

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING LAND USE AREAS 1, 7 AND 9, AND VARIOUS POLICY LANGUAGE IN THE YORK NEIGHBORHOOD PLAN; BELLINGHAM MUNICIPAL CODE (BMC) 20.00.210 YORK NEIGHBORHOOD TABLE OF ZONING REGULATIONS, AREA 9; BMC 20.08.020 FIGURE 1 – CENTRAL COMMERCIAL CORE FRINGE AND REDUCED PARKING OVERLAY DISTRICTS; AND BMC 20.12.010 FIGURE 1 – CENTRAL COMMERCIAL CORE FRINGE AND REDUCED PARKING OVERLAY DISTRICTS.

WHEREAS, the City of Bellingham has adopted 25 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the York Neighborhood Plan; and

WHEREAS, the City of Bellingham has not comprehensively updated the York Neighborhood Plan since its initial adoption in 1982; and

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

WHEREAS, the City has a process to amend the Comprehensive Plan and Neighborhood Plans once per year in accordance with BMC 20.20.060, BMC 21.10.150 and the State Growth Management Act; and

WHEREAS, a letter requesting amendments to the York Neighborhood Plan and associated amendments to BMC Title 20 was submitted by the York Neighborhood Association (YNA) to the City on December 1, 2008; and

WHEREAS, the City Council held a work session on April 13, 2009 and docketed the request for consideration under the once a year, Neighborhood Plan Amendment review process; and

WHEREAS, due to a lack of City staff resources, processing the amendments was delayed until 2010; and

WHEREAS, a public notice jointly advertising a neighborhood meeting on January 13, 2010 and Planning Commission public hearing on April 22, 2010 was mailed to all property owners within the York Neighborhood and within 500' of the neighborhood's perimeter west of I-5; and

WHEREAS, on April 9, 2010, 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 on July 22, 2010 of the City's intent to adopt Comprehensive Plan amendments to

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the York Neighborhood Plan and associated development code amendments to Bellingham Municipal Code Title 20 - Land Use Development Ordinance; and

WHEREAS, the Bellingham Planning Commission conducted public hearings on April 22 and May 27, 2010, and held one work session on August 12, 2010 on the proposed Neighborhood Plan and Land Use Development Code Amendments with appropriate public notice provided; and

WHEREAS, the Commission thereafter made Findings, Conclusions and Recommendations for the Amendments that included changes to YNA's original proposal, including: 1) denial of the Area 1 rezone, but alternatively adding policy language to the York Neighborhood Plan that provides guidance for the desired future use and design, 2) denial of the Area 9 rezone proposal, but alternatively recommended reducing the height limit to 35', 3) denial of the rezone of right-of-way within the 1200 block of Franklin Street, but alternatively adding policy language to the York Neighborhood Plan that provides guidance for the desired future use and design of the right-of-way, 4) approving YNA's proposal to expand the Reduce Parking Overlay District in BMC Title 20 regardless of YNA's intent that it be tied exclusively to approval of its Area 9 rezone proposal, and 5) approving the addition of various policy statements to the York Neighborhood Plan concerning historic preservation, sustainability and transportation, and the need for additional open space, parks and recreational opportunities; and

WHEREAS, the York Neighborhood Association's (YNA) proposed area-wide rezone of Area 9 of the York Neighborhood reduced the existing maximum density from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit, added mixed uses, and made corresponding amendments to the Special Conditions and Special Regulations. The Commission recommended denial of this rezone request and alternatively recommended reducing the building height limit in Area 9 from 45 feet to 35 feet; and

WHEREAS, the Bellingham City Council held a public hearing on October 25, 2010 and one work session on November 22, 2010 to consider the proposed amendments; and

WHEREAS, the City Council finds that the Planning Commission's Findings of Fact, Conclusions, and Recommendations satisfy the BMC comprehensive plan and rezone criteria, with the exception of the Planning Commission's recommended denial of the York Neighborhood Association's (YNA) proposed reduction in the existing maximum density in Area 9 from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit, and addition of mixed uses and corresponding development and design standards; and

WHEREAS, following the work session, the Bellingham City Council instructed staff to bring back an ordinance consistent with its direction as part of the annual Comprehensive Plan Amendment process; and

WHEREAS, as part of the initial review of the ordinance on December 6, 2010, the Bellingham City Council clarified its direction to staff regarding Area 9.

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NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The City Council adopts the August 12, 2010 Findings of Fact, Conclusions and Recommendation of the Planning Commission as attached in **Exhibit A**, with exception of the Findings of Fact, Conclusions and Recommendations applicable to the Planning Commission's recommended denial of the York Neighborhood Association's proposed reduction in the existing maximum density in Area 9 from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit and addition of mixed uses and corresponding development and design standards found at:

- Page 4, Lines 8 through 19, and Lines 30 through 51;
- Page 5, Lines 1 through 36;
- Page 6, Lines 30 through 33;
- Page 7, Lines 13 through 15; and
- Attachment 1 (Draft Ordinance), Page 8, Section 2 of the Planning Commission's written Findings, Conclusions and Recommendations.

Section 2. The City Council adopts the Supplemental Findings of Fact and Conclusions attached in **Exhibit B** in support of Council's decision to approve the York Neighborhood Association's proposal to modify the maximum residential density in Area 9 from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit, and add mixed uses and corresponding development and design standards.

Section 3. The York Neighborhood Plan is amended as follows:

York Neighborhood Plan

I. NEIGHBORHOOD CHARACTER

General [Unchanged]

History [Unchanged]

Land Use [Unchanged]

Neighborhood Plan Proposals

York Design Objectives (YDOs)

YDO-1 Apply for Historic District designation (national, state or local) in the York Neighborhood.

YDO-2 Enforce and expand current regulatory codes to prevent degradation of existing historic housing stock and remove incentives to neglect such properties.

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- YDO-3** Include York Neighborhood in the City's development of an Historic Neighborhood Design Guidelines and Standards document, with open participation of any and all York residents, property and business stakeholders, to encourage new development that is in scale with and architecturally compatible with the historic character of York; and that the neighborhood's original character of single-family homes is preserved.
- YDO-4** Add the supporting open space, parks and recreational opportunities needed, and pedestrian/bicycle routes along greened, safe streets and trails, to support the present and anticipated population.
- YDO-5** The York Neighborhood supports the use of environmentally sensitive planning and construction for multi-unit construction and remodeling.

II. OPEN SPACE

Existing open space opportunities are centered on Franklin Park and Rock Hill Park. Franklin Park, consisting of the old Franklin School site, is bounded on the west by a sandstone outcropping and has been developed as a multi-use park for all ages and abilities with a multi-purpose lawn area, children's playground equipment, basketball court, picnic shelter, internal path loop and other amenities. This facility will serve Sehome Neighborhood as well as York.

Right-of-way within the 1200 block of Franklin Street that has not been improved, including the street island north of Franklin Park, should be retained to the greatest extent feasible as open space. Neighborhood residents have contributed countless volunteer hours in coordination with the Parks Volunteer Program to restore these areas with natural vegetation, and provide public access through a trail system, benches and signage. As a potential matter of rezoning this land to Public and formally incorporating it into Franklin Park, the City should examine the feasibility of vacating the right-of-way within the 1200 block of Franklin Street between Whatcom Street and Lakeway Drive while retaining public and private easements as necessary for access, utility and other essential services.

Several areas along the freeway, James and King Streets are owned by the State Highway Department and would serve as small open spaces and tot lots, possibly connecting as a linear park system.

THE PIECES OF HIGHWAY DEPARTMENT LAND ALONG THE FREEWAY SHOULD BE EMPHASIZED AS A BUFFER AND LINEAR OPEN SPACE.

Analysis of existing conditions and open space opportunities in the neighborhood finds very few that are available north of Lakeway. The York Neighborhood is particularly deficient in small play lots for young children, and much of the play occurs in the streets.

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PARK SPACE SHOULD BE ACQUIRED NORTH OF LAKEWAY.

The trail system along Whatcom Creek which is part of a city-wide system should be developed. This serves not only the neighborhood but has city-wide significance.

The Whatcom Creek Greenway and Trail should be connected along the creek, and trailside facilities provided midway between Maritime Heritage Park and Whatcom Falls Park in Area 1. As the surrounding neighborhoods infill, open space, trails and parks support the health and well being of the community, and should be pursued. This location along the creek would connect the Whatcom Greenway Trail System and provide facilities along the creek, supporting an active pedestrian and biking lifestyle, and serve persons with varied physical abilities and skills. A continuous trail system provides for an urban separator and access to the creek.

THE WHATCOM CREEK GREENWAY CORRIDOR SHOULD BE CONNECTED ALONG WHATCOM CREEK IN AREA 1. AS OWNERSHIPS CHANGE, THE POSSIBILITY OF THE CITY ACQUIRING PROPERTY FOR OPEN SPACE, TRAIL, PARK AND RIPARIAN CORRIDOR PURPOSES SHOULD BE PURSUED.

III. PUBLIC FACILITIES AND UTILITIES [Unchanged]

IV. CIRCULATION

Traffic circulation in and through the York Neighborhood is on Ellis, Humboldt and James Streets for north/south travelers, and Lakeway and Meador for those going east to west. These routes are currently designated as arterials; however, the James and Humboldt route is not included in the proposed circulation system. Holly, Magnolia and Champion are also arterials carrying traffic to and from the central area and the industrial and recreational opportunities on the waterfront.

LAKEWAY AND ELLIS SHOULD BE THE PRIMARY ARTERIALS THROUGH THE NEIGHBORHOOD.

JAMES AND HUMBOLDT STREETS SHOULD NOT BE CLASSIFIED AS ARTERIALS, AND NON-NEIGHBORHOOD RELATED TRAFFIC SHOULD BE DISCOURAGED.

Neighborhood streets in York are generally 24 feet in width and are expected to remain at this standard. Where major street work is undertaken, the standard should be 28 feet with curbs, gutters and sidewalks.

Intensive development along Lakeway, either offices or higher density residential, could create increased traffic on the north-south neighborhood streets. Unless some separation of traffic is included in development plans, the impact could be disastrous to the maintenance of a strong residential area. Access into, and especially out of, the

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neighborhood has been facilitated by a traffic control signal at the Ellis/Potter/Magnolia intersection. With major access from the east/west streets at York, Gladstone, Potter and Whatcom Streets, the concept of a "suburb in the city" could be workable if Franklin, Grant and Humboldt were cul-de-saced at the alleys paralleled to Lakeway.

This solution of preventing business related traffic from crossing through the neighborhood is favored by many residents and strongly opposed by others. However, York's history as Bellingham's first suburb lends itself to the further exploration of this concept.

IF REDEVELOPMENT TAKES PLACE ALONG LAKEWAY, ATTENTION SHOULD BE GIVEN TO TRAFFIC SEPARATION BETWEEN OFFICE AND LOW DENSITY RESIDENTIAL USES.

Another potential circulation problem is the possibility of numerous driveways onto Lakeway if the lots are developed individually for small offices. However, to build an office or apartment of an economically feasible size, and to provide off-street parking, will probably require more than one lot. Access should be off the existing side streets-- Franklin, Grant and Humboldt--unless the property is combined in even larger parcels and the streets are cul-de-saced. In that case, no more than the existing three curb cuts should be needed.

IF OFFICE OR HIGH DENSITY RESIDENTIAL DEVELOPMENT TAKES PLACE ALONG LAKEWAY, THERE SHOULD BE NO MORE CURB CUTS THAN THE THREE STREETS CURRENTLY IN PLACE.

In the Bicycle Facilities Plan completed in April 1978, bike lanes are called for along Lakeway and Holly Streets. In the longer-range plan, Meador Avenue should have an improved bicycle surface in conjunction with the Whatcom Creek corridor.

If James Street south of Iowa is to be de-emphasized as an arterial, improvements to Meador between James and State Streets will be necessary. These improvements, with signalization at State Street, will complete the connection from Lakeway along Lincoln and Meador into the industrial area, which should decrease congestion problems at the James and Ohio intersection near the freeway off-ramp.

MEADOR STREET SHOULD BE IMPROVED TO SECONDARY ARTERIAL STANDARDS BETWEEN JAMES AND STATE STREETS.

York Traffic Implementations (YTIs)

YTI-1 Use public processes when available to consider possible adverse affects due to increased traffic volumes, potential for cut through traffic or environment contamination from new construction proposals, with intent on preserving the historic character and cohesiveness of the neighborhood, and the health of residents.

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- YTI-2** Identify safe pedestrian and bicycle routes, running north to south and east to west, to link the neighborhood internally and externally to destinations and encourage non-motorized transport.
- YTI-3** In consideration of the health and safety of residents living along I-5, a safety/noise wall is desired along I-5 from Lakeway Drive to the southern end of the neighborhood at Abbott Street.
- YTI-4** Improve marked pedestrian crosswalks for visibility and safety, where warranted.
- YTI-5** Consider installation of traffic calming devices (traffic circles, bump outs, speed bumps, etc.) to slow traffic on residential streets within the neighborhood that warrant this intervention if specific criteria are met under Neighborhood Traffic Safety Program procedures.
- YTI-6** Encourage the construction of sidewalks and curbs on blocks where there are none to facilitate pedestrian safety.
- YTI-7** Safety and visibility improvements for high-traffic intersections and alleys throughout the neighborhood should be identified and made, where warranted.
- YTI-8** Consideration should be given for the establishment of Residential Parking Zones (RPZs).

V. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

The York area is dominated by residential land uses. The older single family neighborhood was to some degree undergoing transition to multiple unit living during the 1960's and 1970's. However, because of the convenient location of the neighborhood, and the affordable price range of the homes, the neighborhood is again becoming a desirable place for families. Because the city is interested in maintaining and conserving housing stock, as well as taking advantage of much of the infrastructure such as streets, sewers, sidewalks, and street lights that are already in place, it is recommended that encouragement of its existing character be promoted and enhanced.

York residents value highly the preservation of the neighborhood's character. To this end, the neighborhood will promote historic designations in Areas 4, 5 and 9. York Neighborhood has a high percentage of intact pre WWII housing stock and like commercial buildings.

Lot sizes are generally about 4,100 square feet, with 1 1/2 and 2 story houses, 50 to 60 years old. Although many of the homes were built without foundations, recent years have seen the placement of foundations under large numbers of these existing homes.

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The 1970 census identified 940 housing units, excluding the 198 units in Lincoln Square, with 410 owner occupied, 449 renter occupied, and 81 vacant. Information based on City Building Department data totaled 952 units in the neighborhood in 1976, with 15 single-family units having been demolished from 1970 to 1976, and 11 single-family and 16 multiple units constructed from 1970 to 1976.

A complete building condition survey conducted in 1977, counted 735 residential structures with 45 or 6.1% in sound condition, 599 or 81.5% in need of minor repair, 85 or 11.6% in need of major repair, and 6 or .8% dilapidated. The 91 structures in need of major exterior rehabilitation contain 121 units, or 13.1% of the housing.

Area 1

This area is generally located between Meador Street and Whatcom Creek and is bisected by James Street. Property on the west side of James Street is currently owned by the Bellingham School District (BSD) and occupied by its bus maintenance and storage facilities. Land on the east side of James Street is largely owned and occupied by an auto dealership, with a smaller parcel at the street intersection occupied with offices.

As ownerships change, the possibility of the City acquiring property along Whatcom Creek should be pursued for open space, trail, park and riparian corridor purposes. At such time, respectively, rezoning the property to allow uses and site designs that are more compatible with the adjacent creek and single family zoning should be considered, such as street front transit oriented development with dedication of public open space adjacent to the creek.

Area 1 Land Use Designation: Industrial

Areas 2 through 6 [Unchanged]

Area 7

The land formerly occupied by Franklin Elementary School has been developed as a multi-use park for all ages and abilities with a multi-purpose lawn area, children's playground equipment, basketball court, picnic shelter, internal path loop and other amenities. Off-street parking should not be provided at the expense of recreational park space. Street signage should be added as needed to improve vehicular access for disabled, loading, and similar purposes.

Unimproved right-of-way within the 1200 block of Franklin Street has been improved largely by neighborhood volunteers in coordination with the Parks Volunteer Program, and informally extends Franklin Park into the neighborhood with natural vegetation, a trail system, benches and signage. These areas could not be managed by the City without the help of the volunteers, and their continued efforts are encouraged. The City should examine the feasibility of vacating the 1200 block of Franklin Street as outlined in the Open Space Chapter herein.

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Area 7 Land Use Designation: Public

Area 8 through 10 [Unchanged]

As adopted by Ordinance No. 8868 and amended by Ordinance 8946, 9873, 2004-12-087, 2006-12-121, 2009-11-069 and 2010-

Section 4. Bellingham Municipal Code (BMC) subsection 20.00.210, York Neighborhood Table of Zoning Regulations is amended as follows:

BMC 20.00.210 York Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 through 8	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
9	Residential Multi	Multiple, mixed*	3,000 sq.ft. per unit	Limited curb cuts on Ellis; historic; buffer between Area 5	None	See Attachment A

Attachment A: Area 9 Special Regulations

***1. Allowed mixed uses are limited to the following:**

- a. Retail, when accessory to a mixed use listed below
- b. Eating establishments (limited to corner lots)
- c. Artist studios
- d. Offices
- e. Personal service facilities such as barber and beauty shops
- f. Bed and Breakfast
- g. Uses similar to the above, however, drive-through establishments, and tattoo/body piercing establishments are prohibited.

2. Development and Design Standards for mixed uses:

- a. Mixed uses may only occur in main buildings existing as of January 1, 2011.
- b. Structural modifications and additions to the fronts of purpose built residential buildings are only allowed at the discretion of the Planning Director when necessary to accommodate Building and Fire Code requirements such as accessibility, egress, repair and replacement, or to achieve greater architectural compatibility with area pre-WWII buildings.
- c. Properties may be consolidated for purposes of connecting buildings, provided the addition is architecturally compatible with the structures being linked. Such additions shall be at least 15' back from the front face of the structures being attached.
- d. Parking shall be provided at a rate of 1 stall per 350 SF of floor area.

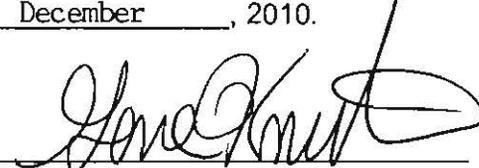
10	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
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Section 5. Bellingham Municipal Code (BMC) subsection 20.08.020, Figure 1 – Central Commercial Core Fringe and Reduced Parking Overlay Districts is amended as shown on **Figure 1.**

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Section 6. Bellingham Municipal Code (BMC) 20.12.010, Figure 1 – Central Commercial Core Fringe and Reduced Parking Overlay Districts is amended as shown on **Figure 1.**

PASSED by the Council this 13th day of December, 2010.



Council President

APPROVED by me this 16th day of December, 2010.

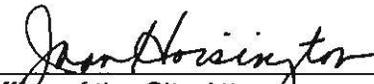


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 17, 2010

EXHIBIT A

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

AUGUST 12, 2010

SUMMARY

Following the public hearings and deliberations on the proposed Amendments to the York Neighborhood Plan (YNP) component of the Bellingham Comprehensive Plan, Bellingham Municipal Code (BMC) 20.00.210 York Neighborhood Zoning Table, and other associated amendments to BMC Title 20, Land Use Development Code, the Bellingham Planning Commission has determined that the proposed amendments, as recommended to be approved, denied or changed by the Commission, as shown in **Attachment 1** and reflected in the Commission's actions on the various amendments, comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

I. FINDINGS OF FACT

A. Project or Proposal Description

The York Neighborhood Association (YNA) submitted for consideration amendments to the York Neighborhood Plan component of the Bellingham Comprehensive Plan, Bellingham Municipal Code (BMC) 20.00.210 York Neighborhood Zoning Table, and other associated amendments to BMC Title 20, Land Use Development Code consisting of the following:

Comprehensive Plan Amendments and Rezones:

1. Comprehensive Plan amendment and rezone for the portion of Area 1 in the York Neighborhood west of James Street from Light Industrial to Public, and add corresponding policy language to the subarea narrative (YNA's goal is to convert the area into a future City park). This property is currently owned by the Bellingham School District and used as their bus storage and maintenance facility.
2. Comprehensive Plan amendment and rezone for the unimproved right-of-way in the 1200 block of Franklin Street west and north of Franklin Park. The subject property is split between Residential Single, Residential Multi and Commercial zones and would be consolidated and rezoned to Public. (YNA's goal is to protect this area as accessible open space in perpetuity by formally making it part of Franklin Park)
3. 1) Area-wide rezone amending BMC 20.00.210 York Neighborhood Table of Zoning Regulations to:
 - Rezone the existing Area 9 Residential Multi, Multiple, maximum density of 1,000 square feet per of land per dwelling unit to maximum density of 3,000 square feet per of land per dwelling unit;
 - Limit the existing provision for mixed uses (offices) to conversion of existing housing stock, with reduced parking allowed for office uses,
 - Allow additional mixed uses, limited to conversion of existing housing stock, and

- 1 • Include corresponding text amendments to amend Special Conditions and Special
- 2 Regulations, and
- 3 2) Make corresponding amendments to the York Neighborhood Plan, Part V, Area 9
- 4 policy narrative.
- 5 (YNA's goal is to preserve the historic pre-WWII housing stock along Ellis by adding
- 6 additional "adaptive" mixed uses in exchange for reducing the allowed density. The
- 7 intent is to preserve property values, provide incentives to reuse existing pre-WWII
- 8 housing stock, and dis-incentivize demolition.)
- 9
- 10 4. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 11 Plan, Part I, Neighborhood Character, concerning historic preservation; pursuing historic
- 12 designations; adopting historic neighborhood design guidelines and standards; providing
- 13 additional open space, parks and recreational opportunities; and encouraging
- 14 sustainability. (YNA's goal is to provide greater awareness of the specific issues
- 15 identified above, and direction on how to address them in a proactive manner.)
- 16
- 17 5. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 18 Plan, Part IV – Circulation, concerning transportation. These amendments would provide
- 19 guidance to decision makers for future transportation improvements in the
- 20 neighborhood. (YNA's goal is to provide greater awareness of the specific issues
- 21 identified above, and direction on how to address them in a proactive manner.)
- 22
- 23 6. Neighborhood Plan amendment adding new policy language to the York Neighborhood
- 24 Plan, Part V, Subarea Descriptions and Land Use Designations, that promotes historic
- 25 designations in Areas 4, 5, and 9. (YNA's goal is to provide greater awareness of the
- 26 specific issues identified above, and direction on how to address them in a proactive
- 27 manner.)

26 **Text Amendments to BMC Title 20 – Land Use Development Ordinance:**

- 27 7. Text amendment to the Bellingham Municipal Code to limit surface parking to not more
- 28 than 40% of any one property in Area 2 of the York Neighborhood. Boundaries: State
- 29 Street on the west, the alley between Forest and N. Garden Streets on the east, E. Holly
- 30 on the south and Whatcom Creek on the north. (YNA's goal is to encourage and
- 31 incentivize more urban style pedestrian oriented development rather than suburban
- 32 auto-centric style development that relies on large parking lots.)
- 33

34 YNA stated overall goal is that these are a package of amendments to be considered as a

35 whole, essentially a collection of offsetting measures.

36

37 The York Neighborhood Plan has undergone incremental updates since the original version was

38 adopted in 1980. Several sections of the plan contain outdated information which no longer

39 applies due to changes that have occurred in the neighborhood since 1980, or changes in City's

40 overall land use policies as outlined in the 2005 Bellingham Comprehensive Plan.

41

42 The proposed amendments are intended to update policy language and concurrently adopt

43 implementing code that would promote historic preservation and sustainability; provide

44 additional open space, parks and recreational opportunities; and provide guidance on

45 transportation issues; all of which would reinforce the neighborhood's desire and intent to

46 maintain and improve the neighborhood's character.

47

48

1 **B. Background Information/Procedural History**

2
3 A letter requesting amendments to the York Neighborhood Plan and associated amendments to
4 BMC Title 20 was submitted to the City on December 1, 2008.

5
6 The City Council held a work session on April 13, 2009 and docketed the request for
7 consideration under the Annual Neighborhood Plan Amendment review process.

8
9 Due to a lack of City staff resources, processing the amendments was delayed until 2010.

10
11 A public notice jointly advertising a neighborhood meeting on January 13, 2010 and Planning
12 Commission public hearing on April 22, 2010 was mailed to all property owners within the York
13 Neighborhood and within 500' of the neighborhood's perimeter west of I-5.

14
15 The Bellingham Planning Commission conducted public hearings on April 22 and May 27, 2010,
16 and held one work session on August 12, 2010 on the proposed Neighborhood Plan and Land
17 Use Development Code Amendments.

18
19 **C. Public Comment**

20
21 In response to the public notice in #2 above, numerous written comments were received and
22 included in the Planning Commission packet. The other opportunities for both oral and written
23 public comment were offered during the two Planning Commission hearings and the extended
24 open public comment period. Although there were a number of issues addressed by the
25 proposal, the public comment appeared to focus mostly on identifying areas of historical
26 significance for preservation, identifying areas in the neighborhood that are more appropriate for
27 residential infill, providing incentives to encourage the preservation of existing property rights
28 and privileges, and the need for additional open space, parks and recreational opportunities.

29
30 **D. State Environmental Policy Act (SEPA) Determination**

31
32 A non-project SEPA determination of Non-Significance was issued by the City of Bellingham on
33 April 9, 2010.

34
35 **E. Consistency with the Bellingham Comprehensive Plan, and Review Criteria**

36
37 Bellingham's neighborhood plans must be consistent with and carry out the goals and policies of
38 the Bellingham Comprehensive Plan. In addition, neighborhood plan amendments must be
39 consistent with the factors and review criteria in BMC 20.20.060. Specific criteria are as follows:

- 40
41 **(1) The proposed amendment bears a substantial relation to public health, safety,**
42 **and welfare;**
43 **(2) The proposed amendment is consistent with the Growth Management Act;**
44 **(3) The proposed amendment is consistent with the countywide planning**
45 **policies;**
46 **(4) The comprehensive plan will be internally consistent; and**
47 **(5) The proposed amendment will result in long-term benefits to the community as a**
48 **whole and is in the best interest of the community.**
49

1 Relevant Comprehensive Plan Goals and Policies were included in the Planning Commission's
2 deliberation of the proposal and reflected in **Attachment O** in the April 22, 2010 staff report, and
3 these Findings of Fact.

4
5 The factors and review criteria in BMC 20.20.060 were included in the Planning Commission's
6 consideration of the proposed comprehensive plan and neighborhood plan amendments.

7
8 The proposed amendments to the York Neighborhood Plan and BMC Title 20 Land Use
9 Development Ordinance, as recommended to be approved, denied or change by the Planning
10 Commission, as shown in **Attachment 1** and reflected in the Commission's actions on the
11 various amendments, are consistent with the City's Comprehensive Plan, Growth Management
12 Act, County Wide Planning Policies, and the factors and review criteria in BMC 20.20.060. The
13 proposed changes would selectively remove inaccurate and outdated information from the YNP
14 and add some new policy text to the YNP. These changes to the YNP would result in a clear
15 public benefit by providing updated information and policy guidance in the plan that would
16 promote the historic preservation and sustainability; identify the need for additional open space,
17 parks and recreational opportunities; and provide guidance on transportation issues.

18
19 Notable YNA proposals where the Commission found conflicts or agreement are as follows:

20
21 1. Area 1 Rezone

22
23 The York Neighborhood Association's proposed Comprehensive Plan amendment and
24 rezone for the portion of Area 1 in the York Neighborhood west of James Street from Light
25 Industrial to Public would result in a net decrease in the City's limited industrial land supply,
26 provides no alternative for where it may be made up elsewhere, and diminish the value of
27 the Bellingham School District owned property should it decide to move its bus barn facilities
28 elsewhere.

29
30 2. Area 9 Rezone:

31
32 YNA's proposed Comprehensive Plan amendment and area-wide rezone of Area 9 in the
33 York Neighborhood Plan conflicts with the following Comprehensive Plan Goals and
34 Policies:

35
36 ***FLU-15** Growth in Bellingham will be accommodated primarily in compact "urban
37 centers" (or "villages") as described in the Community Growth Forum report, while
38 preserving the character of existing single family neighborhoods. (See specific urban
39 center policies in Policy Section C.)*

40
41 ***Infill Strategy 2** - Promote and facilitate continued development of the City Center Core
42 Urban Village and the Fairhaven District Urban Village. These areas are expected to
43 accommodate significant additional residential and mixed use development.*

44
45 ***FLU-16** Urban centers will be developed as envisioned in the 2004 Community Growth
46 Forum. The centers are defined and prioritized as follows. (See Figure 7 for potential
47 urban center locations.)*

- 48
49 • ***Core Urban Center** – The City Center and surrounding areas that serve as the
50 community's primary financial, commercial, cultural and governmental center. High
51 density housing will complement intensive commercial development. The City Center*

1 *core area, along with the adjacent Old Town and Central Waterfront areas may*
2 *eventually include a total of 2,000 to 5,000 or more dwelling units.*
3

4 Though there are multiple competing Comprehensive Plan goals and policies promoting infill
5 and historic and cultural preservation, the existing zoning appears to be self regulating and
6 poses minimal threat of widespread redevelopment or loss of historic resources in Area 9.
7 This finding is based on the following factors:
8

- 9 • Minimal redevelopment has occurred in Area 9 under the existing zoning which has
10 been in place since at least 1982, or the previous zoning going back to at least 1967
11 which was largely the same zoning.
- 12 • Existing property values in Area 9 make it cost prohibitive to redevelop with the
13 exception of the most marginal of properties, for which there appears from physical
14 appearance and public comment to be few.
- 15 • Residential "redevelopment" as a result of YNA's proposed downzone would essentially
16 result in single family or duplex development which are exempt from design review and
17 could result in redevelopment that is out of scale and character with pre-WWII housing in
18 the area.
- 19 • YNA's proposed downzone would essentially eliminate the ability to redevelop with
20 multifamily projects having 3 or more dwelling units which would otherwise be subject to
21 adopted design review regulations and help assure compatibility with area pre-WWII
22 character.
- 23 • No clear compromise was achieved between the parties that support and oppose the
24 rezone.

25
26 As an alternative to YNA's proposed rezone for Area 9, reducing the height limit to 35' will:
27

- 28 • Reduce some potential for teardown of existing pre-WWII housing stock, thereby helping
29 to retain existing pre-WWII housing stock,
- 30 • Create a more gradual transition in building heights to predominantly 1 ½ to 2-story
31 single family homes within Area 9, and buffer to the single family zone to the east,
- 32 • Help maintain neighborhood character,
- 33 • Continue to encourage use of the Infill Toolkit (BMC 20.28),
- 34 • Continue to encourage a range in the size of homes and a range in forms, and
- 35 • Continue to be consistent with the Growth Management Act and Bellingham
36 Comprehensive Plan,

37
38 3. Franklin Street Right-of-Way:
39

40 YNA's proposed Comprehensive Plan amendment and rezone for the unimproved right-of-
41 way in the 1200 block of Franklin Street west and north of Franklin Park must follow a
42 separate street vacation process before such a rezone may be considered. The
43 Neighborhood has contributed immensely in upgrading the open space in, and functional
44 use of, the unimproved portions of this right-of-way, and desire formal recognition and
45 assurance that the open space improvements will remain.
46

47 4. Area 2 – Reduced Parking Overlay District:
48

49 YNA's revised proposal to expand the Reduce Parking Overlay District (RPOD) in BMC Title
50 20 would incentivize urban scale development and reduce the likelihood of new uses in the

1 proposed expansion area that are dependent on large open parking lots. The expansion
2 area is within 2 blocks of the Whatcom Transportation Authority Bus Station which provides
3 frequent and convenient transit access to all major points of the City, and would be attractive
4 to uses and redevelopment in the proposed expansion area that are less dependent on the
5 automobile. YNA proposed this amendment as part of a package of amendments to be
6 considered as a whole, essentially a collection of offsetting measures, and asked that if the
7 Area 9 rezone proposal is denied, the RPOD proposal be removed from consideration. The
8 Planning Commission considered this amendment on its own merits and voted to
9 recommend approval.

10
11 YNA's proposed amendments, as recommended to be approved, denied or changed by the
12 Planning Commission, as shown in **Attachment 1** and reflected in the Commission's actions on
13 the various amendments, are relatively minor, and would not raise significant planning issues or
14 create neighborhood-wide impacts. These proposed amendments to the York Neighborhood
15 Plan and BMC Title 20 Land Use Development Ordinance are in the best interest of the
16 community.

17 18 19 **II. CONCLUSIONS**

20
21 Based on the submittal from the applicant, staff report dated April 22, 2010, Planning
22 Commission packets dated May 27 and August 12, 2010, information presented at the public
23 hearings, and Findings above, the Planning Commission concludes:

- 24
25 1. The York Neighborhood Association's proposed Comprehensive Plan amendment and
26 rezone for the portion of Area 1 in the York Neighborhood west of James Street from Light
27 Industrial to Public should be denied. Adding policy language to the Area 1 subarea
28 narrative would provide useful guidance to future decision makers concerning YNA's desired
29 future use and design of this area.
- 30
31 2. The York Neighborhood Association's proposed Comprehensive Plan amendment and area-
32 wide rezone of Area 9 in the York Neighborhood Plan should be denied. Amending only
33 the existing height limit by reducing it from 45 feet to 35 feet would mitigate many of the
34 impacts associated with the existing zoning.
- 35
36 3. The York Neighborhood Association's proposed Comprehensive Plan amendment and
37 rezone for the unimproved right-of-way in the 1200 block of Franklin Street should be
38 denied. Adding policy language to the York Neighborhood Plan Open Space Chapter and
39 Area 7 in the Land Use Chapter would give recognition to the Neighborhood's work
40 improving the open space within this block, and provide guidance for YNA's desired future
41 use and design of this area.
- 42
43 4. YNA's proposal to expand the Reduce Parking Overlay District (RPOD) in BMC Title 20 is
44 appropriate for the targeted expansion area.
- 45
46 5. The various other policy language amendments proposed for the York Neighborhood Plan
47 would provide updated language and useful guidance for future decision makers concerning
48 historic preservation, sustainability and transportation, and the need for additional open
space, parks and recreational opportunities.
6. The proposed amendments to the York Neighborhood Plan and Bellingham Municipal Code
Title 20 - Land Use Development Ordinance, as recommended to be approved, denied or
changed by the Planning Commission as shown in **Attachment 1** and reflected in the

1 Commission's actions on the various amendments, satisfy the review factors and criteria in
2 BMC 20.20.060 C. and D. The amendments:

- 3 • Will result in a clear public benefit by providing updated information and policy guidance
4 for public use and future discretionary decisions,
- 5 • Will Comply with, and will implement, the goals and policies of the Bellingham
6 Comprehensive Plan,
- 7 • Are consistent with the Growth Management Act and County Wide Planning Policies,
8 and
- 9 • Are consistent with the factors and review criteria in BMC 20.20.060

10
11 **III. RECOMMENDATIONS**

12
13 Based on the findings and conclusion, the Bellingham Planning Commission recommends that
14 the City Council approve the proposed amendments to the York Neighborhood Plan and
15 Bellingham Municipal Code Title 20 as shown in the draft ordinance on **Attachment 1**.

16
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21 **ADOPTED** this 17th day of August, 2010.

22
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24
25
26 Thomas A. Bant
27 *Planning Commission Chairperson*

28
29
30
31 **ATTEST:** Deborah Steen
32 *Recording Secretary*

33
34
35
36
37 **APPROVED AS TO FORM:**
38
39
40
41 Carla C. Shea
City Attorney

EXHIBIT B

CITY COUNCIL SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS

The City Council adopts the following Supplemental Findings of Fact and Conclusions in support of its decision to rezone Area 9 (area wide) in BMC 20.00.210 York Neighborhood Table of Zoning Regulations. The adopted rezone reduces the existing maximum residential density from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit, and adds mixed uses and corresponding development and design standards. The approved rezone makes no other changes to the Zoning Table.

Findings of Fact

The City Council makes the following Findings of Fact:

1. On August 12, 2010, the Planning Commission recommended denial of the York Neighborhood Association's (YNA) request for an area-wide rezone of Area 9 of the York Neighborhood which consisted of a reduction in the existing maximum density from 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit, added mixed uses, and corresponding amendments to the Special Conditions and Special Regulations. The Commission alternatively recommended reducing the building height limit in Area 9 from 45 feet to 35 feet.
2. The City Council declines to adopt the Planning Commission's Findings of Fact and Conclusions concerning the York Neighborhood Association's rezone request to reduce density from an existing maximum density of 1,000 square feet of land per dwelling unit to 3,000 square feet of land per dwelling unit and addition of mixed uses and associated development and design standards found on:
 - o Page 4, Lines 8 through 19, and Lines 30 through 51;
 - o Page 5, Lines 1 through 36;
 - o Page 6, Lines 30 through 33;
 - o Page 7, Lines 13 through 15; and
 - o Attachment 1 (Draft Ordinance), Page 8, Section 2 of the Planning Commission's written Findings and Conclusions.
3. Reduction of the maximum density in Area 9 from 1,000 square feet to 3,000 square feet will discourage the demolition of historic houses, consolidation of existing lots, and construction of large multi-family apartment buildings in Area 9.
4. The provision of additional mixed uses is intended to provide additional options for jobs and services within walking distance of the immediate residential population, foster entrepreneurial business activity, encourage mixed use development and walkable neighborhoods, and provide additional options to tearing down and replacing existing pre-WWII housing stock.
5. The addition of development and design standards will help ensure that new mixed use conversions of existing housing will be compatible with the residential character of the area.

6. Area 9 consists of a largely intact row of pre-WWII housing (including 10 built in the 1890s) along Ellis Street that is in generally good condition and experiencing gentrification. Area 9 north of Lakeway Drive comprises more than half of the subarea and is entirely within the York Historic District which was recently listed on the National and Washington State Heritage Registers. The remainder of Area 9 consists of a similar makeup of housing.
7. The housing in Area 9 is predominantly 1 ½ to 2 stories in height which is easily accommodated within a 35-foot height limit.
8. Approval of the York Neighborhood Association's request to reduce the density in Area 9 from 1,000 square feet of land per dwelling unit to 3,000 square feet will additionally reduce the maximum building height limit to thirty-five feet by default of the existing code related to density thresholds (BMC 20.32.040 G.1.).
9. For various reasons such as location on an arterial, and age and condition of the existing housing stock, Area 9 represents a valuable source of affordable housing within the City for both renters and owners.
10. The location of Area 9 adjacent to the Central Business District makes alternative transportation a readily available and viable option for the inhabitants of affordable housing to access nearby jobs, services, and recreation.
11. Similar high density residential/office zoning to what currently exists has been in place since at least 1967, however, there has been minimal multifamily or office development since this zoning has been in place. According to the 4/22/10 Planning Commission staff report, Area 9 is made up of 61 lots; 4 of which are occupied by office uses and another 4 are occupied by multifamily buildings.
12. The York Neighborhood Association spent approximately two years conducting outreach and meetings in a comprehensive process of putting the rezone of Area 9, and a collection of other associated amendments intended to update the York Neighborhood Plan and Zoning, before the City.
13. Studies show that creation of historic districts often lead to higher property values, and the allowance of additional mixed uses also provide opportunities to increase property value.

Conclusions

Based on the Findings of Fact above, City Council concludes:

1. The Planning Commission's recommended denial of the York Neighborhood Association's rezone request to reduce the maximum density in Area 9 from 1,000 square feet to 3,000 square feet, and add mixed uses and corresponding development and design standards, is not supported by the rezone criteria in BMC 20.19.030 A.
2. The York Neighborhood Association's rezone request to reduce the maximum residential density in Area 9 from 1,000 square feet to 3,000 square feet is consistent with the rezone criteria in BMC 20.19.030 A. as follows:

- (1) It is consistent with the comprehensive plan** goals and policies that emphasize preserving and protecting the unique character and qualities of the existing neighborhoods where a definite density, housing type and character prevail; applying residential zoning in a manner that is consistent with the neighborhood's existing character, building style and height, density, and development pattern; promoting housing development that is compatible with the overall style and character of established neighborhoods; preserving cultural and historic resources; creating and retaining affordable housing; improving the livability of existing established neighborhoods; fostering of entrepreneurial business activity; and encouraging active involvement of neighborhood and community groups in land use and other decision making processes.
- (2) It will not adversely affect the public health, safety or general welfare** consistent with #1 above;
- (3) It is in the best interests of the residents of Bellingham** consistent with #1 above;
- (4) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district** consistent with #1 above;
- (5) Adequate public facilities and services are, or would be, available to serve the development allowed by the proposed zone;**
- (6) It will not be materially detrimental to uses or property in the immediate vicinity of the subject property** consistent with #1 above; and
- (7) It is appropriate because (c) the rezone will implement the policies of the comprehensive plan.** Consistent with #1 above, the rezone will:

 - a. Preserve and protect the unique character and qualities of Area 9 which consists predominantly of pre-WWII single family housing;
 - b. Apply a maximum residential density of 3,000 SF of land per dwelling unit with 35-foot height limit which is consistent with the neighborhood's existing character, building style and height, density, and development pattern;
 - c. Promote housing development that is compatible with the overall style and character of this established residential area;
 - d. Preserve cultural and historic resources consisting of a substantially intact concentration of pre-WWII single family housing, of which the portion of Area 9 located north of Lakeway Drive comprises more than half of the subarea, and is located entirely within a recently listed historic district;
 - e. Retain existing affordable housing and allow for new affordable housing stock via detached accessory dwelling units and carriage units in BMC 20.28 Infill Housing (Toolkit);
 - f. Improve the livability of this existing established residential neighborhood that was predominantly built out prior to WWII with the existing predominantly single family housing stock;
 - g. Retain existing high density and affordable housing that is in close proximity of alternative transportation, jobs, services and recreation;
 - h. Provide entrepreneurial business opportunities through the allowance to convert existing housing to small businesses; and
 - i. Has enabled active involvement of the York Neighborhood Association (YNA) in land use decision making processes as exhibited by the approximately 2-year planning process by YNA that brought this rezone request, along with a collection of other associated amendments, before the City.

