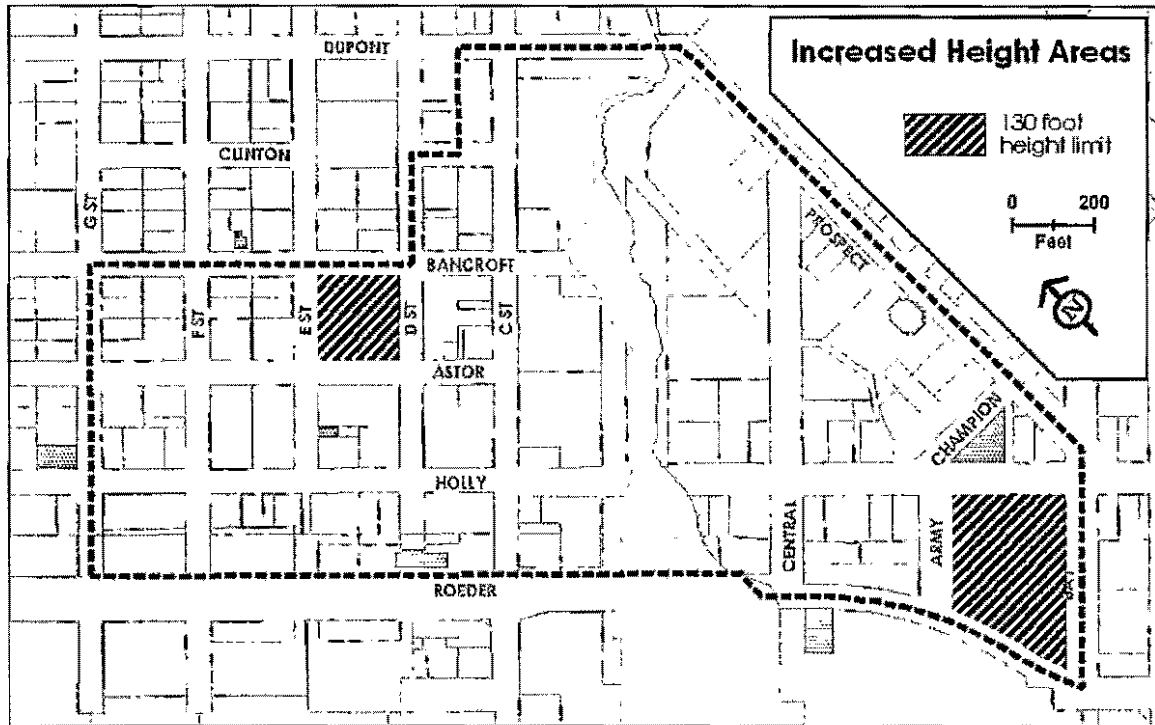


Figure B: Height Opportunity Areas.

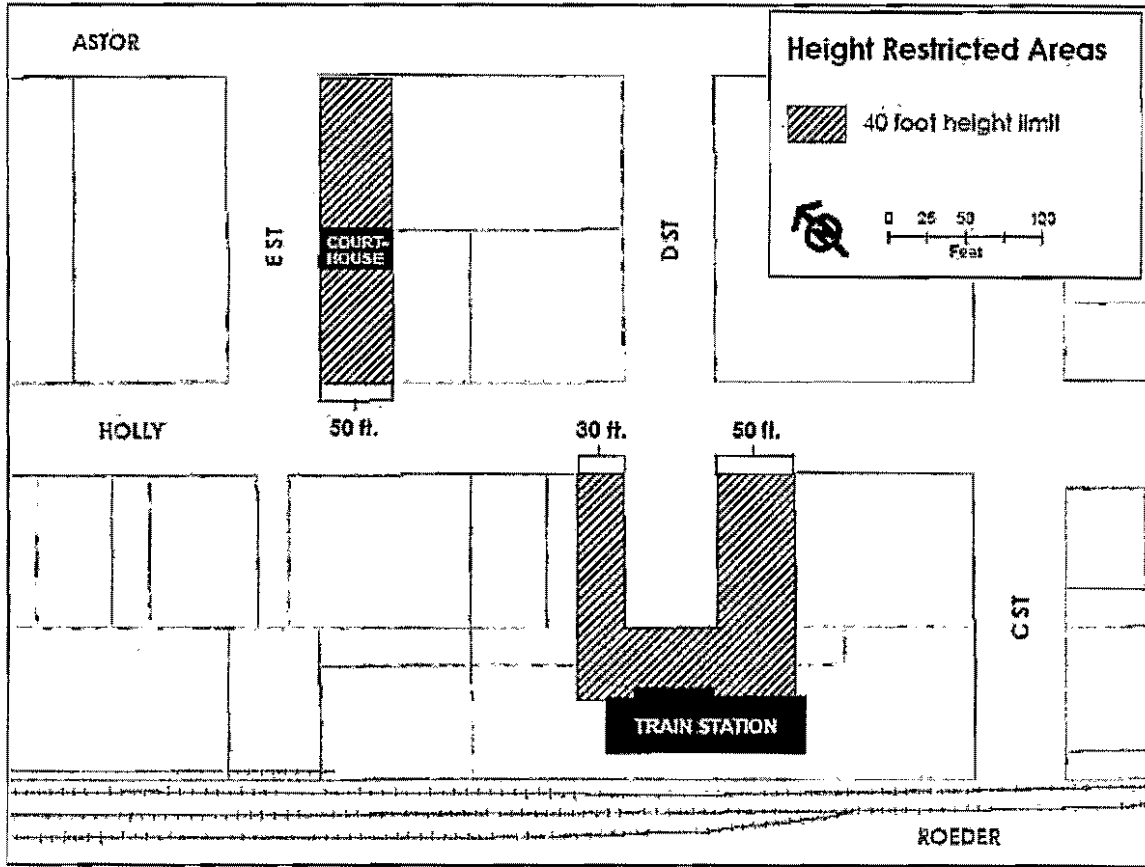
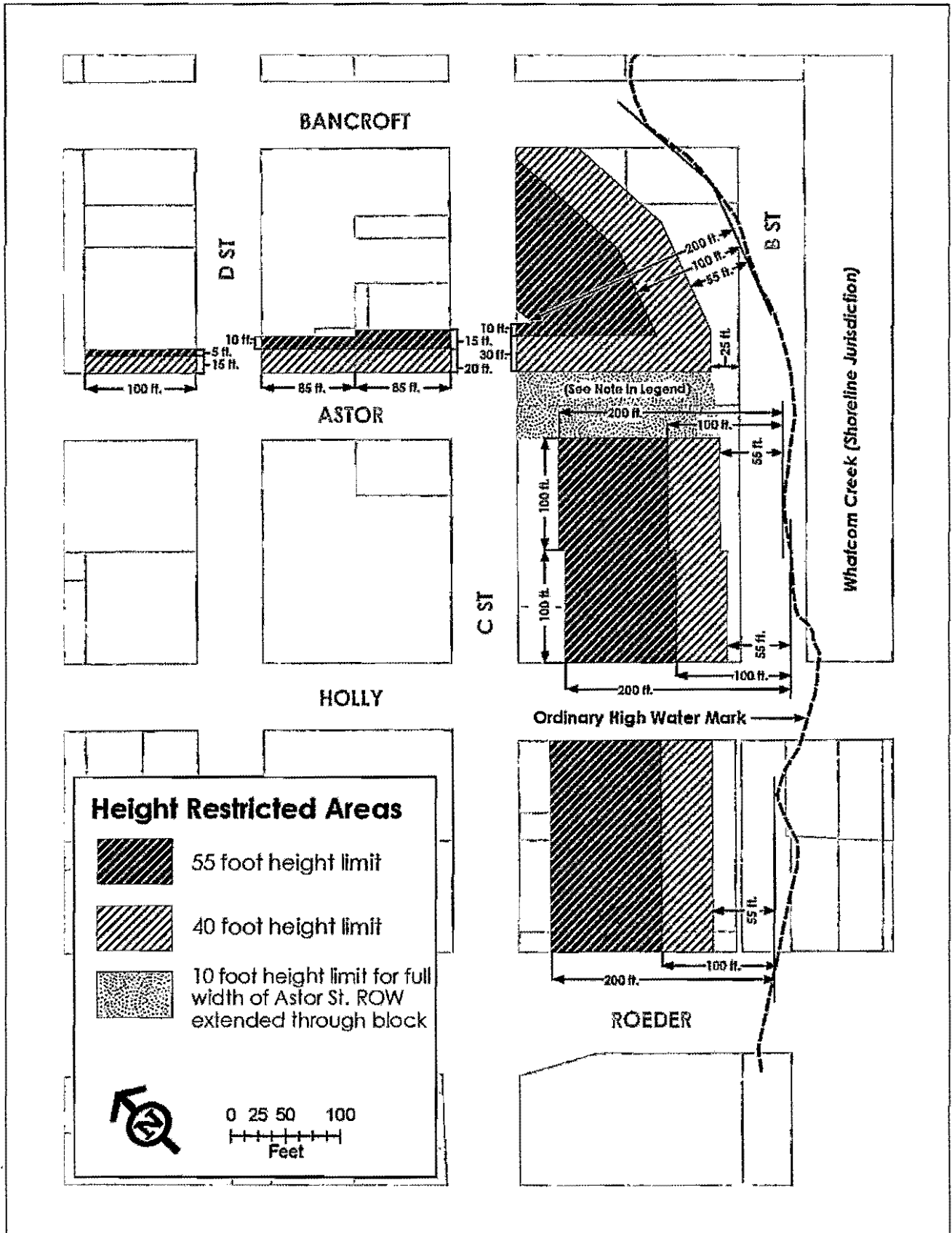


Figure C: Height limits adjacent to historic features.



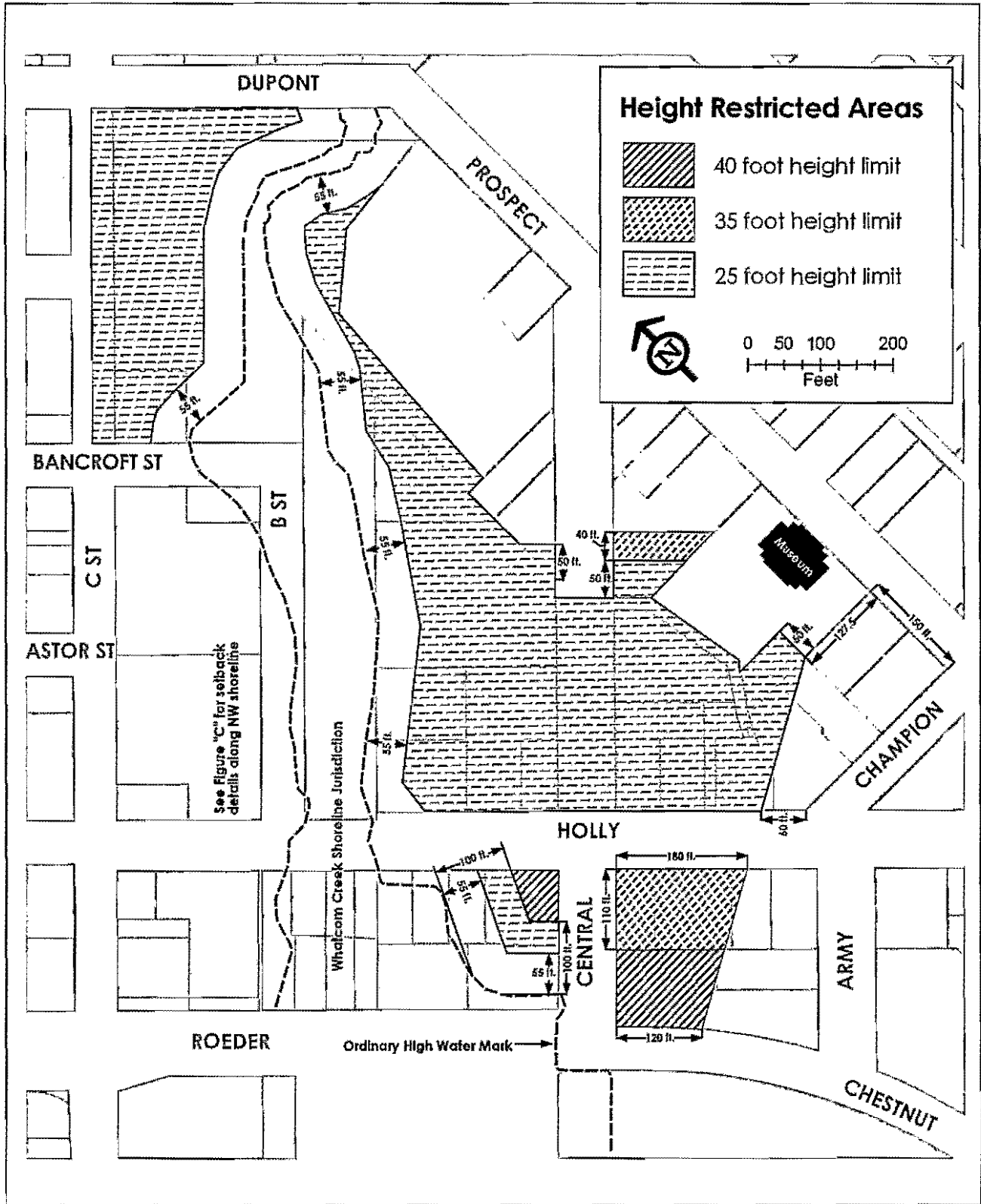


Figure E: Height limits within view corridors to cultural and geographic features.

D. Floor Area Ratio (FAR)

1. **Purpose.** The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Old Town Subarea Plan. Combined with the established height limits herein, the FAR allows for greater modulation in individual buildings and the greater urban fabric. They also provide architects greater flexibility in how to mass buildings on sites and relate projects to unique on and off site features.
2. **Floor Area Ratio (FAR) Standard.** The maximum FAR for all sites in the Old Town Overlay District is 3.5, or 5.0 with use of floor area transfers and bonuses as outlined in D.3. and 4. below.
3. **Transfer of Floor Area.** Transfer of FAR among properties that are part of a single development plan is allowed when approved by the Planning Director, provided:
 - a. The designs for the sending and receiving properties are reviewed at the same time.
 - b. The property owner(s) executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential floor area.
4. **Floor Area Bonus Options.** Floor area bonus options are offered as incentives to encourage facilities and amenities that implement the Old Town Subarea Plan.
 - a. Projects may use more than one bonus option unless specifically stated otherwise; bonus floor area amounts are additive.
 - b. The maximum floor area ratio increase that may be earned through the bonus options is 1.5 for a maximum FAR on site of 5.0.
 - c. **Bonus Options.**
 - (1) **Public Plazas and Open Spaces.** Floor area may be transferred to and from any property within the Old Town Overlay District when approved by the Planning Director, provided:
 - (a) The transferred floor area will result in dedication of a public plaza or open space as identified in the Old Town Sub-area Plan,
 - (b) For each square foot of base FAR allowed by the zoning code from an eligible site, one and one half (1.5) square feet of bonus floor area is earned on the receiving site(s) up to a maximum of 1.5 FAR per receiving site, and
 - (c) The property owner(s) executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential floor area.
 - (2) **Affordable Housing.** Housing for low and middle income residents receives bonus floor area when approved by the Planning Director. For each square foot of floor area certified by the Director as affordable housing, four square feet of bonus floor area is earned up to a maximum of 0.5 FAR. The project must have controls in place, subject to approval by the Director to ensure that the project's residences remain permanently affordable in accordance with (a) and (b) below. Purchasers

of affordable homes constructed under this chapter shall meet the following requirements:

(a) Annual Income. All purchasers or tenants shall be from a household whose annual income, at the household's initial occupancy of the single-family residence, is 80% or less of the median income (determined by Housing and Urban Development) as adjusted by family size of the Bellingham Standard Metropolitan Statistical Area (SMSA), specifically defined as Whatcom County; and

(b) Housing Expenses. The monthly expenditure by a purchaser, as described in (2)(a) above, for housing including rent or mortgage repayment, insurance, taxes and utilities (water and sewer) shall not exceed 38% of the gross household income at the time of purchase and the amount for rent or mortgage repayment shall not exceed 30% of gross household income. All other variable living expenses associated with the resident's occupancy shall not be a factor in the calculation of affordability.

(3) Leadership Through Energy and Environmental Design™ (LEED) Certification (or equivalent). Buildings that incorporate sustainable design receive a maximum 0.5 FAR bonus. To qualify for this bonus, the proposed project shall be certified by the Planning Director as a minimum LEED Silver certification (or equivalent).

(4) Lake Whatcom Watershed Property Acquisition Program (LWWPAP) Bonus Option. Contributors to the LWWPAP receive floor area bonuses when approved by the Planning Director, provided:

- (a)** Bonus floor area earned is paid for on a per square foot basis according to a fee schedule established by City Council resolution,
- (b)** Floor area paid for and floor area earned is at a 1:1 ratio, such that for each square foot paid for, one square foot of floor area is earned on the receiving site up to a maximum 0.5 FAR bonus,
- (c)** The applicant must submit with the application for land use review a letter from the Bellingham Finance Department documenting the amount which will be contributed to the LWWPAP.

E. Yards. There shall be no minimum yards.

F. Design Standards. The following design standards are intended to carry out the goals and policies of the City Center Master Plan and Old Town Subarea Plan, and shall be used in addition to the City Center Design Standards and Decision Criteria outlined in BMC 20.25.040 C. Should the provisions of this Section conflict with any other provision in BMC 20.25.040 C., the provisions of this Section shall apply.

1. Street and View Corridor Encroachments

- a. Intent:** Maintain identified view corridors of significance.
- b. Standard:** In order to maintain view corridors, above grade building encroachment into the street right-of-way and identified view corridors is prohibited except for eaves, cornices, awnings on the first floor, decks and balconies with see-through railings, and similar features.

2. Open Spaces and Public Places

- a. **Intent:** Buildings adjacent to public and open spaces such as public parks, plazas, trails and Whatcom Creek shall be oriented to promote activity and interaction along such spaces, and provide visual interest to buildings along the spaces so as to avoid the back-of-building effect.
- b. **Standards:** Locate some ground level features such as entries, windows, decks, patios or similar features on buildings that interface with open spaces and public places.

3. Building Modulation

a. Intent:

- (1) Design buildings in a manner that enhances identified view corridors to landmark features, creates visual interest to pedestrians, and minimizes building mass on public spaces.
- (2) Step down building bulk to Maritime Heritage Park, residential neighborhoods, public spaces and listed historic buildings.
- (3) Avoid long, uninterrupted expanses of walls, vertically and horizontally. Roof parapets and eaves are encouraged to vary in height to avoid long, straight lines at the maximum building heights.

b. Standards:

- (1) The maximum height within 15' of any street right-of-way is 3 stories and 40 feet. The minimum height within 15' of any street right-of-way is one story and 18 feet. A maximum of 50% of wall length above the 3rd story may encroach 5' into the setback (not including decks). See **Figure F**.
- (2) Provide at least one set back for every 3 stories in similar fashion to b.(1). on building elevations that front Maritime Heritage Park, public spaces and historic buildings on the City, State or National Historic Registers. This provision shall apply regardless of whether the proposed development is built up to, or set back from, the common property line.

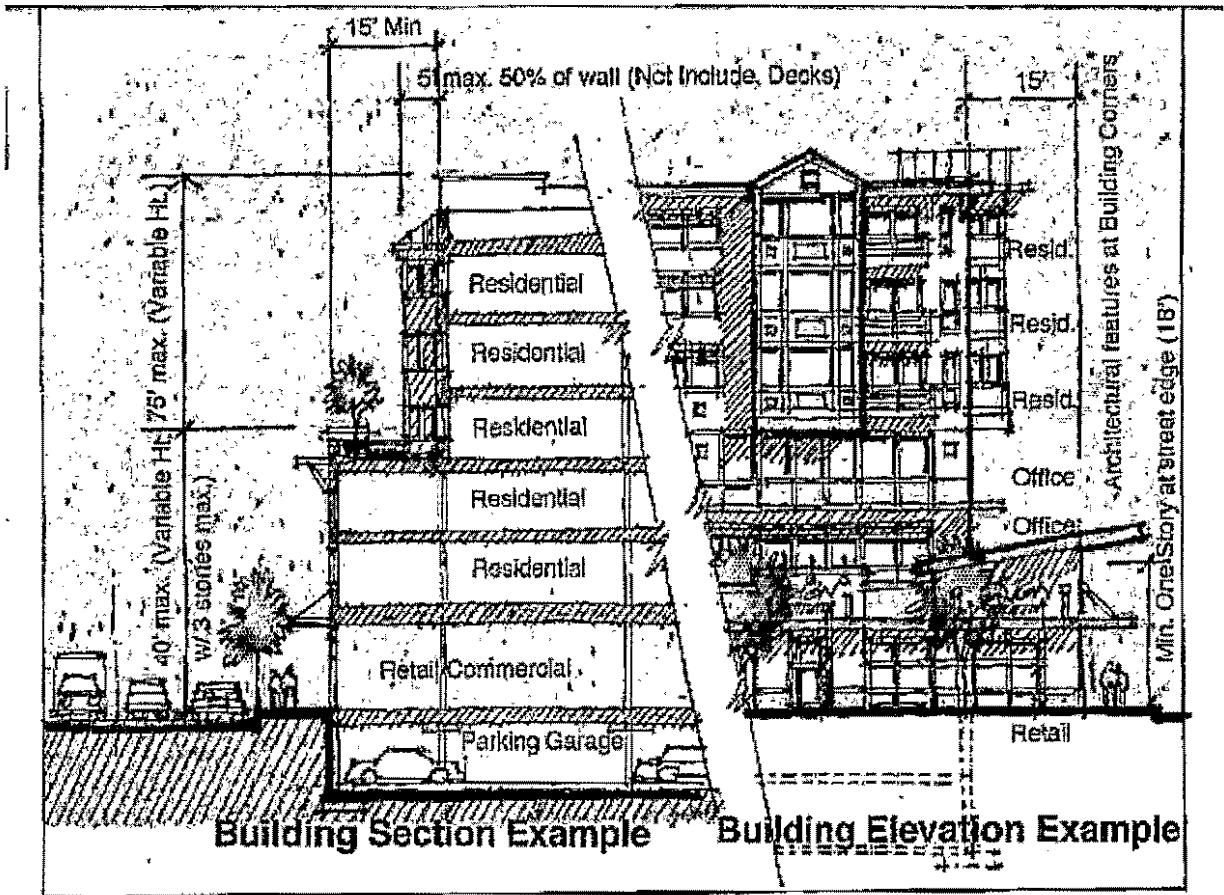


Figure F: Building modulation

4. Building Corners:

- a. **Intent:** Enhance key intersections as gateways to and within Old Town.
- b. **Standard:** Stylistically distinguish buildings corners along Holly Street at the intersections of Central Avenue, C and F Streets in a manner that contributes to the identity of Old Town. See **Figure G**.



Figure G: Building Corners

5. Roof Forms for Tall Buildings:

- a. **Intent:** Create a skyline that is visually interesting.
- b. **Standards.** Buildings over 75 feet in height shall:

- (1) Incorporate at least one additional set back at or above the 5th floor, and
- (2) Incorporate features that create a visually distinct roof form. The following are examples of such features:
 - (a). Terraced set backs.
 - (b). Pitched or curved roof elements.
 - (c). Projecting cornice elements.
 - (d). Trellises along the parapet.
 - (e). Geometric forms.
 - (f). Change of material or color on the top floor.

See **Figure H**.

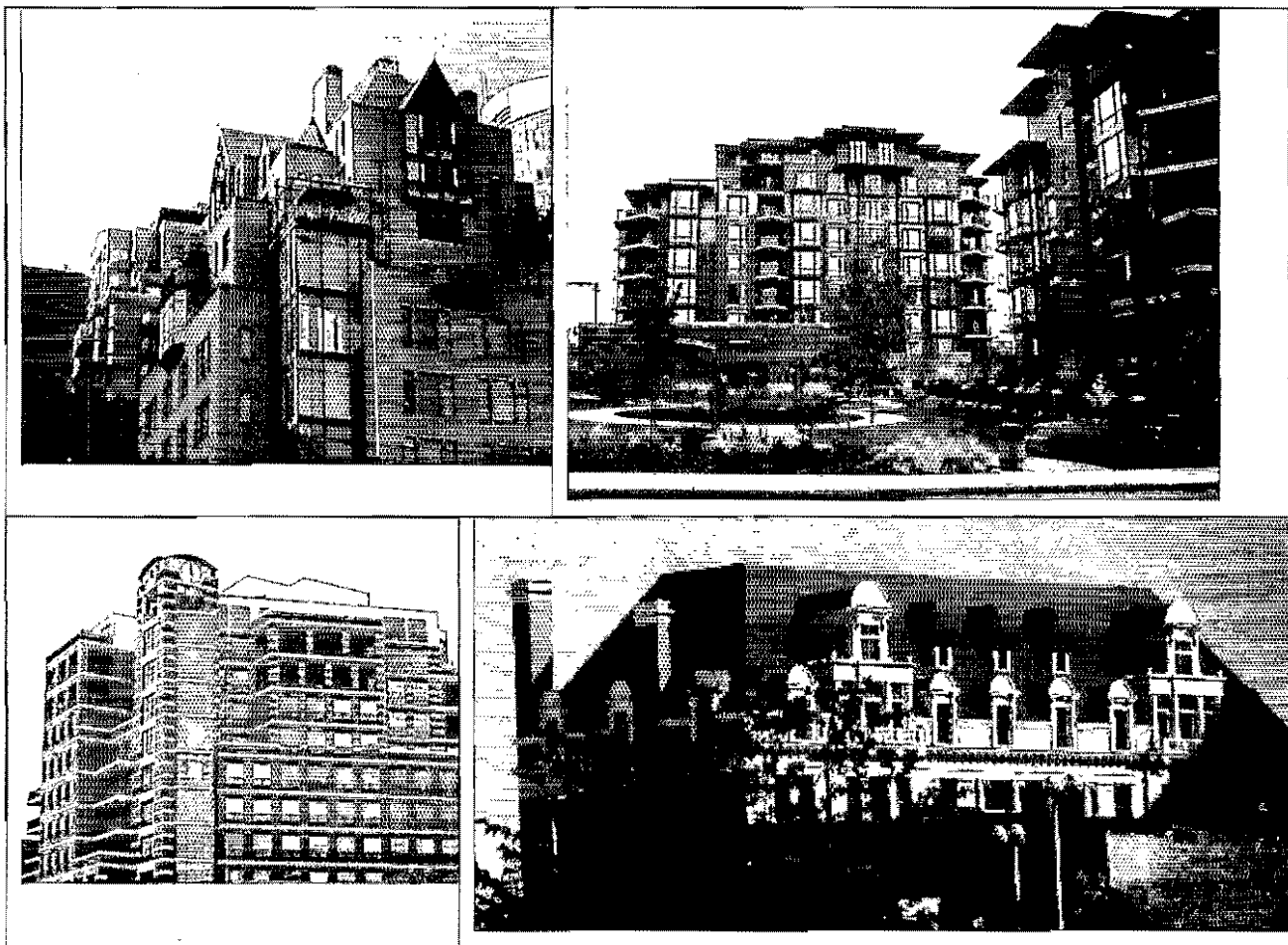


Figure H: Roof Forms

G. Street Improvement Requirements

1. New construction projects shall be required to improve abutting streets to $\frac{3}{4}$ standard for the full length of the block face. Developer Reimbursement for non adjacent improvements may be applicable under Title 14.

2. Street standards shall be generally consistent with the Old Town Sub-area Plan Streetscape Designs. Minor modifications may be approved by the Planning Director.

20.35.075 – Parking

- A. Uses on Tracts A and B as shown on **Figure I** are exempt from parking requirements, except for hotels and motels, which shall provide the number of spaces required in BMC 20.12.010 B.

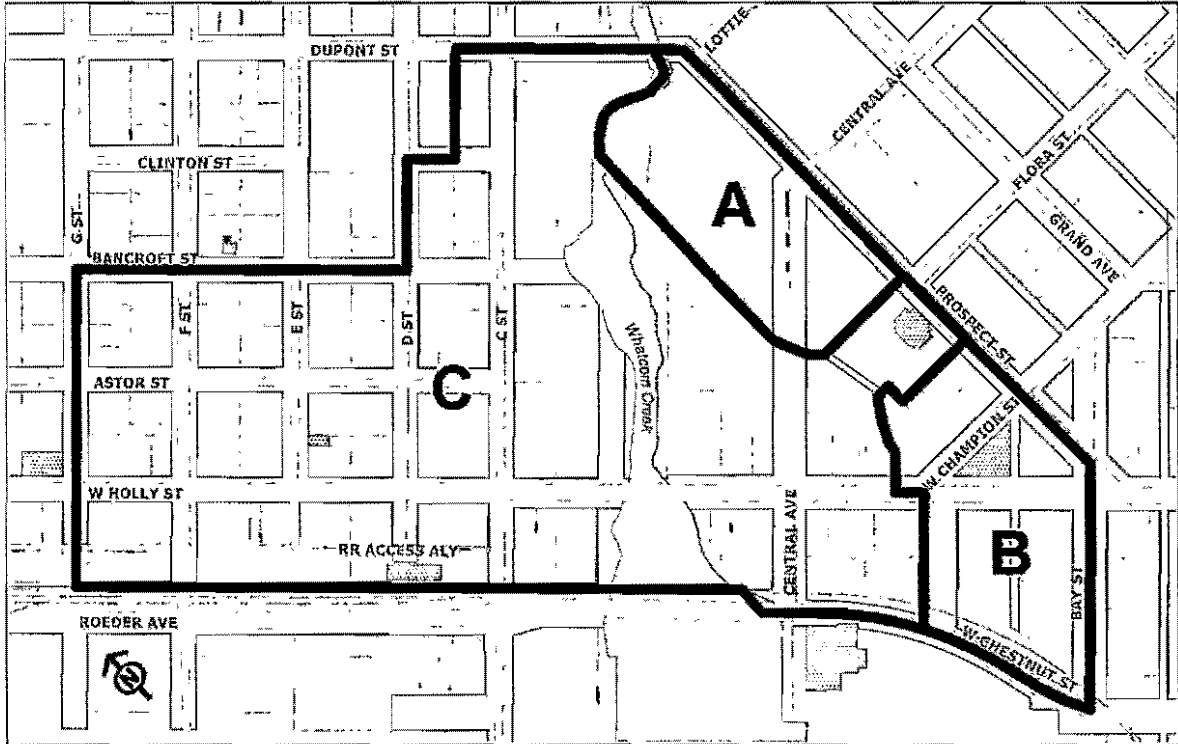


Figure I: Parking Tracts

- B. Uses on Tract C as shown on **Figure I** shall provide parking as follows
 1. Residential: Minimum of 1 parking space per studio, 1-bedroom or 2-bedroom dwelling unit. And additional 0.5 parking space per unit shall be provided for each bedroom over 2 per unit.
 2. Commercial: Minimum 1 space per 700 SF of gross floor area, including office, retail, service, eating and drinking establishments, entertainment, and uses similar to those previously mentioned.
 3. If a use is not readily classified within the residential and commercial classifications, then the Planning Director shall determine the standards which shall be applied.
 4. Buildings existing as of (date of adoption of this ordinance) are exempt from the requirement to provide additional parking due to a use change.
 5. The Planning Director may exempt existing buildings listed on the Local, State or Federal Register of Historic Places from required parking for a one-time floor area expansion provided (1) the floor area expansion is limited to an area equal

to 10% of the area of the existing building and (2) existing conforming parking on site shall not be displaced except as otherwise may be allowed. If the listed historic building provides 10% or less of the on-site parking that would be required for an equivalent new building, the Planning Director may allow displacement of some or all of the on-site parking.

C. Shared Parking:

1. Purpose: To efficiently utilize parking resources where the potential for shared parking provisions with adjacent land uses has been analyzed and found to be appropriate.
2. The Planning Director may authorize two or more uses to share parking if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the Whatcom County Assessor's Office to run with the properties. Shared parking may include use of off-site parking in a commercial parking structure.

D. Parking Reduction Allowed. The Planning Director may administratively reduce parking an additional 20% for projects that, either through adoption of a program or actual parking characteristics of the use, will result in less auto dependence. Such programs or special uses may include implementation of Zipcar™, enhanced bike storage facilities, permanent purchase of WTA transit passes, installation of WTA transit shelters, and senior and affordable housing. The burden of proof of how a program or use characteristics will decrease parking demand shall be on the developer.

E. All parking standards in BMC 20.12 concerning applicability, general provisions, design provisions and improvement standards shall apply.

20.35.080 – Landscaping

Landscaping shall be established with design review.

20.35.085 - Signs

A. General Provisions. No sign shall be permitted unless it complies with the provisions herein. Sign size and location standards may be modified by the Planning Director in order to minimize view impacts to identified view of significance.

B. Exemptions. The following signs shall be exempt from the provisions of this Title:

1. Traffic signs installed by a government agency.
2. Directional, way finding program signs installed by a government agency if the signs are consistent with the provisions of the applicable Neighborhood Plan.

C. Permitted Signs

1. One monument sign per site is permitted whether it is for a single or mixed use. The monument sign shall not exceed 60 square feet per face or 6 feet in height measured from existing grade.

2. The total gross area of all permanent exterior signs for any one use shall not exceed one square foot of area to one lineal foot of street frontage, or 100 square feet whichever is more restrictive.

Exemption: Building Identification signs (i.e. Roth Building, Pickett Building) or Cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed four (4) square feet and Building Identification signs shall not exceed 32 square feet. These exemptions shall not contain any colors, words, letters, numbers, symbols, graphic designs, logos or trademarks for the purpose of identifying a good, service, product or establishment.

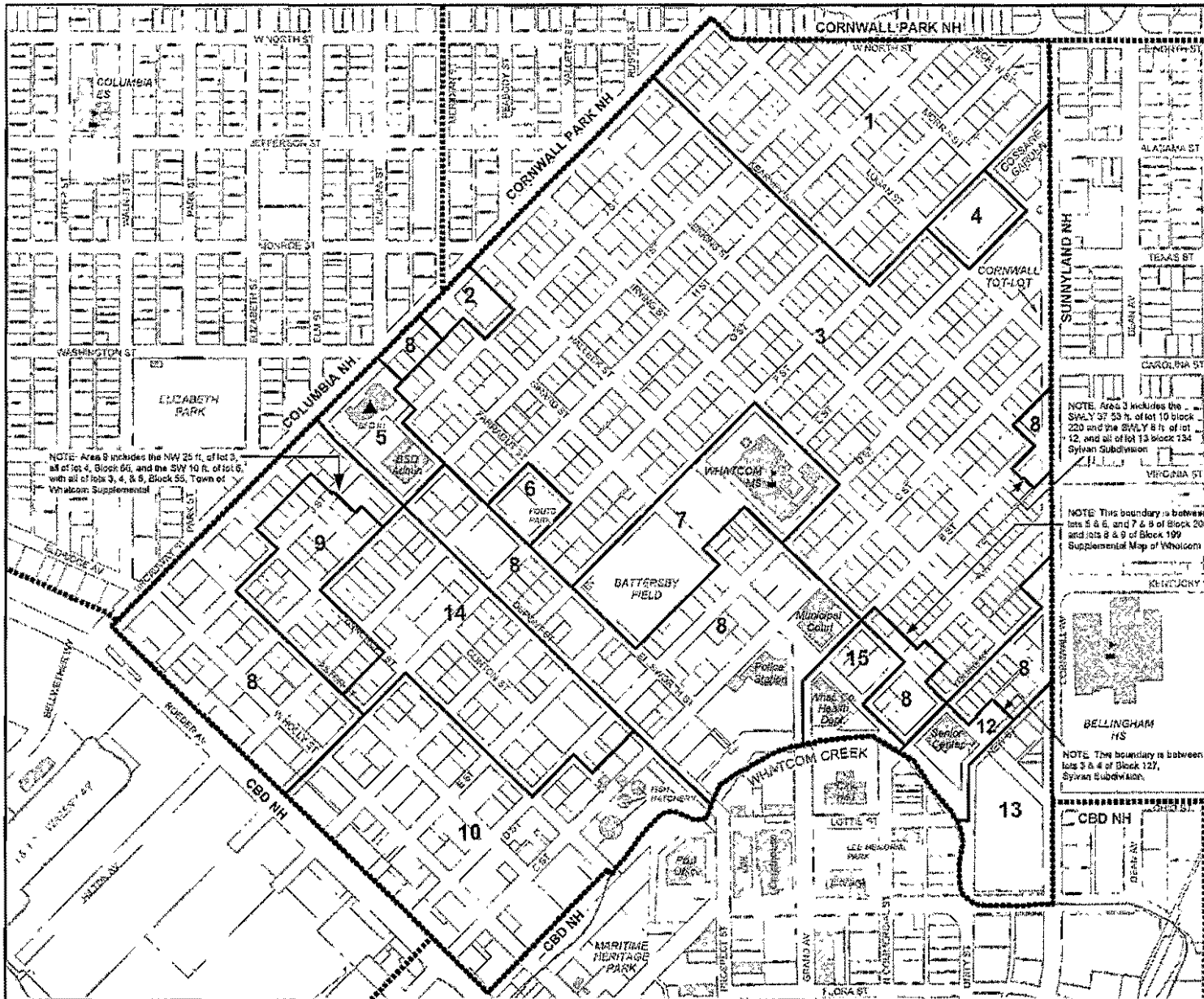
3. Building mounted signs extending over the street right-of-way shall comply with IBC Chapter 32. There shall be at least 8 feet of vertical clearance between the bottom of the sign and the sidewalk and the sign shall not extend within 2 feet of the street curb.
4. Directional Signs:
 - a. Directional signs are limited to 6 sq. ft. per sign face and to 4 feet in height if free-standing.
 - b. The message shall not contain the name of the establishment or advertising of any kind. Examples of directional signs include: "Enter", "Service Entrance", "No Parking", etc.
 - c. There is no limit on the number of directional signs.
5. Temporary building signs: Shall not exceed 32 square feet.
6. Real estate signs: Limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.

D. Signs Permitted with Conditions

1. Animated, moving, blinking or electronic (LED or similar) message boards are permitted only in association with entertainment uses such as theaters, comedy clubs, musical venues and similar activities. The total gross area of the message board for any one use shall not exceed one square foot of area to one lineal foot of street frontage, or 100 square feet whichever is more restrictive.
2. The Planning Director may approve a sign package that varies from the provisions of Section C. herein when incorporated into the architecture of a building.

E. Prohibited Signs

1. Off-premise signs.
2. Pole, roof and inflatable signs.
3. Parapet walls may not be erected for the sole purpose of extending sign heights and when they are not in character with the rest of the building or complex.



NOTE: Area 8 includes the NW 25 ft. of lot 3, all of lot 4, Block 66, and the SW 10 ft. of lot 6, with all of lots 3, 4, & 9, Block 55, Town of Whittom Supplemental

NOTE: Area 3 includes the SWLY 97' 23" ft. of lot 10 block 220 and the SWLY 8 ft. of lot 12, and all of lot 13 block 134 Sylvan Subdivision

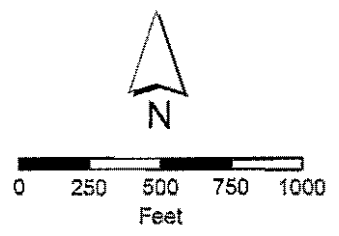
NOTE: This boundary is between lots 6 & 9, and 7 & 8 of Block 200 and lots 8 & 9 of Block 199 Supplemental Map of Whittom

NOTE: This boundary is between lots 3 & 4 of Block 127, Sylvan Subdivision.

Attachment C LETTERED STREETS NEIGHBORHOOD LAND USE

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Residential Single, Medium Density
2	Commercial
3	Residential Multi, Medium Density
4	Public
5	Public
6	Public
7	Public
8	Residential Multi, High Density
9	Residential Multi, Medium to High Density
10	Commercial (Old Town Sub-Area)
12	Public
13	Commercial
14	Residential Multi
15	Public



City of Bellingham
Planning Department
2008

Attachment D LETTERED STREETS NEIGHBORHOOD ZONING

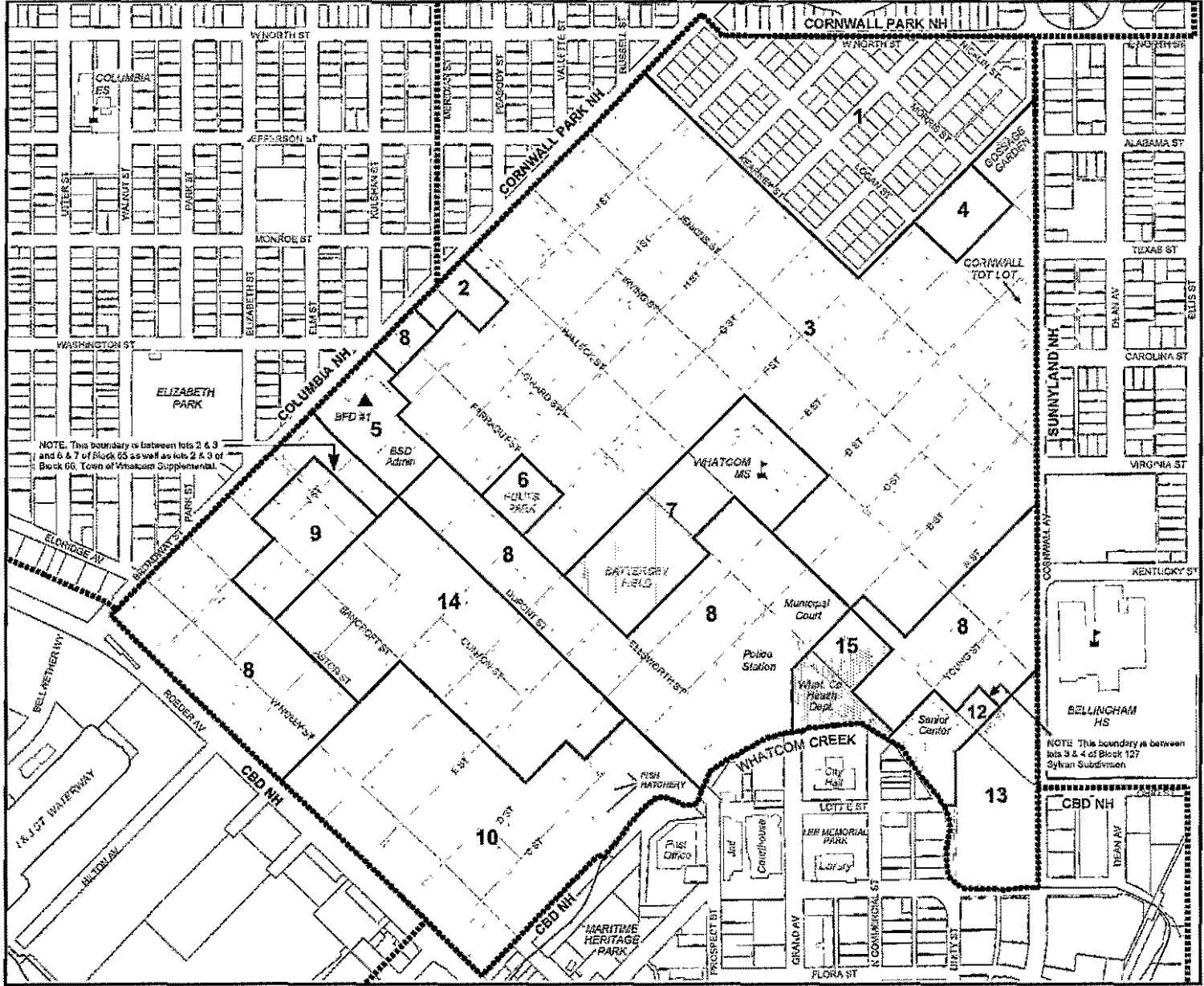
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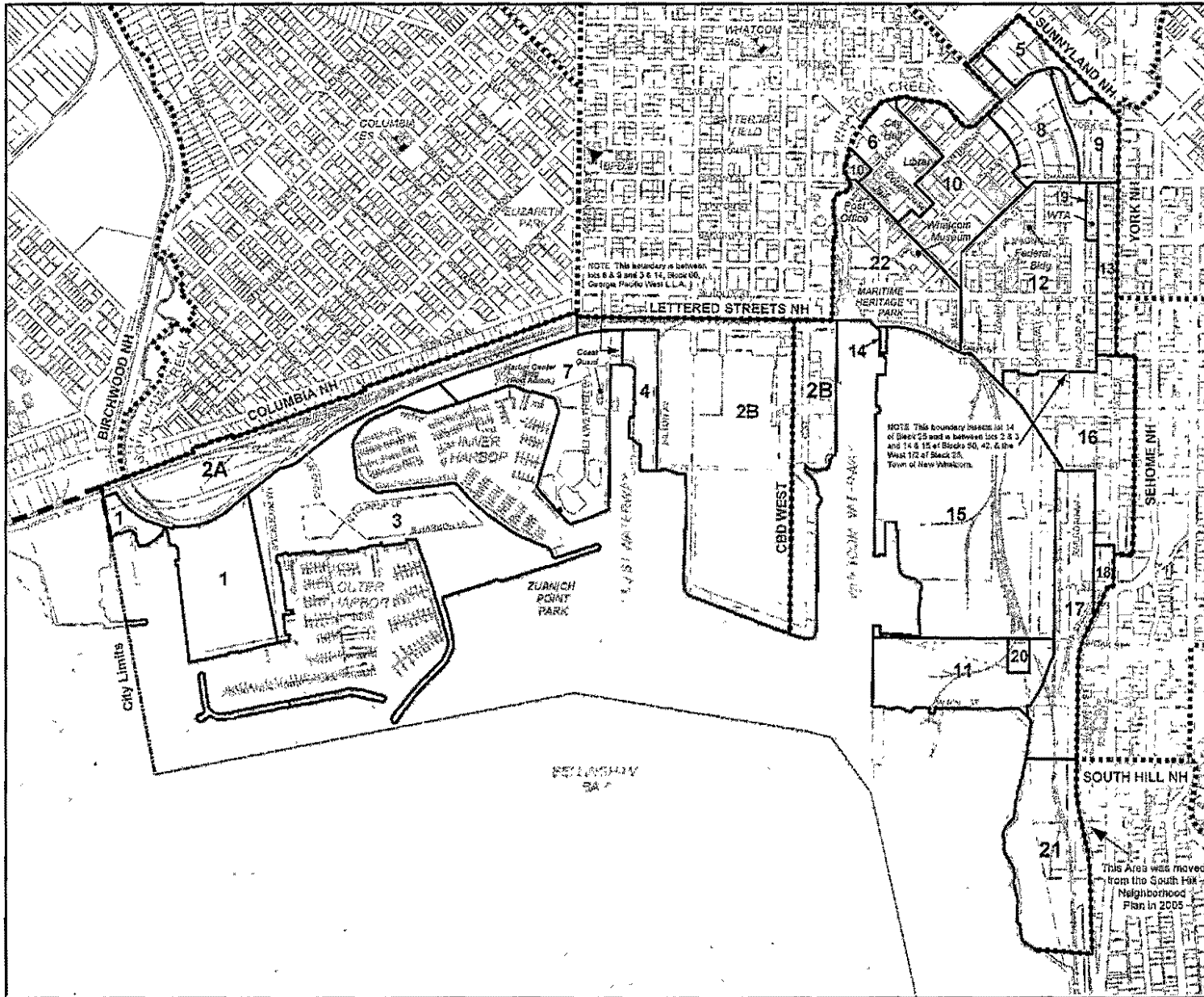
AREA	ZONING DESIGNATION*
1	Residential Single
2	Neighborhood Commercial
3	Residential Multi
4	Public
5	Public
6	Public
7	Public
8	Residential Multi
9	Residential Multi
10	Commercial - Old Town Overlay District
12	Public
13	Central Commercial
14	Residential Multi
15	Public

* SEE BELLINGHAM MUNICIPAL CODE TITLE 20
TABLE OF ZONING REGULATIONS FOR
MODIFICATIONS IN THE LIST OF PERMITTED
USES AND OTHER SPECIAL PROVISIONS
FOR EACH NUMBERED AREA



City of Bellingham
Planning Department
2008





Attachment E

CBD NEIGHBORHOOD LAND USE

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Industrial
2A	Industrial
2B	Industrial/Mixed-use
3	Commercial
4	Industrial/Mixed-use
5	Industrial
6	Public
7	Commercial
8	Commercial
9	Commercial
10	Commercial
11	Industrial/Mixed-use
12	Commercial
13	Commercial
14	Commercial
15	Industrial/Mixed-use
16	Commercial
17	Industrial/Mixed-use
18	Commercial
19	Public
20	Public/Mixed-use
21	Industrial/MixedUse
22	Commercial (Old Town Sub-Area)



City of Bellingham
Planning Department
2008



Attachment F

CBD NEIGHBORHOOD ZONING

Legend:

AREA	ZONING DESIGNATION*
1	Light Industrial
2A	Light Industrial
2B	Industrial/Waterfront Mixed-Use
3	Waterfront Commercial
4	Industrial/Waterfront Mixed-Use
5	Light Industrial
6	Public
7	Planned Commercial
8	Central Commercial
9	Central Commercial
10	Central Commercial
11	Industrial/Waterfront Mixed-Use
12	Central Commercial
13	Central Commercial
14	Waterfront Commercial
15	Industrial/Waterfront Mixed-Use
16	Central Commercial
17	Industrial/Waterfront Mixed-Use
18	Planned Commercial
19	Public
20	Public/Waterfront Mixed-Use
21	Industrial/Waterfront Mixed-Use
22	Commercial - Old Town Overlay District

* SEE BELLINGHAM MUNICIPAL CODE TITLE 20 TABLE OF ZONING REGULATIONS FOR MODIFICATIONS IN THE LIST OF PERMITTED USES AND OTHER SPECIAL PROVISIONS FOR EACH NUMBERED AREA

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City of Bellingham
Planning Department
2008